



*Jonathan Geall*  
Head of Housing and Health *and*  
Acting Head of Legal and Democratic  
Services

**MEETING** : EXECUTIVE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 3 DECEMBER 2019  
**TIME** : 7.00 PM

## **MEMBERS OF THE EXECUTIVE**

- |                                   |   |
|-----------------------------------|---|
| Councillor Linda Haysey           | - Leader  |
| Councillor Peter Boylan           | - Executive Member for Neighbourhoods               |
| Councillor Eric Buckmaster        | - Executive Member for Wellbeing                    |
| Councillor George Cutting         | - Executive Member for Corporate Services           |
| Councillor Jan Goodeve            | - Executive Member for Planning & Growth            |
| Councillor Graham McAndrew        | - Executive Member for Environmental Sustainability |
| Councillor Suzanne Rutland-Barsby | - Executive Member for Communities                  |
| Councillor Geoffrey Williamson    | - Executive Member for Financial Sustainability     |

**CONTACT OFFICER: Rebecca Dobson**  
**Tel: 01279-502082**  
**Email: [rebecca.dobson@eastherts.gov.uk](mailto:rebecca.dobson@eastherts.gov.uk)**

*This agenda has been printed using 100% recycled paper*

## **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.)

### **Public Attendance**

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing [democraticservices@eastherts.gov.uk](mailto:democraticservices@eastherts.gov.uk) or calling the Council on 01279 655261 and asking to speak to Democratic Services.

## **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

Implementing paperless meetings will save East Herts Council approximately £50,000 each year in printing and distribution costs of agenda packs for councillors and officers.

You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

The Council is moving to a paperless policy in respect of Agendas at Committee meetings. From 1 September 2019, the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices.

## AGENDA

1. Apologies

*To receive apologies for absence.*

2. Leader's Announcements

3. Minutes - 8 October 2019 (Pages 7 - 22)

*To approve as a correct record the Minutes of the meeting held on 8 October 2019.*

4. Declarations of Interest

*To receive any Member(s) declaration(s) of interest.*

5. Update from Overview and Scrutiny Committee

*To receive any report of the Committee Chairman.*

6. Update from Performance, Audit and Governance Oversight Committee (Pages 23 - 26)

*To receive any report of the Committee Chairman.*

7. Determination of Article 4 Direction on Employment Areas (Pages 27 - 44)

8. Council Tax Long Term Term Empty Homes Premiums (Pages 45 - 62)

9. Benington Conservation Area Character Appraisal (Pages 63 - 162)

10. Harlow and Gilston Garden Town Stewardship Objectives and Principles (Pages 163 - 172)
11. Hertfordshire Growth Board (Pages 173 - 186)
12. Quarterly Corporate Budget Monitor - Quarter 2 2019/20 (Pages 187 - 222)
13. 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.*

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 8 OCTOBER 2019, AT 7.00 PM

---

PRESENT: Councillor (Chairman/Leader)  
Councillors L Haysey, P Boylan,  
E Buckmaster, G Cutting, J Goodeve,  
G McAndrew and G Williamson.

ALSO PRESENT:

Councillors A Alder, D Andrews, M Brady,  
S Bull, K Crofton, A Curtis, H Drake,  
J Frecknall, M Goldspink, M McMullen,  
S Newton, T Page, S Reed, N Symonds,  
M Pope and P Ruffles.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Isabel Brittain	- Head of Strategic Finance and Property
Alison Stuart	- Head of Legal and Democratic Services
Steven Dupoy	- Leisure and Environment Services Manager
Rebecca Dobson	- Democratic Services Manager
Jess Khanom- Metaman	- Head of Operations

Su Tarran

- Head of Revenues  
and Benefits  
Shared Service

155 APOLOGIES

Apologies for absence were received from Councillor S Rutland-Barsby.

156 LEADER'S ANNOUNCEMENTS

The Leader reminded all present that the meeting was being webcast. She said the new website was now up and running and she commended Officers for this excellent achievement.

The Leader said a presentation for all Members would follow the meeting, regarding the Hertford Theatre expansion project.

157 MINUTES - 3 SEPTEMBER 2019

Councillor G Williamson proposed, and Councillor E Buckmaster seconded, a motion that the minutes of the meeting held on 3 September 2019 be approved as a correct record and signed by the Leader. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting of the Executive held on 3 September 2019 be approved as a correct record and signed by the Leader.



158 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING  
DOCUMENT - DRAFT FOR CONSULTATION

The Executive Member for Planning and Growth submitted a report seeking Members' agreement that a Strategic Environmental Assessment (SEA) of the emerging Affordable Housing Supplementary Planning Document (SPD) was not required, and seeking Members' agreement to publish the draft Affordable Housing Supplementary Planning Document (SPD) for public consultation.

The Leader explained the SPD would be taken into account in assessing viability of development.

Councillor T Page commended Officers for the reports on the agenda. With regard to affordable housing he raised a question on the National Planning Policy Framework regarding sites which were not major developments, as the explanation in the report could benefit from clarification to give a definition of numbers.

Councillor J Goodeve said the consultation would enable comments in writing to be considered.

Councillor M Pope asked whether the "recycling subsidy" should the property no longer qualify as an affordable unit could be clarified.

Councillor L Haysey encouraged Councillor Pope to submit this comment in writing as a response to the consultation.

Councillor J Goodeve proposed, and Councillor L Haysey seconded, a motion to support the recommendations detailed in the reports. After being put to the meeting and

a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council that (A) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Affordable Housing Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects; and

(B) The draft Affordable Housing Supplementary Planning Document (SPD), as set out in Essential Reference Paper 'B', be agreed and published for a period of public consultation.

159 NORTH AND EAST WARE (WARE2) MASTERPLANNING FRAMEWORK

The Leader submitted a report on the Masterplanning Framework for the Ware2 Land North and East of Ware site. She commended the significant engagement work of the promoters, Ptarmigan, which she would hold up as the exemplars.

Councillor J Frecknall commended the public engagement. He said there was an opportunity to become the pinnacle for sustainable development and that this high level of consultation had been shown to be possible, going forwards.

Councillor M Pope said it was imperative that infrastructure be brought in at the earliest possible stage.

Councillor L Haysey proposed, and Councillor E Buckmaster seconded, a motion to support the recommendation detailed in the report. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council that (A) The Land North and East of Ware Masterplanning Framework for the strategic allocation known as WARE2 Land North and East of Ware, as detailed at Essential Reference Paper 'B' to this report, be agreed as a material consideration for Development Management purposes.

160 STATEMENT OF COMMUNITY INVOLVEMENT - FINAL FOR ADOPTION

The Leader submitted a report outlining the results of the public consultation on the draft revised Statement of Community Involvement (SCI) and seeking Members' agreement to adopt a revised document. She said the document was useful as it set out comments received and also provided a sound foundation for consultation with residents.

Councillor L Haysey proposed, and Councillor G Cutting seconded, a motion to support the recommendations detailed in the reports. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council that (A) the responses of the consultation be noted and

the officer responses and proposed changes to the draft revised Statement of Community Involvement be supported; and

(B) The East Herts Statement of Community Involvement 2019, as detailed at Essential Reference Paper 'B' to this report, be approved for adoption.

161 RETAIL FRONTAGES, DESIGN AND SIGNAGE  
SUPPLEMENTARY PLANNING DOCUMENT - FINAL FOR  
ADOPTION

The Leader submitted a report on East Herts District Plan, in respect of the retail frontages, design and signage SPD.

Councillor J Goodeve said the report outlined the results of the public consultation on the draft Retail Frontages, Design & Signage Supplementary Planning Document (SPD) and sought Members' agreement to adopt a revised document. The report also confirmed that the three statutory consultees had no comment on the Strategic Environmental Assessment (SEA) Screening report, and therefore an SEA of the Retail Frontages, Design & Signage Supplementary Planning Document (SPD) was not required.

Councillor L Haysey said it was not possible to apply the policy retrospectively, unfortunately, but it would apply to future businesses.

Councillor Haysey proposed, and Councillor Goodeve seconded a motion to support the recommendations detailed in the reports. After being put to the meeting and

a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council that (A) the responses of the consultation be noted and the officer responses and proposed changes to the Retail Frontages, Design & Signage Supplementary Planning Document (SPD) be supported;

(B) The Retail Frontages, Design & Signage Supplementary Planning Document (SPD), as detailed at Essential Reference Paper 'B' to this report, be approved for adoption; and

(C) In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Retail Frontages, Design & Signage Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects.

## 162 ANSTEY CONSERVATION AREA CHARACTER APPRAISAL

Councillor J Goodeve submitted a report to enable Members to consider the Anstey Conservation Area Appraisal and Management Plan following public consultation. She said the document had been deferred from the meeting of 26 February 2019 in order to consider a petition. Following further engagement with the Parish Council and other representatives, additional paragraphs had been included. Councillor Goodeve thanked all

concerned, including the local District Ward Member, Councillor P Boylan.

Councillor Boylan thanked Councillors March and Pledger of Anstey Parish Council for taking the time to meet with him and with Officers to resolve the issues.

Councillor Haysey commended the work done, as such plans were very important for controlling the quality of development in conservation areas.

Councillor J Goodeve proposed, and Councillor P Boylan seconded, a motion to support the recommendations detailed in the reports. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Anstey Conservation Area Appraisal and Management Plan be supported;

(B) the Head of Planning and Building Control, in consultation with the Executive Member for Planning and Growth, be authorised to make any further minor and consequential changes to the document which may be necessary; and

(C) the Anstey Conservation Area Appraisal and Management Plan be adopted.

163 CONTRACT WAIVER - EAST HERTS COUNCIL -  
ARCHAEOLOGICAL DIG AT GRANGE PADDOCKS

Councillor E Buckmaster submitted a report for noting on a contract procedure exemption in respect of the leisure centre site at Grange Paddocks. He explained that due to time constraints due process had been conducted by obtaining five quotations and that there was a saving from procuring specialist services rather than being undertaken through the Pre-construction Service Agreement.

Councillor E Buckmaster proposed, and Councillor L Haysey seconded a motion to support the recommendation. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – to note the contract procedure exemption.

164 COUNCIL TAX SUPPORT SCHEME

Councillor G Williamson submitted a report to enable Members to consider the latest available information around the current local Council Tax Support Scheme at East Herts and whether any changes to the scheme should be considered for 2020/21. He explained that the report had been considered by the Performance, Audit and Governance Oversight Committee.

Councillor G Williamson proposed, and Councillor J Goodeve seconded, a motion to support the recommendations as detailed in the report. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - (A) To recommend to Council that there be no changes to the scheme design for East Herts local Council Tax Support scheme for 2020/21.

165 DISCRETIONARY BUSINESS RATES GRANT SCHEME

Councillor J Goodeve submitted a report updating the Executive on the discretionary rates business grant scheme that was introduced in April 2017 and seeking agreement to continue the scheme until the full funding was allocated.

Councillor J Goodeve explained the operation of the scheme.

Councillor L Haysey said the scheme encouraged new businesses in the areas, and had been refined to provide more clarity.

Councillor M Pope asked about the disparity between take up for the Council's scheme and the Government scheme.

Councillor L Haysey said the schemes were not identical, so comparison was not straightforward, but businesses should be encouraged to consider whether the scheme was of value to them.

Councillor J Goodeve proposed, and Councillor E Buckmaster seconded, a motion to support the recommendations detailed. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - (A) to approve



implementing the discretionary business rates' grant scheme using the same eligibility criteria as agreed in February 2017 but with following adjustments:

- Rateable value eligibility is between 12,000 – 51,000 to match the national retail rate relief scheme;
- Up to 50% of one year's business rate liability is available *after* all other discounts and exemptions are applied;
- National chains not eligible to apply;
- Scheme in place until the national retail relief scheme expires (31 March 2021) or the balance of £65,079.07 is allocated (whichever is soonest);

(B) that the balance of £65,079.07 comes from the £150,000 allocated from the New Homes Bonus Reserve by Executive in February 2017.

166 QUARTERLY HEALTHCHECK Q1 2019/20

Councillor G Williamson submitted a report on the

quarterly budget monitoring for the quarter to 1 June 2019. He highlighted areas of the report, in particular the fact that the net revenue budget for 2019/20 was £10.268m as set out in table 1, as funded by Council Tax; the report also referred to the forecast expenditure at 30th June 2019, which predicted a year end underspend of £1k; the revised capital budget for 2019/20 was £77.940m, of which £61.258m was to be carried forward to future years. He gave further details as set out in the report, including performance analysis and customer feedback.

Councillor G Williamson proposed, and Councillor J Goodeve seconded, a motion to support the recommendations detailed in the reports. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the projected revenue budget forecast underspend of £1k in 2019/20 be noted;

(B) the capital budget for 2019/20 is £77.940m, of which £61.258m is to be carried forward to future years be noted; and

(C) the reported performance for the period April 2019 to June 2019 be noted.

167 UPDATE FROM PERFORMANCE, AUDIT AND GOVERNANCE SCRUTINY COMMITTEE

Councillor M Pope submitted a report from the last meeting of the Performance, Audit and Governance Oversight Committee.

Councillor L Haysey commented on the useful discussion the Committee had on the section 106 work. She said monitoring section 106 funds and expenditure was extremely complex, and the Officer now responsible should be congratulated for her excellent work. Councillor M Pope supported this commendation.

Councillor A Curtis asked whether the Executive would reiterate its commitment to ensuring that the good work of monitoring section 106 monies continued, to ensure the Council was doing its best for residents in light of the District Plan implementation. Councillor L Haysey concurred.

Councillor G Williamson proposed, and Councillor G Cutting seconded, a motion to support the recommendation detailed. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – to note the report of the Chairman of the Committee.

168 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

Councillor H Drake submitted an interim report on recent work of the Overview and Scrutiny Committee Task and Finish Group on parking.

Councillor L Haysey said parking was very complex, and people had different needs.

Councillor A Curtis asked a question on whether in Great Amwell residents' needs at the station would be

considered as part of the ongoing work. Councillor Drake confirmed that representations would be considered from all ward councillors.

Councillor G Cutting proposed, and Councillor P Boylan seconded, a motion to support the recommendation as detailed. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – to note the report of the Chairman of the Task and Finish Group on Parking.

#### 169 LEISURE OPERATOR CONTRACT AWARD

Councillor E Buckmaster submitted a report to conclude the re-procurement of the leisure operating contract and agree the award for the operation of Hartham and Grange Paddocks leisure centres and Ward Freman pool & gym, for the period 1 January 2020 to 31 December 2034 (fifteen years), with the ability to extend for a further five years. The report also sought agreement of the award for the operation of Leventhorpe Pool & Gym and Fanshawe Pool & Gym for the period 1 January 2020 to 31 December 2024 (five years).

Councillor Buckmaster welcomed members of the Ware Swimming Club who were present. He said a milestone would be reached as the matter would go to the Development Management Committee in November and December. The project would be financially sustainable. He highlighted the benefits of the contract for residents in terms of health and wellbeing, which would be in a financially sustainable way.

Councillor Buckmaster said it was important to note that the operation of Leventhorpe Pool and Gym and of Fanshaw Pool and Gym would be included in the contract for the period specified in the recommendations. The contract could not be announced until after the award had been made but would be able to be viewed once that award had taken place, via the Council's contracts register on its website. He thanked officers for their excellent work.

Councillor G Williamson agreed with what had been said, as this was an exciting project and through the provision of leisure services the Council would gain financially.

Councillor L Haysey commended the work which had been done on these major projects for the leisure centres.

Councillor A Curtis thanked all those involved and said he welcomed the news for Ware residents.

Councillor A Alder said she welcomed the recommendations in relation to Leventhorpe Swimming Pool.

Councillor E Buckmaster proposed, and Councillor G Williamson seconded, a motion to support the recommendations detailed in the reports. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) Executive approve that the leisure operating contract, for the operation of Hartham Leisure Centre, Grange Paddocks Leisure Centre and Ward Freman Pool be

awarded to the recommended tenderer as the most economically advantageous bid; for the period 1 January 2020 to 31 December 2034 (with the ability to extend for an additional five years), following a full EU competitive dialogue process in accordance with the Public Contract Regulations 2015 (PCR 2015);

(B) Executive approve that the operation of Leventhorpe Pool & Gym and Fanshawe Pool & Gym for the period 1 January 2020 to 31 December 2024 is included in the contract;

(C) Executive approves delegation to the Chief Executive in consultation with the Head of Strategic Finance & Property and Head of Legal and Democratic Services to enter into a contract with the recommended Tenderer and make any minor amendments to clarify, specify and optimise the contract that should be required as part of the competitive dialogue.

The meeting closed at 7.42pm.

Chairman .....
Date .....

EAST HERTS COUNCIL

EXECUTIVE – 3 DECEMBER 2019

REPORT BY CHAIRMAN OF THE PERFORMANCE, AUDIT AND GOVERNANCE OVERSIGHT COMMITTEE

PERFORMANCE, AUDIT AND GOVERNANCE OVERSIGHT COMMITTEE - UPDATE

WARD(S) AFFECTED: All

---

## **Purpose/Summary of Report**

- This report details the reports considered and comments made by the Committee at its meeting of 29 October 2019.

<b><u>RECOMMENDATION:</u></b>	
<b>(A)</b>	<b>That the Executive note the contents of the report.</b>

### 1.0 Background

1.1 The Performance, Audit and Governance Oversight ('PAGO') Committee (the "Committee") last met on 29 October 2019.

1.2 Items considered by the Committee included:

- **Statement of Accounts**

The Committee received a presentation from the Council's Financial Services Manager on the draft Statement of Accounts for the financial year 2018/19. The presentation included a summary of why the audit process had been delayed; when the on-site work had commenced and when it would be concluded; and details of the outstanding items that were being reviewed.

It was noted that the Committee would review and, if thought fit, approve the draft Accounts for signature at its meeting on 19 November 2019, together with a Letter of Representation addressed to the Council's external auditor.

- **Treasury Management Outturn 2018/19**

The Committee reviewed a report from Executive Member for Financial Sustainability regarding the Council's treasury management activities for 2018/19 including the prudential indicators and the associated impact on the 2019/20 treasury management strategy. As part of its review the Committee considered the level of the Council's reserves; its negative capital financing requirement; the effect of the Council's investment in Millstream (including the estimated rate of return); and the background to the government's decision to increase PWLB borrowing rates.

After discussion, the Committee confirmed its approval of the Treasury Management 2018/19 activity and Prudential Indicators.

- **Treasury Management Mid-Year Review**

The Committee reviewed a report from the Executive Member for Financial Sustainability regarding the Council's treasury management activities for the first six months of the 2019/20 financial year including the prudential indicators. The Council's capital spending programme was considered where it was noted that a number of projects had been re-profiled.

Clarification was sought and obtained on the projected level of the Council's long-term liabilities, including the Council's borrowing profile with effect from April 2021. The Committee was also advised of the Council's Treasury Management Outturn activity and proposed changes to the prudential indicators for the first six months of the 2019/20 financial year.

After discussion, the Committee confirmed its support for the Council's Treasury Management Outturn activity and also the



proposed changes to the prudential indicators for the first six months of the 2019/20 financial year.

- **Economic Development Strategy**

The Committee received a report from the Executive Member for Planning and Growth on the Economic Development Vision for East Herts.

The Head of Communications, Strategy and Policy provided a summary of the report in terms of achievements since 2015 based on the six key themes and the challenges the Council could face after BREXIT in terms of supporting local businesses and the local economy.

The Committee supported the need to encourage and to retain employment opportunities in the District and requested more details from the Executive Member for Planning and Growth on the work being done by the Council in this regard both in the five towns and also more widely across the District.

Background Papers

None

Contact Member/Report author:

Councillor Mark Pope, Chairman, Performance, Audit and Governance Oversight Committee  
[mark.pope@eastherts.gov.uk](mailto:mark.pope@eastherts.gov.uk)

Contact Officer:

Jonathan Geall – Head of Housing and Health and Acting Head of Legal and Democratic Services, Ext 1594

[jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

This page is intentionally left blank

EAST HERTS COUNCIL

EXECUTIVE – 3 DECEMBER 2019

REPORT BY PORTFOLIO HOLDER FOR PLANNING AND GROWTH

ARTICLE 4 DIRECTIONS

WARD(S) AFFECTED: ALL

---

## **Purpose/Summary of Report**

- This report discusses the case for introducing Article 4 directions on designated employment sites in the district to remove the use of Permitted Development Rights to convert employment land to residential use without the need for planning permission.

<b>RECOMMENDATION FOR EXECUTIVE:</b>	
<b>(A)</b>	that the making of a non-immediate Article 4 direction to remove Permitted Development Rights to convert buildings or land currently in B1(a), B1(c) or B8 use into C3 use in the Designated Employment Areas in East Herts Council's adopted District Plan, as detailed in Essential Reference Paper 'B', be approved; and
<b>(B)</b>	that authority be delegated to the Head of Planning and Building Control, acting in consultation with the Executive Member for Planning and Growth, to commence public consultation on the non-immediate Article 4 direction and confirm the Article 4 direction having considered the outcome of the public consultation unless material amendments to the direction are required following public

	consultation in which case, a report will be brought back to the Executive for consideration.
--	---

## 1.1 Background

1.1.1 The East Herts District Plan (adopted in October 2018) outlines the need for 18,000 new dwellings up to 2033 alongside an additional 20 hectares of new employment space. This is based on the assumption that East Herts will remain a net exporter of skilled workers to other areas but also that this level of employment space is necessary to sustain the district and its towns as viable “places” in their own right (i.e. communities that act as economic, cultural and social hubs where people can live and work, rather than sterile dormitory housing estates). However, there has been a steady decrease in available employment land in the district for the last 10 – 15 years. This is primarily driven by market forces (given building houses generates better returns than building commercial units) which has been made easier by Permitted Development Rights (PDR) which essentially allow office blocks and industrial space of up to 500 sqm to be converted into residential without requiring planning permission for change of use. The scale of change is evident by walking around the fringes of any of our town centres where it is easy to observe the volume of flats that have replaced office blocks and workshops.

1.1.2 It should be noted that Permitted Development Rights are a key enabler for housing delivery. In that regard this tool has been effective in bringing additional dwellings to market and addressing national challenges regarding lack of housing. Moreover in some instances conversion of office blocks to residential has been entirely appropriate and use of permitted development has been beneficial to accelerate the right process (eg. Where commercial or industrial units are serving no employment purpose and are not fit for purpose). However there

have also been instances where permitted development has been used to convert land to residential at the expense of viable employment land and businesses. In a district where the Green Belt restrictions apply, new development on new greenfield sites is rarely possible, and increased residential development under PDR often represents an uncontrollable and irrecoverable loss of employment space. There is also concern that, in some instances, landlords are forcing commercial tenants out of spaces which provide important sources of local employment where there is no alternative provision for them locally. We have seen a number of businesses forced out of the district or out of business.

1.2 The Herts LEP commissioned a study into the net loss of employment space in the county with the conclusion that 771,000 sqm of employment space has been lost over the past decade (to put in context this is the total office stock in St Albans, Watford and Welwyn Garden City combined). For East Herts there has been a net reduction in office space of 176,000 sqm to 140,000 sqm. Industrial space has seen a reduction from 658,000 sqm to 567,000 sqm over the same period (losses of 20% in office space and 14% industrial respectively). A proportion of this loss has arisen from application of PDR. So, whilst allocation of 20 ha of new employment space is welcome it is possible there will still be a net reduction overall despite the increase in housing numbers. .  
|

1.3 Properties converted to residential use under PDR are not only uncontrolled in the normal planning sense, but also not subject to the normal residential development strictures applied under the planning process. Owners and/or developers are under no obligation to provide any community benefit contributions (or Section 106 Contributions) nor do they have to comply with the councils requirements for the provision of affordable homes.

1.4 It was announced in October 2019 that consultation would be opened through a Green Paper in November 2019 into the extension of PDRs to include the right to demolish any

commercial buildings in favour of residential construction and the right to extend buildings upwards by up to two floors to create more residential space. (See ERP C). This consultation has been put on hold since the calling of the general election. However depending on the make-up of the future government, it may proceed in 2020.

## **2.0 The Current Situation**

- 2.1 East Herts has experienced relatively little development under PDR to date when compared with other nearby districts with larger stocks of office space. Harlow, Stevenage and Luton have all lost considerable town centre office space to residential and Harlow has also lost a number of offices on industrial estates. However, East Herts office space is still under pressure from residential demand and we are aware of a number of town centre businesses threatened with losing their premises due to their landlords' plans to convert them all or in part to residential use, (e.g. Mudlarks in Railway Street and The Tooke House in The Bull Plain in Hertford). Other office sites on commercial estates have also been converted to residential, notably Conbar House in Mead Lane Industrial area, Hertford, which was actually converted under Prior Approval using PDR. (See ERP D)
- 2.2 Where East Herts has lost commercial space to residential in the past, it has largely been lost on appeal because of the lack of an adopted District Plan and an agreed five year housing supply (e.g. Crane Mead). We now have a District Plan and so this type of loss should be controllable.
- 2.3 Much of the remaining commercial space (but by no means all) is in the form of workshop and factory units which would be difficult to convert to residential and so is currently relatively safe from PDR. However, should PDR be extended to include the right to demolish following the national consultation, all East Herts

commercial space will become vulnerable to PDR regardless of the Local Plan status.

- 2.4 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 allows a local planning authority to make an “Article 4 Direction” to remove permitted development rights from particular sites. This does not prevent development but instead requires that planning permission is required from the council and therefore that the S106 and affordable homes requirements would apply. This enables full consideration to be given to any applications in terms of local demand and viability so that due process is followed. This has already been applied in some of the district’s conservation areas (mostly around historic high streets) and has been effective. However office blocks in the rest of the district are still open to PDR, and the risk is that, left unchecked, further employment space will be lost and increasingly the district’s economic prosperity and its towns’ sustainability will be undermined.
- 2.5 Importantly in the recently announced consultation the definition of commercial buildings is not confined to typical office blocks (B1) but includes most types of use such as industrial and distribution uses (B2 and B8). In other words, permitted development rights are likely to be applied to all employment sites across the whole district.
- 2.6 Currently, many landlords of designated factory/workshop premises in East Herts would find it very difficult to convert them to residential use due to the nature of the current building stock. There are some would like to demolish the existing stock and implement residential-led schemes, changing previously industrial land to flats and houses. Currently, in order to do this owners are required to go through the full planning process and through pre-application advice we are likely to argue that the area is still viable as employment land and any new scheme needs to be employment led in order to protect the local economy. If the

proposals outlined in section 1.4 above go ahead, the landlord can proceed with their plan under PDR. Virtually all industrial estates across the district (except those in flood areas) would be vulnerable to this sort conversion should PDR be extended.

### **3.0 Invocation Options**

- 3.1 **The do-nothing option** - There is considerable market and political pressure to build residential accommodation. If we do nothing we leave ourselves open to potentially uncontrolled development for the foreseeable future, with none of the reciprocal benefits of affordable homes nor community Benefits contributions. Perhaps even more importantly, uncontrolled development could threaten the viability of our towns and communities as commercial and social hubs and therefore the way of life that we have in East Herts.
- 3.2 **The immediate invocation of Article 4** - to remove PDR on a site renders the Council open to potential claims for financial compensation for costs, expense and loss of land value from the owners (See ERP A). Ideally we would wish to avoid this.
- 3.3 **The Deferred Invocation of Article 4** - Most other planning authorities invoking article 4 (e.g. North Herts, Dacorum, Hertsmere) are giving one years (twelve months) notice of a deferred invocation of Article 4 on their designated employment sites. There is no right of appeal against the invocation of PDR but planning authorities should consider opinions made in the consultation and may quash the invocation. We have yet to find definitive opinion as to whether or how long a deferral will mitigate the right of an owner to compensation, but the considered opinion we have seen to date suggests that a deferral of one year (twelve months) is sufficient to nullify any risk of compensation claims. It is therefore our preferred option. We will of course report back to executive should this change.



## 4.0 Scope and Timing

4.1 For the purposes of this exercise, commercial land in East Herts can be classified into four categories.

- a. Employment land specifically designated as such in the Local Plan
- b. Designated Town Centres
- c. Designated Conservation Areas
- d. All other sites designated in use for employment purposes

Categories a, b & c are defined and specific. For a planning authority to use an Article 4 Direction to remove PDR, it must be able to define the area concerned, to demonstrate that planning control of development at that site is strategic and that the introduction of article 4 conforms to NPPF guidance.

4.2 It is relatively straightforward to argue the case for controlled development in previously defined areas such as a, b or c. However, any sites falling under d) would have to be argued on a case by case basis.

4.3 Therefore we propose that East Herts initially invokes Article 4 on the employment sites identified in the District Plan (of which there are 32 in total). As these are already designated as employment areas through the adoption of the plan there are fewer grounds for objection. Some councils in Hertfordshire (e.g. North Herts, Welwyn and Hatfield, Hertsmere and Dacorum) have introduced or are in the process of introducing Article 4 directions for their designated all their industrial employment areas. It is recommended that East Herts do the same. Additional employment areas and sites will be considered in due course.

4.4 We would also use the notice to owners to notify them that we reserve the right to invoke an immediate or deferred Article 4 intervention contingent on any extension of PDRs to include the

demolition of commercial premises to enable residential development.

4.5 The proposed process of implementing Article 4 directions is broadly as follows (the precise timing is not clear in legislation, but the process will follow in this order)

- a. Executive agree for non-immediate Article 4 directions on the 32 designated employment areas identified in the corporate plan to be made
- b. Notifications to owners and stakeholders sent, signs erected at sites and consultation opens Site owners are given notice of the invocation in one year's time of Article 4 relating to the current PDR.
- c. Site owners are also given notice that the council retains the option to invoke immediate or deferred Article 4 on any particular site in the case that PDR is extended to include the demolition of premises in favour of residential construction.
- d. Secretary of State also notified of the invocation.
- e. After 21 days consultation closes, the Council take a view on whether to proceed based on feedback received.
- f. Delegated authority provided to the Head of Planning and Building Control to implement the direction.
- g. After 12 months the direction becomes valid

Background Papers: None

Contact Members: Councillor Jan Goodeve, Executive Member for Planning and Growth  
[Jan.goodeve@eastherts.gov.uk](mailto:Jan.goodeve@eastherts.gov.uk)

Contact Officer: Benjamin Wood, Head of Communications, Strategy and Policy  
[benjamin.wood@eastherts.gov.uk](mailto:benjamin.wood@eastherts.gov.uk)

Report Author: Andrew Figgis, Economic Development Officer  
[andrew.figgis@eastherts.gov.uk](mailto:andrew.figgis@eastherts.gov.uk)

This page is intentionally left blank

**IMPLICATIONS/CONSULTATIONS**

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Priority 2 – Enhance the quality of people's lives</p> <p>Priority 3 – Enable a flourishing local economy</p>
<p>Consultation:</p>	<p>The Article 4 Direction will be publicised and consulted upon. Notice of the Article 4 Direction shall be given:</p> <ul style="list-style-type: none"><li>• By local advertisement;</li><li>• By site notices at no fewer than two locations within the area to which the direction relates for a period of not less than six weeks; and</li><li>• Individually to every owner and occupier of every part of land within the area or site to which the direction relates (unless it is impracticable because it is difficult to identify or locate them or the numbers of owners and occupiers would make individual service impracticable).</li></ul>
<p>Legal:</p>	<p>Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 allows a local planning authority to make an Article 4 Direction to remove permitted development rights.</p> <p>An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained from the Council for that development.</p> <p>For all Article 4 Directions, the legal requirement is that the Council be satisfied that it is expedient that development that would normally benefit from</p>

	<p>permitted development rights should not be carried out unless permission is granted for it on an application. The NPPF also states that national permitted development rights should only be removed in situations where it is necessary to protect local amenity or the wellbeing of the area.</p> <p>The Government guidance also states that in deciding whether an article 4 direction would be appropriate, the Council should identify clearly the potential harm that the direction is intended to address and that there should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area or where a prior approval regime exists.</p> <p>The consultation that is to be undertaken must comply with legal requirements and it must be undertaken in accordance with the following principles: that is it undertaken at a formative stage, provides adequate information for an intelligent response and adequate time for a response. To complete the process, decision makers must conscientiously take into account the views expressed by those who have taken part in the consultation when making their decision. Consultation responses are not binding on decision makers but need to be taken into account. Material changes to the direction resulting from consultation will require re-consultation.</p> <p>The Secretary of State must be notified of the making and confirmation of any Article 4 Direction and has the power to make a direction modifying or cancelling such a direction at any point.</p> <p>Regulation 5 of The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and</p>
--	--

	<p>Site Visits)(England)(Amendment) Regulations 2017 removed the exemption from planning fees that previously applied for applications required as the result of an Article 4 direction.</p> <p>We will advise tenants / owners of our right and potential intention to invoke Article 4 immediately on the site (in the covering letter to the notice), should the Government decide to extend PDR to the demolition of commercial buildings following the Green paper consultation in November 2019.</p>
Financial:	<p>The making and consultation on an Article 4 Direction is covered by the Council's existing budgets and resources. The consideration of Prior Approval applications under the current regime and the consideration of any planning applications arising following confirmation of the Article 4 direction are covered by fee income and service budgets. Compensation could be sought as per the opinion expressed below</p> <p><i>A claim for compensation can be made to the LPA if planning permission is refused or granted subject to conditions other than those conditions imposed by the GPDO (<a href="#">section 108</a>, TCPA 1990). The claim for compensation can include abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development right. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing the plans for the works</i></p> <p>The use of a non-immediate Article 4 Direction means the Council should avoid compensation costs. This is because compensation, for certain withdrawn permitted development rights, may only be claimed if</p>

	<p>an application for planning permission is submitted within 12 months following the effective date of the direction. Therefore, the introduction of a non-immediate Article 4 Direction with a 12-month notice period will give rise to no claims for compensation. These specified permitted development rights are currently set out in the Town and Country Planning (Compensation) (England) (Amendment) Regulations 2016 and include Class PA of Part 3 of Schedule 2 of the GPDO 2015.</p> <p>By indicating our intention to invoke Article 4 in the case that PDR is extended, we intend to 'give notice' thus starting the 12 month notice period required to avoid compensation costs. We cannot officially give notice, however, of invocation of Article 4 relating to a directive which does not yet exist.</p>
Human Resource:	There are no human resource implications arising from the contents of this report.
Risk Management:	<p>There is a risk that the publicity associated with the Article 4 Direction may encourage some Prior Approval applications to convert employment premises to residential use in the transitional period before the Direction comes into effect. The risk of this is currently considered to be outweighed by the potential compensation risk of imposing an immediate Article 4 direction. This will be monitored.</p> <p>The potential risk of the PDR extension to demolition is much greater. Most of our employment land stock is in the form of workshops, which are unsuitable for conversion to residential. An extension of PDR to allow demolition and redevelopment renders all our commercial stock vulnerable.</p>



Health and wellbeing – issues and impacts:	
Equality Impact Assessment required:	No. There are not expected to be any direct equality implications as a result of making an Article 4 Direction.
Environmental Sustainability:	None specifically.

This page is intentionally left blank

## **ERP B**

The Direction applies to the designated Employment Areas identified in the East Herts District Plan (October 2018) as detailed below:

### Bishop's Stortford (Policy BISH11)

- Raynham Road / Dunmow Road Industrial Estate (incorporating Stortford Hall Industrial Estate, The Links Business Centre, Raynham Road / Myson Way, Raynham Road West, and Raynham Road East between The Links Business Centre and Raynham Close);
- Haslemere Industrial Estate;
- Twyford Road;
- Stansted Road (incorporating Goodliffe Park, Stort Valley Industrial Estate, and Birchanger Industrial Estate);
- Woodside;
- Millside Industrial Estate.

### Buntingford (Policy BUNT3)

- Park Farm;
- Buntingford Business Park;
- Watermill Industrial Estate.

### Hertford (Policy HERT6)

- Caxton Hill;
- Foxholes Business Park;
- Hartham Lane (incorporating Hertford Brewery);
- Mead Lane – East of Marshgate Drive (incorporating the Dicker Mill Estate);
- Mimram Road;
- Warehams Lane;
- Windsor Industrial Estate, Ware Road;

- Pegs Lane.

#### Ware (Policy WARE3)

- Broadmeads;
- Crane Mead;
- Ermine Point / Gentlemen's Field;
- Marsh Lane;
- Park Road / Harris's Lane;
- Star Street.

#### Villages (Policy VILL4)

- Silkmead Industrial Estate, Hare Street;
- Oakley Horseboxes, High Cross;
- Langley House, Station Road, Standon;
- Standon Business Park, Standon;
- Leaside Works, Stanstead Abbots;
- Riverside Works, Amwell End, Stanstead Abbots;
- The Maltings, Stanstead Abbots;
- Warrenwood Industrial Estate, Stapleford;
- Thundridge Business Park, Thundridge.

## EAST HERTS COUNCIL

### EXECUTIVE

Date: 3 DECEMBER 2019

### REPORT BY EXECUTIVE MEMBER FOR FINANCE AND SUPPORT SERVICES

### COUNCIL TAX LONG TERM EMPTY HOMES PREMIUMS

WARD(S) AFFECTED: ALL

### **Purpose/Summary of Report**

- 1.1 To propose changes to the Council Tax long term empty homes premiums from April 2020 option B below.

<b><u>RECOMMENDATIONS FOR EXECUTIVE</u></b>	
<b>(A)</b>	consider the options for Council Tax Long Term Empty homes premiums as detailed within this report.
<b>(B)</b>	recommend that OPTION B ( 100% only premium) be proposed to Council

### **1. BACKGROUND**

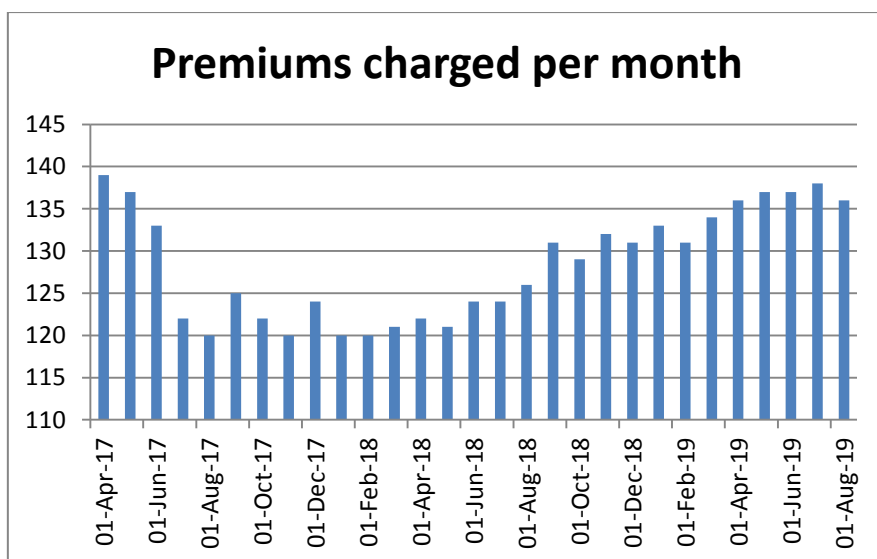
- 1.1 Since April 2013 Local Authorities in England have been given delegated powers under Section 11B of the Local Government Finance Act (LGFA) 1992 (revised by the LGFA 2012) to increase Council Tax by adding up to **50%** to the Council Tax charge on

some long-term empty properties. This is known as the ‘Long Term Empty Premium’.

1.2 This authority chose not to introduce the charge until April 2017. The impact of the charge has been monitored since its introduction to determine its impact on; the number of empty properties, avoidance of the charge and debt recovery.

1.3 Properties are classified as Long Term Empty when they have been empty for and substantially unfurnished for 6 or more months, and not excluded by exemptions. The LGFA is applied to those properties that had been empty for 2 or more years.

1.4 A review of the 139 properties that were empty for 2 or more years when the charge was introduced demonstrates that 42% (58) have subsequently been occupied, and that there is no evidence of avoidance. Those properties, still unoccupied are with a small exception, paying the additional premium. The graph below demonstrates the number of properties being charged the premium each month. It illustrates a marked reduction in long term empty properties immediately after the introduction, but an increasing number thereafter.



1.5 It should be noted that many empty properties are exempt from the charge. These include those left empty by a deceased person pending probate (266 @1.8.19) and those left empty due to entering a care home (76 @ 1.8.19).

1.6 Excluding the exempt properties (above), at 1 August 2019 there were 588 empty properties in East Herts, 138 of which had been empty for 2 or more years. The age profile of 2 plus years, long term empty properties at 1.8.19 is shown below.

<b>Empty period</b>	<b>Number</b>
<b>Over 2 but less than 5 years</b>	69
<b>5 years but less than 10 years</b>	50
<b>10 or more years</b>	19

## 2. Report

2.1 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 revised the LGFA 1992 effective from the 1 April 2019, with a step changed approach to the maximum premium that could be applied. This enabled the amount of long term empty premium that an authority could choose to charge to be increased as follows;

- For the financial year beginning on the 1 April 2019 the maximum premium was increased from 50% to 100%.
- For the financial year beginning on the 1 April 2020 the maximum premium for property empty for less than 5 years remained at 100%, but for property empty for 5 or more years the maximum increased to 200%
- For the financial year beginning on the 1 April 2021 the maximum premium for property empty for less than 5 years remained at 100%, but for property empty for 5 but less than

10 years the maximum increased to 200%, and those 10 years and over increased to 300%.

2.2 The table below summarises these changes.

		Maximum premium
<b>2013-2019</b>	Empty for 2 or more years	50%
<b>2019-2020</b>	Empty for 2 or more years	100%
<b>2020-2021</b>	Empty for 2 years or more but less than 5 years	100%
	Empty for 5 or more years	200%
<b>2021 onwards</b>	Empty for 2 or more years , but less than 5 years	100%
	Empty for 5 or more years but less than 10 years	200%
	Empty for 10 or more years	300%

2.3 If these new multipliers where implemented the impact on the existing LTE empty properties, and the premium income is illustrated below.

Current 50% extra	A	B	C	D	E	F	G	H	Totals
Number affected	17	13	29	25	17	27	7	3	138
additional individual charge	£ 595.30	£ 694.52	£ 793.73	£ 892.95	£ 1,091.38	£ 1,289.82	£ 1,488.25	£ 1,785.90	
Total premium income	£ 10,120.10	£ 9,028.72	£ 23,018.27	£ 22,323.75	£ 18,553.52	£ 34,825.05	£ 10,417.75	£ 5,357.70	£ 133,644.85



From April 2020	A	B	C	D	E	F	G	H	Totals
<b>100% for up to 5 years</b>									
Number affected	3	3	19	16	10	15	2	1	69
additional individual charge	£ 1,190.60	£ 1,389.03	£ 1,587.47	£ 1,785.90	£ 2,182.77	£ 2,579.63	£ 2,976.50	£ 3,571.80	
<b>200% for more than 5 years</b>									
Number affected	14	10	10	9	7	12	5	2	69
additional individual charge	£ 2,381.20	£ 2,778.07	£ 3,174.93	£ 3,571.80	£ 4,365.53	£ 5,159.27	£ 5,953.00	£ 7,143.60	
<b>Total premium income</b>	<b>£ 36,908.60</b>	<b>£ 31,947.77</b>	<b>£ 61,911.20</b>	<b>£ 60,720.60</b>	<b>£ 52,386.40</b>	<b>£ 100,605.70</b>	<b>£ 35,718.00</b>	<b>£ 17,859.00</b>	<b>£ 398,057.27</b>

From April 2021	A	B	C	D	E	F	G	H	Totals
<b>100% for up to 5 years</b>									
Number affected	3	3	19	16	10	15	2	1	69
additional individual charge	£ 1,190.60	£ 1,389.03	£ 1,587.47	£ 1,785.90	£ 2,182.77	£ 2,579.63	£ 2,976.50	£ 3,571.80	
<b>200% for more than 5 years but less than 10 years</b>									
Number affected	13	7	7	4	4	8	5	2	50
additional individual charge	£ 2,381.20	£ 2,778.07	£ 3,174.93	£ 3,571.80	£ 4,365.53	£ 5,159.27	£ 5,953.00	£ 7,143.60	
<b>300% for more than 10 years</b>									
Number affected	1	3	3	5	3	4	0	0	19
additional individual charge	£ 3,571.80	£ 4,167.10	£ 4,762.40	£ 5,357.70	£ 6,548.30	£ 7,738.90	£ 8,929.50	£ 10,715.40	
<b>Total premium income</b>	<b>£ 38,099.20</b>	<b>£ 36,114.87</b>	<b>£ 66,673.60</b>	<b>£ 69,650.10</b>	<b>£ 58,934.70</b>	<b>£ 110,924.23</b>	<b>£ 35,718.00</b>	<b>£ 17,859.00</b>	<b>£ 433,973.70</b>

2.4 The value of any additional revenue generated from an increase in premiums would be shared in accordance with the precepts.

	Precept %	Current	2020	2021
<b>HCC</b>	76.15%	£ 101,770.55	£ 303,120.61	£ 330,470.97
<b>Police</b>	10.53%	£ 14,072.80	£ 41,915.43	£ 45,697.43
<b>EHC</b>	9.47%	£ 12,656.17	£ 37,696.02	£ 41,097.31
<b>Parish /Town</b>	3.85%	£ 5,145.33	£ 15,325.20	£ 16,707.99
<b>Total</b>		<b>£ 133,644.85</b>	<b>£ 398,057.27</b>	<b>£ 433,973.70</b>

2.5 The intention of the provision to charge premiums is to encourage empty property owners to bring them back into use. Therefore if this is successful and the additional premiums act as an incentive the additional revenue may not materialise.

2.6 If the additional premiums are not paid, one of the permitted recovery options is to attach a charge to the property which would be paid when the property was sold (plus the statutory **interest** of 8% that is added).

In order to apply for a charging order the debt must be a minimum of £1,000. Once a charging order is granted then an application can be made to the court for an order to force the sale of the property. However, there is no minimum level stated for this. The court would then have to consider:-

- The size of the Judgment debt as against the value of the property;
- The conduct of the debtor i.e. whether he has made any effort to make payment;
- If there is any other steps which the Judgment creditor could take to enforce the debt.

The court has varied powers to deal with an application for an order for sale which can include the following:

- It has the power to make an instalment order in relation to the judgment debt.
- It can give the debtor time to raise the money that is owed to the creditor.
- The Court can also attach conditions to the order for sale as it deems appropriate in the circumstances.

2.7 The Department for Communities and Local Government issued a guidance document on "Council Tax – Empty homes premium (Guidance for properties for sale and letting)" in May 2013. It states that the guidance should not be treated as an interpretation of the legislation or statutory guidance and recognises that billing authorities are free to make their own decisions when administering the premium. It does however

remind authorities that there are two exemptions from the premium, specifically,

- a dwelling which would otherwise be the sole or main residence of a member of the armed services, who is absent from the property as a result of such service.
- a dwelling, which forms part of a single property that is being treated by a resident of that property as part of the main dwelling.

2.8 It goes on to remind authorities that government's intention was not to penalise owners of property that is genuinely on the housing market for sale or rent. It suggests that consideration of the average completion/occupation time in the area be considered.

2.9 As the premiums do not start until a property has been empty for 2 years, this consideration would not apply within the current housing market in this area.

2.10 Increases in the number of empty properties that an authority has in its area, has a negative impact on the value of new homes bonus (NHB) it can claim. The calculation for NHB compares the number of physical properties less empty properties between years and after subtracting a 4% expected growth value, determines the base of the grant. For 2018 each property was worth 80% of the national band D average of £1336.80. This is received for each of 4 years, so the value to the Council is actually £5347.20 per property.

2.11 Overview and Scrutiny committee on 5 November 2019 considered the report and received a short presentation on the key points. Members supported the recommendation to introduce a 100% premium only, from April 2020. However

they also recommended that officers consider an appeal scheme against the application of the premium in cases where the property is uninhabitable.

2.11.1 In respect of the committee's recommendation the following has been consideration:

- The premium only applies after the property has been empty for 2 or more years.
- There is currently no statutory exemption from the standard Council Tax for properties that are uninhabitable.
- There is currently no local scheme for exemption from the existing 50% premium for properties that are uninhabitable.
- The Valuation Office Agency (VOA) who has responsibility for determining which properties are included in the Council Tax list, can remove a property from banding if it meets their determination of uninhabitable. Their definition and explanation are included at ERP B.
- The cost of any local discount would be borne by East Herts Council and not shared with the other preceptors.
- These properties are empty and therefore not somebodies main home needing improved facilities for basic daily living. They will have an asset value which will be enhanced by improvements which enable them to be reoccupied. The enhanced asset value will be realised by the owner if they sell it or move in.

2.11.2 In light of the above, officers do not consider that introducing an appeal system to avoid the premium is in the best interests of the other taxpayers in the district that would bear the full cost of any discount granted.

2.12 What others are currently doing:

	<b>Current Premium charged</b>	<b>2020/21 100% &amp; 200%</b>	<b>2021/22 100% &amp; 200% &amp; 300%</b>
<b>Dacorum</b>	100%	Yes	Yes
<b>Hertsmere</b>	100%	Yes	Yes
<b>St Albans</b>	100%	Yes	Yes
<b>Three Rivers</b>	100%	Yes	Yes
<b>Watford</b>	100%	Yes	Yes
<b>Welwyn Hatfield</b>	100%	Yes	Yes
<b>East Herts</b>	50%		
<b>North Herts</b>	50%	Considering	Considering
<b>Stevenage</b>	50%	Considering	Considering
<b>Broxbourne</b>	No Premium	Considering	Considering

## 2.13 Options.

2.13.1 The LGFA delegated powers to billing authorities to change the long term empty premium rates if they chose to. They are not mandatory. Each authority can determine if it wishes to apply the maximum premiums or not.

2.13.2 A billing authority cannot however change the time frames. For example, introduce a 200% premium for properties empty for 3 or more year, rather than the 5 years specified in the delegated powers.

2.13.3 The table below lists the options available. There is no obligation to change from the current option A.

2.13.4 An Authority may for example, determine to introduce the provision available from April 2020 (option C) but not proceed to the option D available from April 2021 which includes the 300% premium for properties empty for more than 10 years. Consideration of progressing to option D could be introduced at a later date.

2.13.5 A billing authority which makes a determination must publish a notice of it in at least one newspaper circulating in its area and do so before the end of the period of 21 days beginning with the date of the determination. Failure to comply with this subsection does not affect the validity of a determination.

2.13.6 East Herts has only recently (April 2017) introduced the 50% premium, and whilst it has been seen to be effective in encouraging 42% (58) of the then long term empties back into occupation, consideration needs to be taken of the financial impact on homeowners, and impact on collection rates of increasing the premium significantly to 200% and then 300% over a short time scale. It is therefore recommended that option B (100%) is implemented from April 2020, with a review of its impact during 2021 to consider if further increases are appropriate in our local context.

2.13.7 Options available

Option	Options available from	Maximum premium
<b>A</b>	<b>Apr-13</b> Empty for 2 or more years	50%
<b>B</b>	<b>Apr-19</b> Empty for 2 or more years	100%

<b>C</b>	<b>Apr-20</b>	Empty for 2 or more years but less than 5 years	100%
		Empty 5 or more years	200%
<b>D</b>	<b>Apr-21</b>	Empty for 2 or more years but less than 5 years	100%
		Empty for 5 or more years but less than 10 years	200%
		Empty for 10 or more years	300%

## BACKGROUND PAPERS

1. Empty Homes premium guidance paper  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/797672/Empty\\_home\\_premium\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797672/Empty_home_premium_guidance.pdf)
2. Ministry of Housing, Communities and Local Governments' Fact Sheet on Empty Homes premium  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/694646/Higher\\_amount\\_for\\_long-term\\_empty\\_dwellings\\_factsheet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/694646/Higher_amount_for_long-term_empty_dwellings_factsheet.pdf)
3. Legislation  
<http://www.legislation.gov.uk/ukpga/2012/17/section/12/enacted>  
<http://www.legislation.gov.uk/ukpga/2018/25/section/2>  
[http://www.legislation.gov.uk/ukpga/2018/25/pdfs/ukpga\\_20180025\\_en.pdf](http://www.legislation.gov.uk/ukpga/2018/25/pdfs/ukpga_20180025_en.pdf)

Contact Member: Councillor Geoff Williamson – Executive  
Member for Financial Sustainability  
[Geoffrey.williamson@eastherts.gov.uk](mailto:Geoffrey.williamson@eastherts.gov.uk)

Contact Officer: Su Tarran – Head of Revenues & Benefits shared  
service

[Su.tarran@hertspartnership-ala.gov.uk](mailto:Su.tarran@hertspartnership-ala.gov.uk)

Report Author: Su Tarran – Head of Shared Revenues and Benefits  
Service

[Su.tarran@hertspartnership-ala.gov.uk](mailto:Su.tarran@hertspartnership-ala.gov.uk)



**IMPLICATIONS/CONSULTATIONS**

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<b>Priority 2 - Enhance the quality of people's lives</b>
Consultation:	Not required
Legal:	None
Financial:	All financial implications are included in the body of the report.
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality, diversity and human rights considerations, and whether Equality Impact Assessment required:	None,
Environmental Sustainability	None

This page is intentionally left blank

# Council Tax: domestic properties which are in disrepair or are derelict

Published 2 September 2012

## Contents

1. [1. Where a property is in poor repair](#)
2. [2. Where a property is in severe disrepair or dereliction](#)
3. [3. Where a property has not been modernised](#)
4. [4. Where properties are actually undergoing repairs or renovation](#)



© Crown copyright 2012

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications/council-tax-domestic-properties-in-disrepair-or-derelict/council-tax-domestic-properties-which-are-in-disrepair-or-are-derelict>

The Valuation Office Agency (VOA) is the government department responsible for keeping Council Tax bands up to date in England and Wales. This factsheet sets out the VOA's approach for taxpayers' properties that are in disrepair.

The main rule is that every property will be banded for Council Tax, as long as it qualifies to be a 'dwelling', which has a legal definition. To be a dwelling, the VOA will basically look to see if the property is either habitable or capable of repair.

We have to assume that a dwelling is in reasonable repair. In limited circumstances, the VOA can decide to 'delete' a Council Tax band. This means that a property wouldn't have a Council Tax band at all and the taxpayer wouldn't pay any Council Tax.

If a property is actually occupied, it's generally assumed to be habitable and the VOA won't delete the band, even if repair or renovation works are on-going.

### **0.1 Effect of deletion and reinstatement as 'new' on completion**

Although no Council Tax will be payable if a band is deleted, when the property is next banded it'll be treated as a new property. All improvements will then be taken into account in the new banding from the date the new property was completed. In some cases, when works are not quite complete, the local council may issue a 'completion notice' that tells the taxpayer and the VOA a date from which Council Tax should be paid. The following examples show how the VOA deals with properties that are vacant, in disrepair or are undergoing works.

## **1. Where a property is in poor repair**

When the VOA bands a property, they must assume that it's in a state of reasonable repair, taking into account its age, character and locality. The VOA must ignore the fact that a property is neglected and lacks basic repairs so it's impossible to argue that a property in poor repair isn't a 'dwelling'. In these cases, the VOA can't reduce or delete the band. This rule ensures that all taxpayers are treated equally and that nobody gets a reduction in Council Tax just because they neglect a property.

## **2. Where a property is in severe disrepair or dereliction**

A property can deteriorate so badly, over a long period of time, that it's no longer capable of being repaired without very significant reconstruction. To make it habitable may mean that the property's character will have been changed so much that it'll not bear any relation to the type of accommodation that was originally there. Following the completion of the works it would virtually be a new property. In these circumstances, the VOA may delete the band so that the taxpayer won't pay any Council Tax.

The 'rule of thumb' test will be "is the property wind and watertight?" Where the intrusion of the weather, rot or severe vandalism means that only substantial structural work would make the property habitable, the band can be deleted. The property wouldn't be habitable and the 'dwelling' will have ceased to exist.

## **3. Where a property has not been modernised**

If a property is unmodernised, as opposed to derelict, this doesn't mean that a band can be reduced or deleted. Unmodernised properties may not be up to expected modern standards,

but they may still be habitable. The VOA won't generally agree to delete a band on a property that's been recently occupied because the property would be regarded as habitable, even if it's unmodernised. The VOA will assume that any unmodernised property is in reasonable repair.

## **4. Where properties are actually undergoing repairs or renovation**

### **4.1 Normal repairs**

Normal repairs include the renewal of any part of a building that 'wears out' over time and needs replacement, such as:

- a roof covering
- windows
- kitchen or bathroom fittings
- rewiring
- paintwork and decoration

Where a property is undergoing these types of repairs, the band can't be deleted as the VOA have to assume that the repairs have already been done. The cost of repairs isn't a relevant consideration as to whether or not a band is deleted.

### **4.2 Renovation and structural alteration**

Where the works are more substantial, including structural alterations, major renovation or other alterations, (which result in the property being incapable of occupation), then the band may be deleted. In these circumstances the works would result in a property of a different character from the old one it replaces. Such works will be of a much greater scale than normal repairs, and often carried out to a different specification to the original. Significant reconstruction must make it impossible to live in any part of the property for the band to be deleted.

### **4.3 House being converted into flats, or flats becoming a single dwelling**

Where a single property is being converted into 2 or more units of living accommodation by structural works to divide it, the VOA can delete the band. If part remains capable of occupation then that part would be banded whilst the works are in progress. When the works are complete, each of the new units will be banded separately as new properties.

### **4.4 House being extended**

If the original house is capable of occupation whilst the extension is being built, the band won't be deleted. When the extension has been completed the band won't be reviewed or increased unless the property is subsequently sold. If the extension required part of the main house to be demolished during the course of the works, or in connection with any planned works, then that demolition can't be taken into account to reduce the band of the property.

[Contents](#)

EAST HERTS COUNCIL

EXECUTIVE: 3 DECEMBER 2019

REPORT BY EXECUTIVE MEMBER FOR PLANNING AND GROWTH

BENINGTON CONSERVATION AREA APPRAISAL AND  
MANAGEMENT PLAN

WARD(S) AFFECTED: WALKERN

## **Purpose/Summary of Report**

- To enable Members to consider the Benington Conservation Area Appraisal and Management Plan following public consultation.

<b><u>RECOMMENDATIONS FOR EXECUTIVE: To recommend to Council that:</u></b>	
<b>(A)</b>	<b>the responses to the public consultation be noted and the Officer responses and proposed changes to the Benington Conservation Area Appraisal and Management Plan be supported;</b>
<b>(B)</b>	<b>the Head of Planning and Building Control, in consultation with the Executive Member for Planning and Growth, be authorised to make any further minor and consequential changes to the document which may be necessary; and</b>
<b>(C)</b>	<b>the Benington Conservation Area Appraisal and Management Plan be adopted.</b>

### 1.0 Background

- 1.1 East Herts has a rich environmental heritage which currently includes 42 Conservation Areas. The East Herts District Plan refers to the ongoing review of its

Conservation Areas, a requirement which is also set out in national legislation.

- 1.2 The review of the Benington Conservation Area is one of a series of reviews being undertaken and this is a recently completed one for consideration.
- 1.3 Each document identifies the special character of the respective Conservation Area together with the elements that should be retained or enhanced and those which detract from the identified character. Existing boundaries are reviewed and, where appropriate, practical enhancement proposals are suggested.
- 1.4 Once Members have considered each document and it has been adopted by the Council, it becomes a 'material consideration'<sup>1</sup> in the process of determining planning applications.

## 2.0 Report

### The Benington Conservation Area Appraisal and Management Plan

- 2.1 The Benington Conservation Area was first designated in 1968 and boundaries revised in 1981. This Appraisal document was completed in 2018 and went through a period of public consultation from 29 November 2018 to 24 January 2019. There was a public meeting held on 29 November 2018 at which about 20 persons attended. Following this meeting a revised copy of the comment form was delivered to those signing the attendance list due to an error relating to the contact details on the

---

<sup>1</sup> A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.



comment form that was available at the meeting. There was a further supplementary three week period of consultation which ended on 30 September 2019 concerning an additional conservation area boundary change relating to land to the rear of the school.

- 2.2 A summary of the representations received together with Officer responses is included at **Essential Reference Paper 'B'**. This document identifies the various issues raised and provides comments on them.
- 2.3 In total some 20 representations have been received which are included for information in **Essential Reference Paper 'C'**. These representations have been redacted to omit personal details. One late representation, received about three weeks beyond the closing date of the first consultation period, was not accepted.
- 2.4 *Conservation area boundaries:* The document considers the conservation area boundaries and proposes a number of alterations. These are set out in paragraphs 5.61 and 7.1 of the Appraisal document and shown on accompanying plans. In addition to several minor extensions there are three areas proposed to be excluded from the conservation area. These proposed excluded areas are (1) field to north of buildings at Benington Bury Farm; (2) an area of open land and associated buildings on the east side of Duck Lane and (3) following the further period of consultation: land and buildings to the rear of the school. The commentary relating to these representations is set out in **Essential Reference Paper 'B'**.
- 2.5 In summary, areas (1) and (2) are interpreted as being part of the wider landscape the inclusion of which is

contrary to current Historic England advice. They are also located within The Rural Area Beyond the Green Belt and thus protected by Adopted District Plan Policy GBR2. Additional paragraphs are now proposed at 5.45, 5.46 and 7.14. These additions should satisfy objectors concerned about the proposed exclusion of land east of Duck Lane.

- 2.6 The Appraisal document identifies the key environmental features and the manner in which they can be controlled. The most relevant ones are: Listed Buildings, Scheduled Ancient Monument and Areas of Archaeological Significance, other non-listed buildings worthy of protection, other distinctive features, important open spaces, historic gardens and trees.
- 2.7 *Listed buildings and structures in their curtilages:* These are protected by legislation and have been identified.
- 2.8 *Scheduled Ancient Monument and Areas of Archaeological Significance:* Benington Castle site is most important and of considerable historic and visual importance. Much of the conservation area is of archaeological significance.
- 2.9 *Non listed buildings of quality worthy of protection:* A small number have been so identified. Some non-listed residential buildings have architectural features of high quality whose formal protection could be achieved through the introduction of an Article 4 Direction.
- 2.10 *Other distinctive features worthy of protection:* Many have been identified. These include a number of walls, gate, street lamp, War Memorial and tombstones.
- 2.11 *Important open land and spaces:* These are the churchyard, Church Green/s, open area opposite Beech

House and land to the east of the Bell PH.

- 2.12 *Historic Park and Garden:* Benington Lordship; also garden at Bury Lodge Farm.
  - 2.13 *Trees:* Trees play a particularly important role in many locations.
  - 2.14 *Water Features.* Several are identified.
  - 2.15 *Enhancement proposals to deal with detracting elements:* Utility poles and overhead services identified. Other repair works with potential for grant assistance also identified.
  - 2.16 A copy of the Benington Conservation Area Appraisal and Management Plan together with accompanying plans is included at **Essential Reference Paper 'D'**. This is presented as it appeared at the consultation draft stage with any subsequent track changes to text and alterations to accompanying plans that incorporate any necessary changes. Important additional paragraphs are now also proposed underlining the protection afforded by the adopted District Plan at paragraphs 5.45, 5.46 and 7.14. Further minor changes will be incorporated reflecting the status of the final document once Members have considered it for adoption.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues associated with this report can be found within **Essential Reference Paper 'A'**. Included in this document is reference to a possible Judicial Review.

## Essential Reference Papers

- ERP 'A' Corporate Issues and Consultation
- ERP 'B' Summary of representations and Officer comments
- ERP 'C' Copies of submitted representations, redacted to omit personal details.
- ERP 'D' Benington Conservation Area Appraisal and Management Plan and accompanying plans; (Historic Plan; Character Analysis Plan/key; Management Plan/key)

Contact Member: Councillor Jan Goodeve - Executive Member for Planning and Growth  
[jan.goodeve@eastherts.gov.uk](mailto:jan.goodeve@eastherts.gov.uk)

Contact Officer: Sara Saunders – Head of Planning and Building Control  
[sara.saunders@eastherts.gov.uk](mailto:sara.saunders@eastherts.gov.uk)

Report Author: John Bosworth - Conservation Assistant  
[john.bosworth@eastherts.gov.uk](mailto:john.bosworth@eastherts.gov.uk)

## **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.
Consultation:	Undertaken with residents and local stakeholders and summarised in Essential Reference Paper 'B'.
Legal:	Preparation of the Appraisal fulfils statutory requirements.
Financial:	Costs associated with the preparation of the Appraisal are met from within existing staffing and operational budgets.  The Appraisal suggests works and actions which could be undertaken to enhance the character and appearance of the conservation area which would generally be the responsibility of individual owners. Other actions such as the possible introduction of an Article 4 Direction might result in additional cost. Any grant assistance for historic buildings may be sought from existing resources.
Human Resource:	No additional staffing implications.
Risk Management:	No significant risk issues.

Health and Wellbeing – issues and impacts:	The Appraisal seeks to protect and secure the character of the area.
Environmental Sustainability:	One of the key objectives of the District Plan is to deliver sustainable development. The Conservation Area Appraisal safeguards the area’s special architectural or historic character.

## Essential Reference Paper 'B'

Issue	Representations made	Officer comment
<b>General background</b>		There were two periods of consultation. The principal one 29 Nov. 2018-24 Jan. 2019 was followed by a three week consultation period ending on 30 Sept. 2019. The latter related to a boundary change to the rear of the school excluding a small area of land and buildings where the existing boundary was considered arbitrary.
<b>Representations by the Parish Council (PC).</b>	<p>The PC considers that all of the grounds of Benington School should be incorporated in the conservation area. The PC is also concerned at the proposal to exclude land to the east of Duck Lane being aware of resident concerns to protect its special rural character.</p> <p>The PC provides a plan which identifies their suggested CA boundary which includes the entirety of the school grounds and the area to the east of Duck Lane proposed for exclusion.</p> <p>In respect of the second consultation the PC raised no objections to the proposed exclusion.</p>	<p>This is an issue raised by others and considered collectively below. As the boundary is currently drawn part of the school site is within the CA whilst most of the more open grassed area lies beyond the CA.</p> <p>See Appendix 1.</p> <p>This is also an issue raised by others and considered collectively below.</p>
<b>Include all of the grounds of Benington School within the conservation area (CA).</b>	The comments received are of a general nature including those of the PC set out above. Other paraphrased examples include <i>have been playing fields for a long time; odd to include only part of them; playing fields should be considered for</i>	General description. The original historic school building fronting Walkern Road is of quality and has been so identified. To the rear there are more recent extensions of brick construction. Beyond are two additional buildings of a less permanent nature with hard surface, various small storage units and other items (Picture 1). To the rear of Benington Nursery there is a play area (Picture 4). These

**Following further consultation exclude an area of land from conservation area to rear of school.**



**Picture 1** Hard surface and ancillary school buildings of very limited architectural or historic quality behind main school building, currently within the CA.



**Picture 2.** Grounds with some play equipment, looking towards Duck Lane, beyond the CA.



**Picture 3.** Grounds looking towards school complex from Duck Lane, beyond the CA.

*protection being quite vulnerable because they back onto Duck Lane; boundary not clear; retain all grounds of Benington School; why are they not considered an open space worthy of being protected.*

One representation supports the Nursery building remaining in the CA because it is considered that development needs to be strictly controlled.

In relation to the second consultation the School Council object to the main part of the grounds being included in the CA because they consider it may prevent the establishment of an all-weather playing surface.

Similarly in relation to the second consultation correspondence on behalf of the School Governors seek flexibility in their aspiration to develop the grounds and feel that any CA boundary alterations should not affect replacing temporary classrooms; does not restrict replacing part of the playing field with an all-weather surface; does not limit provision of temporary structures such as play equipment; does not place unrealistic restrictions on type of materials.

areas are currently within the CA.

The grounds of Benington School extend to Duck Lane and are enclosed by boundary hedging/trees. Much is open and grassed with some play equipment (Pictures 2 and 3). Most of the grassed area is not within the CA.

It is accepted that the current CA boundary is arbitrary, a fact referred to at the public meeting and during consultation. Officers have reviewed this boundary issue in detail following a site visit in the summer holiday period of 2019.

Control offered by Adopted Policy HA4 (Conservation Areas) is similar to land within or beyond a CA but affecting its setting.

General protection: protection is afforded to the school grounds for their continued use, being for the most part protected by approved District Plan Policy CFLR1 Open Space, Sport and Recreation. Part VI of that policy essentially states that the loss of such land will normally be refused, subject to caveats.

Should the school wish to provide additional recreational facilities such as an all-weather surface referred to in representations requiring planning permission Adopted District Plan Policy HA4 might be relevant. This advises new development which preserves or enhances the special interest will be permitted both within a CA or on land beyond which affects its setting.

It is accepted that a key objective of the school is to provide high quality educational facilities with associated sports grounds and their representation for flexibility is understood.

To date no application for an all-





Picture 4. Play area and equipment at NW of site to rear of Benington Nursery, currently within the CA.

Part of the grounds being a school nature area is highlighted.

With regard to the proposed exclusion of land and buildings to r/o the school, other representations draw attention to the quality of some trees in this location and suggest that some should be made subject to Tree Preservation Orders.

weather surface has been received and so there are no details concerning its location, potential layout, design or size. Any impact in relation to the adjoining conservation area will be taken into account at that time.

The playing fields are not considered vulnerable to other unrelated development (if that is the fear) because they are already protected by Adopted District Plan Policy CLFR 1 which identifies them as an open space worthy of protection for playing field purposes.

It is indeed odd (as one representation noted) to have included only part of the playing field and Officers preferred solution has been to propose redrawing the boundary to exclude the temporary buildings etc. which are of no architectural or historic interest.

It is accepted that the removal of CA status does remove the limited protection such designation provides in relation to trees and satellite information shows some trees would be beyond the proposed redrawn boundary.

Land Registry records shows most land associated with the playing fields is owned by Herts CC whilst a smaller area more associated with school buildings is owned by the Diocese of St Albans. The Council's Arboricultural Officer advises that in 2018 works to a prominent Oak tree were the subject of a formal application/notification supported by a professional report. Planning Practice Guidance advises that it is *unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management* (ID 36-010-20140306).

Officers have not subsequently made a

		<p>detailed site survey of any trees potentially affected but note that should any planning application be submitted any issues relating to trees can be properly assessed at that time and if necessary the option of applying TPO's or making them subject to planning condition could be more properly explored.</p> <p>Conclusion.</p> <ol style="list-style-type: none"> <li>1. It is accepted that the current conservation area boundary to the r/o the school is arbitrary.</li> <li>2. The historic building fronting Walkern Road and attached buildings should remain in the CA.</li> <li>3. It is appropriate to remove the Nursery and adjacent building, nearby play areas and hard surfaces from the CA.</li> <li>4. It is considered no case has been presented to extend the CA to include the remainder of the playing field particularly as the continued use of the land for appropriate sport and recreation is protected by District Plan Policy CFLR1. The site is not as visually important in relation to the community and CA as other open spaces so identified.</li> <li>5. The quality of any appropriate sports related development proposal will be judged in detail at planning application stage when any issues relating impact on the CA or to landscaping and retention of trees can be properly assessed.</li> </ol>
<p><b>Two areas of countryside proposed for removal from the CA.</b></p> <p><b>Land proposed for removal on the east side of Duck Lane.</b></p>	<p>One representation agrees with the removal of both areas.</p> <p>Other representations are opposed to the removal of land east side of Duck Lane.</p> <p>One representation advises that they</p>	<p>Noted.</p> <p>Duck Lane north of the stables is shown on HCC mapping as a byway open to all traffic. It appears to be well used and is bordered by mature trees.</p> <p>Noted.</p>



Picture 5. Looking across the northern part of the site. Land is interpreted as forming part of the wider landscape and is protected as a valued countryside resource by Adopted Plan Policy GBR2.

reserve rights *'in relation to an application for judicial review of any decision to remove Conservation Area status'*.

A representation considers that although the stables are unsightly, Duck Lane is well used and advises *'No one would like to see the ancient meadows built on'*.

A representation advises the lane is ancient and largely untouched by development, bordered by mature trees and untouched fields. This representation considers that removal of CA status would be threatened *'not just the views from it but also its peace and solitude'*.

In similar vein others considers it as *'a popular area of particular and rare beauty...'*

The owners of the land advocate its retention within the CA.


It is a common misconception that conservation area status limits development. However National Planning Policy advises there should be a positive strategy for conserving the historic environment and that account should take of the desirability of new development making a positive contribution.

The area is interpreted as forming part of the wider landscape. See Picture 5. Historic England advises that *'Conservation area designation is not generally an appropriate means of protecting the wider landscape...'* (Para 73, 2019 Conservation Area Appraisal, Designation and Management).

The same Historic England document also advises in relation to determining CA boundaries to take into account whether or not the setting of the CA is sufficiently protected by national or local policies (Para 75 of above document).

The area proposed for exclusion is adequately protected by adopted District Plan Policy GBR2 Rural Area Beyond the Green Belt and as such protected as a valued countryside resource. Any fear the lane will be engulfed by significant development is most improbable, especially in the current plan period until 2033.

The principle advantage of retaining CA status would be to provide a limited period of protection for trees in this location. A selection could be considered for future Tree Preservation Orders if ever considered to be under

		<p>threat.</p> <p>Conclusion. This land is appropriately considered to be part of the wider landscape and that it is adequately protected by District Plan Policy as a valued countryside resource.</p> <p>Additional text has been proposed for inclusion in the Benington Conservation Appraisal and Management Plan document to reflect the protection afforded by the adopted District Plan. See paragraphs 5.45, 5.46 and 7.14.</p>
<b><u>Important open spaces to be protected.</u></b>	Agree with those so identified. Consider they should <i>remain open and undeveloped.</i>	Noted.
<b><u>Protected views.</u></b>	Agree with proposals, particularly that appertaining to looking across protected open space east side of Duck Lane.	Noted.
<b><u>Unlisted buildings to be protected from demolition.</u></b>	A representation was made in respect of 2 Walkern Road.	This building was not so identified in the original document. The general form of the historic part of the building is pleasing but later additions detract from the original form. On balance it is considered not to make a sufficiently important architectural or historic contribution to be so identified. The owner supplied photos which can be viewed in Essential Reference Paper 'C'.
<b><u>Exclude wooded area to rear of Town Lane from CA.</u></b> 	The representation considers the area to be untidy with smallish unkempt trees, largely invisible from view. It could ' <i>provide useful infill land in the future for badly needed housing in the village.</i> '	<p>The area contributes to the general quality of the conservation area. It is considered that the mass of the woodland is a visually pleasing feature that has positive environmental relationship with historic buildings and the open space south east of Beech House. There are a number of mature trees. See Picture 6.</p> <p>The area lies within and protected by Adopted District Plan Policy GBR2 Rural Area Beyond the Green Belt.</p>
<p>Picture 6. The wooded area viewed from 'protected' open space south east of Beech House. A combination of historic buildings open space of quality and woodland trees makes a positive contribution to the conservation area in this location.</p>		

<p><b><u>Other trees (see above in relation to issues raised concerning trees to rear of School site).</u></b></p>	<p>A representation made the general point about protecting the important trees in the community. Raised the issue as to whether or not Tree Preservation Orders (TPO) would be necessary.</p> <p>Another representation considered the Willow tree near central pond Duck Lane/Walkern Road should be made subject to a Tree Preservation Order.</p>	<p>Some protection is afforded to trees in the CA because the legislation requires that works to trees in CA's have to be notified to the District Council who then has the opportunity to make them subject to a TPO within a specified time period.</p> <p>There is no urgency as the tree is within the CA and as such any works to it would have to be notified to the District Council. See above.</p>
--	---	---

For Appendix 1, please refer to next page.

Appendix 1 - Map supplied by PC showing their proposed CA boundary (annotated *Benington PC proposed Conservation area boundary in blue*).



## **Essential Paper C. Representations redacted.**

From both original consultation and further consultation periods.

## John Bosworth

---

**From:**  
**Sent:** 30 November 2018 10:53  
**To:** John Bosworth  
**Subject:** Fw: Benington Conservation Area Comment

**From:**  
**Sent:** Friday, 30 November, 2018 10:47 AM  
**To:** [JohnBosworth@eastherts.gov.uk](mailto:JohnBosworth@eastherts.gov.uk)  
**Subject:** Benington Conservation Area Comment

Dear Mr Bosworth

Thank you for your presentation in the village hall in Benington. It was very interesting, informative, and very good to hear positive things about the village. I have a few comments on the Draft Conservation Area Appraisal and Management Plan:

- The Important Open Areas to be Protected - the areas in Green on Plan 3 Management plan. I totally agree that these areas should be protected, and am very keen for this to be put in place. I would hope that these areas remain open and undeveloped, and agree that the conservation area will benefit by having these areas protected. It is important to retain the openness that these areas create, we all will benefit by keeping these area open, and I am very pleased that you have put this into the Management Plan, and support this plan.
- The areas in pink – OUT on the Plan 2 – Character Analysis, I agree that these are good to take out of the Conservation area, and agree with it.
- At the meeting someone talked about changing the red line of the conservation boundary area to include the whole of the school playing field. I agree that it would be a good idea to include it if it were possible, because it has been the school playing field for a long time, and would be odd to only include half of it. So if it is possible it would be good to include the whole playing field
- The items marked D in Plan 2, I would support the removal of poles or things that you think are detrimental to the Conservation area.

So I agree with all your proposals, and am very grateful that you have taken such an interest in our village, and am pleased that this is moving forward. So thank you very much for all of your time and thought for Benington .

With Best wishes



## John Bosworth

---

**From:**  
**Sent:** 24 January 2019 18:14  
**To:** John Bosworth  
**Subject:** Benington conservation area

Dear John ,

Further to our email of yesterday we wish to add our voice to that of the Parish Council regarding their concern over the removal of our land adjoining Duck Lane from the conservation area. We would wholly support their wish for it to remain in the conservation area.

Best wishes

## John Bosworth

---

**From:**  
**Sent:** 23 January 2019 19:39  
**To:** John Bosworth  
**Subject:** Benington Conservation Area Appraisal

Dear John,

We write to express our wholehearted support for the proposed Conservation Area Appraisal. We are particularly supportive of the protected views in the village and especially the one looking across the grassland from Beech House in Duck Lane.

Benington is essentially a rural village and the conservation area plays a vital role in maintaining that important and historical character.

Yours sincerely,

---

**From:**  
**Sent:** 24 January 2019 19:45  
**To:** John Bosworth  
**Subject:** Benington Conservation Area

Dear Mr Bosworth

I write in relation to the Benington Conservation Area Appraisal and in particular the proposal to exclude the area of land including ménage and associated buildings on the east side of Duck Lane, north-east of Beech House from the Conservation Area.

I am strongly opposed to that proposal. I live at the far end of Duck Lane at a house called The Orchards. Duck Lane is an ancient lane, largely untouched by development and bordered on both side by mature trees and for the most part untouched fields. It is one of the oldest lanes in the village. I believe it would be a great shame if the land to the east of this historic way were to lose its conservation status. The lane's entire character would be threatened - not just the views from it but also its peace and solitude.

I would be grateful if my views could be taken into account. Please note all rights are reserved in relation to an application for judicial review of any decision to remove Conservation Area status.

Yours sincerely

## John Bosworth

---

**From:**  
**Sent:** 24 January 2019 16:50  
**To:** John Bosworth  
**Subject:** Benington Conservation Area Appraisal Comments

Dear John

We support the suggestion put forward at the Public Meeting on 29 November that all the grounds of Benington School are included in the Conservation Area.

However, we do not agree with the proposal to exclude the area of land including the ménage and associated buildings on the east side of Duck Lane, north-east of Beech House from the Conservation Area. Duck Lane and its environs is a popular area of particular and rare beauty appreciated by residents and visitors to the village at all times of the year. As such we feel it should be afforded all possible protection for future generations.

Kind regards

## John Bosworth

---

**From:**  
**Sent:** 04 December 2018 13:02  
**To:** John Bosworth  
**Subject:** Benington Conservation Appraisal

Dear John,

A parishoner has queried why the school playing field does not come within the conservation area or is not considered an 'important open space to be protected'

I also think the playing field should be considered for protection, being quite vulnerable as it backs onto Duck Lane.

I'd be interested to hear your thoughts on this matter.

Kind regards,

--

---



## John Bosworth

---

**From:**  
**Sent:** 24 January 2019 19:47  
**To:** John Bosworth  
**Subject:** Benington Conservation

I object to the proposed Duck Lane OUT area shown in Plan 2  
The school playground East and South East boundaries are incorrect.  
Duck Lane is the SE limit and not the hedge shown in Plan 1 (it was removed many years ago.)  
The playground covers the words " Benington Map 2  
Church of England " to the North  
and follows the newer hedge SE to the Lane -  
If the OUT goes only one side of the Lane will be Conserved.  
The Lane is regularly used by dog walkers, joggers, walking groups, bikers, lovers and people waiting for  
the pub to open.  
It is listed in various guides for walkers.  
No one I have spoken to would like to see the ancient meadows built on.  
The stables are unsightly but could be screened or painted a better colour.  
Allowing houses to be built further on would destroy the bird song and make the lane like any other village  
street.



# Benington Conservation Area

## Draft Conservation Area Appraisal and Management Plan Comment Form

Your comments are sought on the Draft Benington Conservation Area Appraisal and Management Plan. These should be made in writing and either sent or emailed to the address below by 24 January 2019. Alternatively you can leave this form tonight. Any comments submitted will be publically available but will exclude personal details. To comply with data protection legislation the Local Planning Authority will delete all personally identifiable information we gather as part of this consultation process within six months of the adoption of the appraisal. If you wish to discuss the document further please contact the Conservation Team on the number below.

<b>Name :</b>
<b>Address:</b>
<b>Telephone No:</b>
<b>Email:</b>
<b>Comments:</b> The boundary is not clear in the s droot area. It follows the line of a hedge which was removed 10 years ago. The playing field extends to Duck Lane The N. Boundary is the hedge.

### Our Contact Details:

**Website:** [www.eastherts.gov.uk](http://www.eastherts.gov.uk)  
**Email:** [John.Bosworth@eastherts.gov.uk](mailto:John.Bosworth@eastherts.gov.uk)  
**Phone:** 01279 655 261  
and ask for the Conservation Officer

East Herts District Council  
Wallfields, Pegs Lane  
Hertford, SG13 8ag 87

## John Bosworth

---

**From:**  
**Sent:** 24 January 2019 16:49  
**To:** John Bosworth  
**Subject:** Benington Conservation Area Appraisal  
**Attachments:** Benington conservation area line - BM.pdf

Dear John

Benington Parish Council wishes to support the suggestion made at the Benington Conservation Area Appraisal Public Meeting on 29 November 2018 that all Benington Church of England Primary School grounds be included in the Benington Conservation Area (currently the Conservation Area boundary cuts through the school grounds). Further, Benington Parish Council is concerned at the proposal to exclude an area of land including ménage and associated buildings on the east side of Duck Lane, north-east of Beech House from the Conservation Area. Benington Parish Council is also aware of concerns from residents to protect the special rural character of this area in Duck Lane.

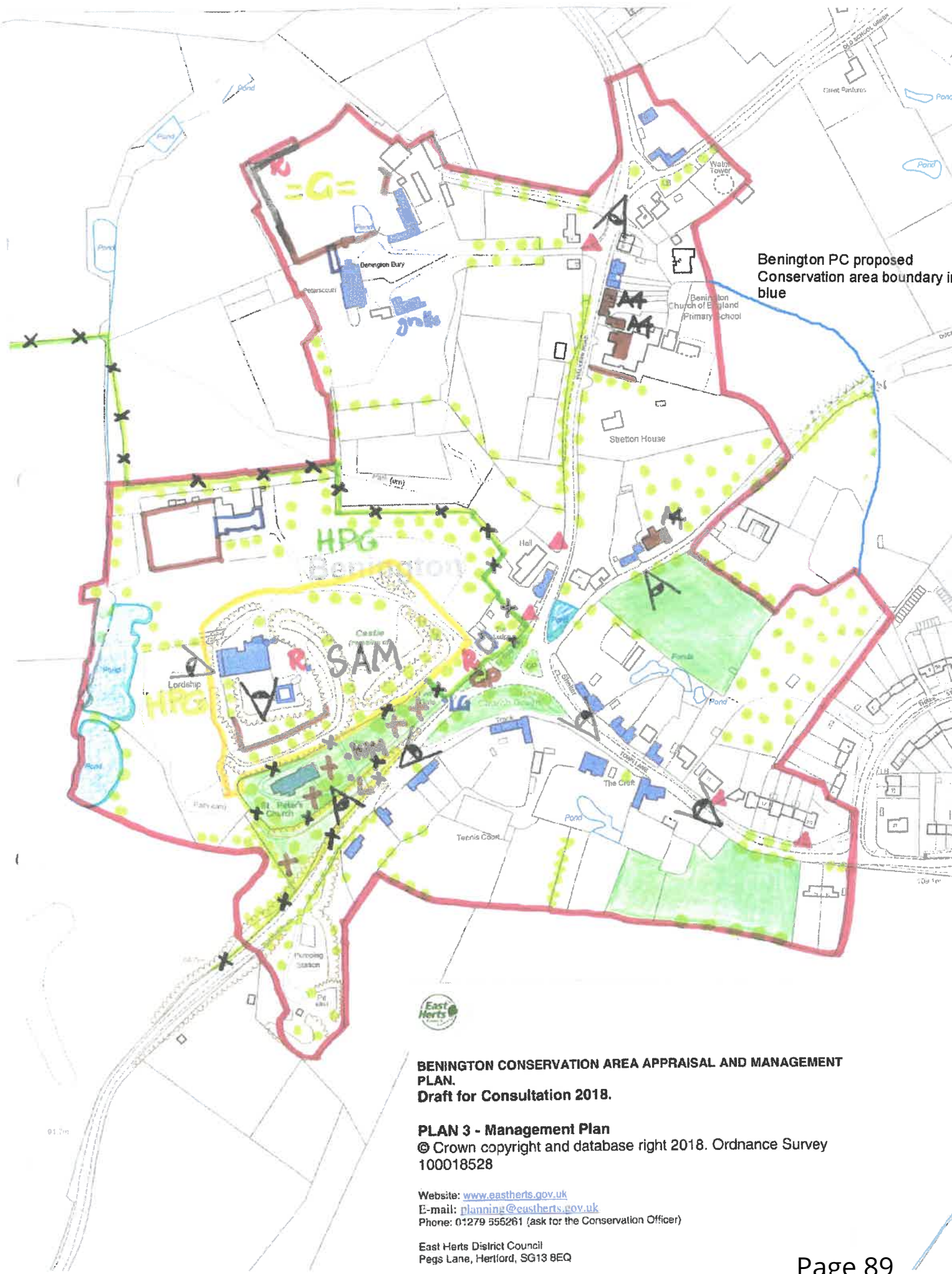
I attach a pdf document showing a suggested revised boundary line to retain the land including the ménage and associated buildings, and all the school grounds in the Conservation Area.

Kind regards

Clerk to Benington Parish Council

Email:





Benington PC proposed Conservation area boundary in blue

**BENINGTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.**  
**Draft for Consultation 2018.**

**PLAN 3 - Management Plan**  
 © Crown copyright and database right 2018. Ordnance Survey 100018528

Website: [www.eastherts.gov.uk](http://www.eastherts.gov.uk)  
 E-mail: [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)  
 Phone: 01279 355261 (ask for the Conservation Officer)

East Herts District Council  
 Pegs Lane, Hertford, SG13 8EQ

# Benington Conservation Area

## Draft Conservation Area Appraisal and Management Plan Comment Form

Your comments are sought on the Draft Benington Conservation Area Appraisal and Management Plan. These should be made in writing and either sent or emailed to the address below by 24 January 2019. Alternatively you can leave this form tonight. Any comments submitted will be publically available but will exclude personal details. To comply with data protection legislation the Local Planning Authority will delete all personally identifiable information we gather as part of this consultation process within six months of the adoption of the appraisal. If you wish to discuss the document further please contact the Conservation Team on the number below.

Name :

Address:

Telephone No:

Email:

Comments:

I think the wooded area behind No 13 Town Lane should not be included in the conservation area. It is an untidy area of smallish unkempt trees not visible from any area apart from the back gardens of houses in Three styles and could provide useful infill land in the future for badly needed housing in the village.

Our Contact Details:

Website: [www.eastherts.gov.uk](http://www.eastherts.gov.uk)

Email: [John.Bosworth@eastherts.gov.uk](mailto:John.Bosworth@eastherts.gov.uk)

Phone: 01279 655 261

and ask for the Conservation Officer

East Herts District Council  
Wallfields, Pegs Lane  
Hertford, SG13 8EQ

## John Bosworth

---

**From:**  
**Sent:** 24 January 2019 16:22  
**To:** John Bosworth  
**Subject:** Benington Conservation area ....

Hi John,

Hope you're well.

I believe we're on the last day regarding feedback on the Benington Conservation area.

I just wanted to remind you about my previous note to you - copied below - as I mentioned, you're welcome to come and look at the house if you need .....

Additionally, I wanted to add that I think it would be better to keep both the land north-east of Beech House - including the menage and outbuildings and *all* the grounds at Benington Primary School within the boundary of the Conservation area. This would certainly add to and secure the ongoing protection to the views and heritage of the historic Conservation area.

Thank you John for your time in this matter. I look forward to seeing the final proposals for this and, as I said, you're most welcome to visit the house if you need - just let me know.

Kind regards

P.T.O.



Hi John,

Good to meet you last week and thank you for kindly explaining the Conservation plans for Benington. ( I've re-sent this as I had the incorrect email address for you - I hope this now reaches you )

As I mentioned, I think it might be worth considering adding our property onto the list to make sure this cannot be knocked down / re-developed at any stage in the future.

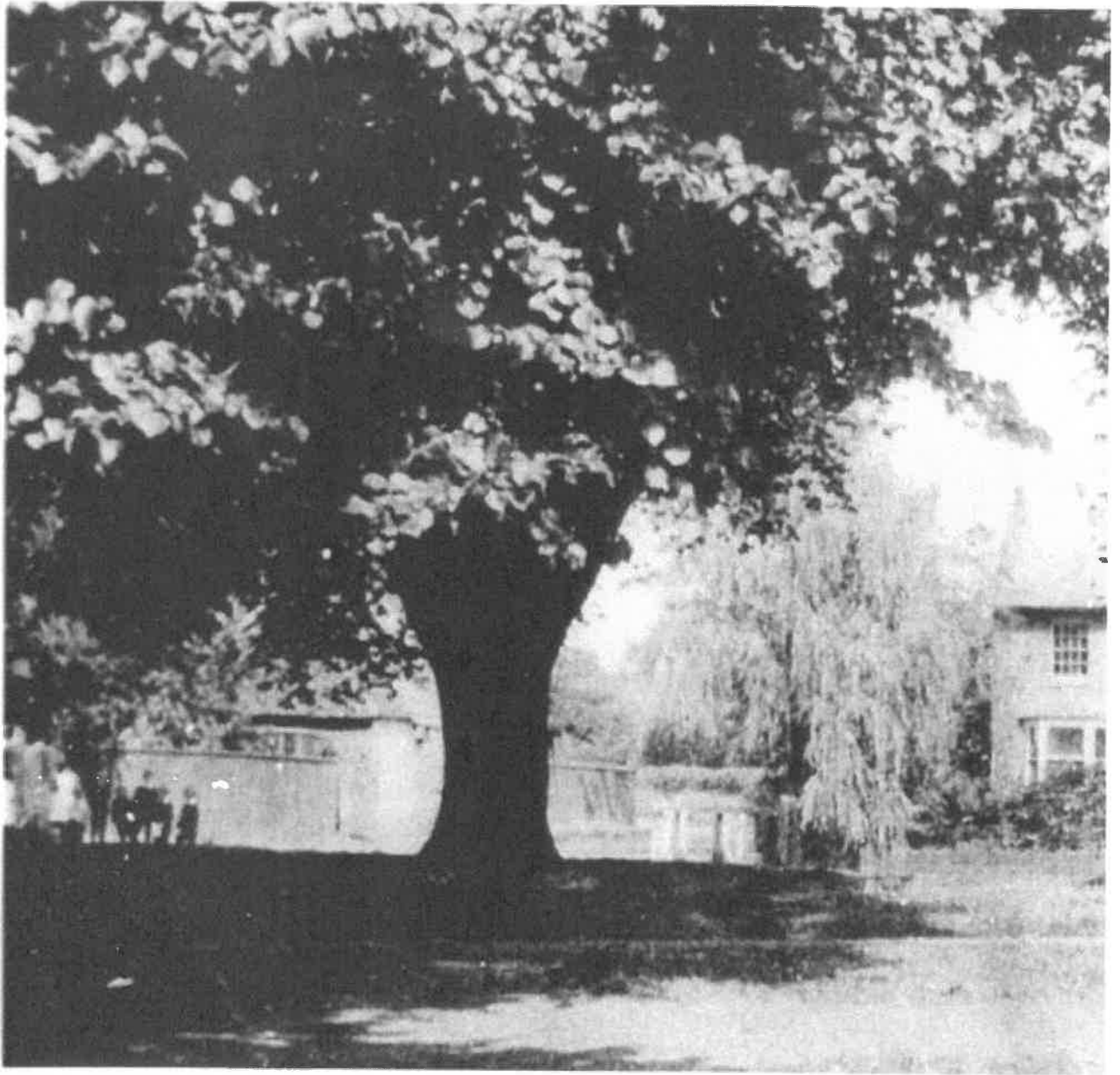
You will see from the historical images below that the house is very much at the centre of the village - right behind the village pond and dates back to around 1760 - Georgian - for the main house - which was extended / added to 100 years later ...existing stables were also turned into living accommodation....I believe it has been called various house names over the years and was once referred to as The Cottage - see image below - more recently it was called The Old Rectory even though it was actually never a rectory itself. We have re-named it back to Benington Cottage to be more in keeping with its previous title.

Additionally, I would suggest that the willow tree which sits to the back of the pond ( not on our land ) should have a TPO assigned to it as this has also been very much been part of the village view as you can also see from the photographs.

I hope all this helps.

If you would like to visit the house at some stage, please let me know

Kind regards



P10

The house as it looks today .....



---

**From:**  
**Sent:** 07 December 2018 11:13  
**To:** John Bosworth  
**Subject:**

Hi John,

Good to meet you last week and thank you for kindly explaining the Conservation plans for Benington. ( I've re-sent this as I had the incorrect email address for you - I hope this now reaches you )

As I mentioned, I think it might be worth considering adding our property onto the list to make sure this cannot be knocked down / re-developed at any stage in the future.

You will see from the historical images below that the house is very much at the centre of the village - right behind the village pond and dates back to around 1760 - Georgian - for the main house - which was extended / added to 100 years later ...existing stables were also turned into living accommodation....I believe it has been called various house names over the years and was once referred to as The Cottage - see image below - more recently it was called The Old Rectory even though it was actually never a rectory itself. We have re-named it back to Benington Cottage to be more in keeping with its previous title.

Additionally, I would suggest that the willow tree which sits to the back of the pond ( not on our land ) should have a TPO assigned to it as this has also been very much been part of the village view as you can also see from the photographs.

I hope all this helps.

If you would like to visit the house at some stage, please let me know -

Kind regards

The house as it looks today .....





## John Bosworth

---

**From:**  
**Sent:** 04 December 2018 11:13  
**To:** John Bosworth  
**Subject:** Benington Conservation Area Appraisal public meeting

Dear John,

Sorry I missed you yesterday.  
Thank you for following up.

Herewith my comments :

" Trees surely form an important element of the "Conservation landscape"

In Benington - particularly on the Village Green and in the churchyard - they are an integral part of the Conservation area.

Are they adequately protected as part of the Conservation area or should TPOs be considered ?

As a general rule the Conservation team should be liaising with the TPO team - in the interests of joined up government - to regularly assess the need to protect trees - throughout the District".

Best wishes

## John Bosworth

---

**From:**  
**Sent:** 27 September 2019 14:11  
**To:**  
**Subject:** [External] Benington school  
**Attachments:** school council letter.docx; ATT00001.htm

Dear Mr Bosworth,

Attached is a letter written by our school council. We really don't want our school field to be made a conservation area as then it prevents us from putting in an extra all weather playing surface. We have already put money aside for this project:

We already have trees which are protected and a wildlife area, and this project will not affect the village at all. We hope that you will allow our school to remain as it is when you look at making changes to conservation areas in Benington.

Thank you for reading,

Dear Herts. Council,

We feel that you should not turn our school field into a conservation area because we want to put down an astro-turf so that we will have a bit of the field all year round to use. This is as we get quite squashed on the playground in winter when we are not allowed on the field.

It will not affect the view of the wildlife as it will be a flat surface to use. It will not be obstructing the trees that we have because we will not build it near the conserved trees.

It will not help if you turn our field into a conservation area because our school will not be able to adapt and change to help everyone and it will make our school less fun to come to every day if we will not get new things to play on. We will be really sad if we will not be able to get the astro-turf that we would like. We have been saving up for a long time.

Kind regards,

Benington School Council

Signed,



Us with no new playground



Us if you say yes

## John Bosworth

---

**From:**  
**Sent:** 29 September 2019 14:13  
**To:** John Bosworth  
**Subject:** [External] Benington Conservation Area Appraisal

I have received the leaflet regarding the further consultation on the above and inviting comments.

At the meeting in November 2018, my interpretation of the comments made were whether the rest of the school grounds should be INCLUDED in the conservation area.

However, if that is not felt appropriate, then I would strongly suggest that Tree Preservation Orders be placed on the mature and semi-mature trees currently within the conservation area.

The mature oak is of considerable age and is already under severe pressure from the use of the Nursery in that area. The lime tree is also of a good age and there are three semi-mature oaks as well.

One mature ash has recently been pollarded due to a fungal attack, and I believe will probably be removed completely at some time.



Virus-free. [www.avast.com](http://www.avast.com)

## John Bosworth

---

**From:** Clerk Benington Parish Council  
**Sent:** 30 September 2019 10:18  
**To:** John Bosworth  
**Subject:** [External] RE: Supplementary planning consultation additional small area proposed to be excluded from the conservation area to rear of school

Dear John

Benington Parish Council has no objection to the proposed new and additional change to the conservation area boundary.

Kind regards

Clerk to Benington Parish Council

Email: [\[redacted\]](#)

## John Bosworth

---

**From:**  
**Sent:** 10 September 2019 16:33  
**To:** John Bosworth  
**Subject:** [EXTERNAL] Benington Conservation Area Appraisal

Dear John,

My views re. the Conservation Area Appraisal are that the original suggestion was to **extend** the conservation area to include all the school field and this would be my preferred option. (Rather than have the boundary cut through the middle of the field.)

However, if the proposal is to **diminish** the conservation area by excluding more of the school grounds, then tree preservation orders should be placed on the ancient oak tree, the lime tree, the ash tree and any other mature trees that grow within the new proposed conservation boundary.

Kind Regards,

---



## John Bosworth

---

**From:**  
**Sent:** 30 September 2019 08:13  
**To:** John Bosworth  
**Cc:**  
**Subject:** [External] View of Governors of Benington Primary in relation to Conservation Area

Dear John

I have been asked on behalf of the Governors of Benington Primary School to express our views regarding the proposed boundary changes. We have discussed the matter at our most recent board meeting (Thursday night) as obviously we were closed over the summer break.

None of the existing board can claim to have much of an understanding of land classification but it is our responsibility to ensure that the school is protected now and in the future, to enable us to provide the best possible start both educationally and in general well being for the children of Benington village and the surrounding area.

As such it is important that we have the flexibility to develop the grounds we are provided with, whilst maintaining the character of the village we stand in to meet those needs. Therefore it is our view that we will accept and support any change to the conservation area that is put forward on the conditions as listed below:

Any change does not limit the ability to potentially replace existing temporary classrooms either with a further temporary structure or permanent building for educational purposes.

Any change does not restrict the ability to replace part of the playing field with a new all weather surface to improve the physical well being of pupils. The current playground is not really big enough in winter months and limits the physical education curriculum. The School is currently trying to raise funds for a new all weather pitch to be situated within the open space to the left of the school when viewed from the front. There is concern that if a large amount of the playing field is included in the conservation area this could affect any planning application made for the new surface.

Any change does not limit the opportunity to apply for construction of other temporary structures within the school grounds (play equipment, outdoor learning facilities). It is proved that many children will engage better in education when stimulated outside the classroom. Our location gives us many opportunities to do this and we intend to build on those opportunities in the future.

Any changes to the scope of the conservation area to include further parts up to the school boundary should no result in the placement of any unrealistic restrictions on the materials to be used in the construction of any surface, building or building extension that may be required to enhance educational provision in the future. To do so may put these requirements outside of the schools ability to procure the required materials by the way of cost, or availability which would hinder and degrade the level of education provided to pupils in the future.

Should any of these requests not be met by the changes in the East Herts conservation area plan then I am afraid, as a school we cannot support those changes.

The Pupils, Staff, Governors and Parents of Benington School are committed to maintaining and conserving the environment in which we are fortunate enough to be located. The far rear of the school grounds is already a dedicated nature and conservation area. Improvements are funded by the PTA and maintenance carried out by volunteers.

Should you wish to discuss further then please feel free to contact me.



16<sup>th</sup> September 2019

For the attention of: -  
The Conservations Officer John Bosworth

Dear Sir

I write in response to the Berrington Conservation Area Appraisal regarding the school site namely the Berrington Nursery, which is now being proposed to be removed from the Conservation area.

My preference would be to extend & include the Berrington Nursery well within the Conservation area boundary.

My understanding this was the original plan, puzzle why this has not been adopted.

If this is not possible would well to see control in place to ensure any future development is strictly controlled and all the trees nearby are fully protected, which is always a great concern.

Would add have wanted the Berrington Nursery develop over the years (as just over my garden fence) into something very special and would well for it to continue.

Yours sincerely

This page is intentionally left blank



## BENINGTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

DRAFT FOR CONSULTATION 2018

Consultation period 29 November 2018 - 24 January 2019. Further consultation 9 September -30 September 2019, land and buildings rear of School.



Some fine detail of the interior of St. Peter's church. Top, delicate old wall paintings; middle, tomb and effigies of members of the Benstede family; bottom, long solid wooden plank pew seat (some pews date from the 15th century).

East Herts District Council, Pegs Lane, Hertford, SG13 8EQ

## CONTENTS

	Paragraphs	Pages
1. Introduction.	1.1- 1.11	1- 3
2. Legal and Policy framework.	2.1- 2.17 <del>6</del>	3- 6
3. Origins and historic development.	3.1- 3.14	<del>6-97-10</del>
4. Environmental Designations and criteria used to identify other important environmental features.	4.1- 4.15	10- 13
5. Character Analysis.	5.1- 5.6 <del>13</del>	13- <del>379</del>
6. Overall summary.	6.1-6.5	<del>379-40</del>
7. Management Proposals.	7.1-7.1 <del>68</del>	<del>38-4140-</del>
EHDC Contact details.	7. 3	<del>38—41</del>
Schedule of Enhancement proposals	7.1 <del>68</del>	<del>40-4143-</del>
Plan 1 - Existing conservation area on historic map dating from 1874-1894.		
Plan 2 – Character Analysis Plan.		
Plan 3 – Management Plan.		

# BENINGTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

## DRAFT FOR CONSULTATION

2018

This document has been produced by officers of East Hertfordshire District Council to assess the current condition of the Benington Conservation Area, to identify where improvements can be made and to advise of any boundary changes that are appropriate. The document is in draft form and will be subject to public consultation and agreement by District Council Members.

The content of Appraisals written from 2016 which include this paragraph may differ from predecessor documents. Selected revisions have been incorporated to reflect content and policies set out in the District Plan which was adopted on 23<sup>rd</sup> October 2018, changes to legislation, ~~the emerging District Plan~~, nomenclature, consolidation, and other improvements resulting from experience gained to date. This process is ongoing.

The document will be subject to public consultation a process that will be advertised separately. Any comments received (omitting personal details) will be available for public inspection. To comply with data protection legislation the local planning authority will destroy such personal details provided within six months of adoption of the appraisal.

### 1. INTRODUCTION.

1.1. The historic environment cannot be replaced and is a resource that is both fragile and finite. Particularly in an age when society and its needs change with rapidity, the various historic and architectural elements of conservation areas can be perceived to interact in a complex manner and create a 'unique sense of place' that is appreciated by those lucky enough to reside in such special places and the many interested persons who appreciate and visit them.

1.2. East Hertfordshire District has a particularly rich and vibrant built heritage, currently featuring 42 conservation areas and approximately 4,000 fine listed buildings displaying a variety of styles representative of the best of architectural and historic designs from many centuries. Generally and very importantly the clear distinction between built form and open countryside has been maintained.

1.3. The District is situated in an economically buoyant region where an attractive environment, employment opportunities and excellent transport links, road rail and air, make it a popular destination to live and work. In

addition to London a short commuting distance away, the District is influenced by other factors beyond its administrative area, such as Stansted Airport and the towns of Harlow, Stevenage, Royston and Cambridge. With such dynamics it is inevitable that the historic environment will be subject to pressures which emphasize the need to protect it.

1.4. The ~~East Hertfordshire Local Plan Second Review, previous Local Plan adopted in April 2007, adopted in April 2007,~~ recognises these facts and committed the Council to review its Conservation Areas and their boundaries, a process which is now nearing completion. The production of this document is part of this process. The replacement District Plan which was adopted on 23<sup>rd</sup> October 2018 contains the current policies affecting conservation areas.

1.5. Conservation areas are environments which are considered worthy of protection as a result of a combination of factors such as the quality of design and setting of the buildings or their historic significance. In addition to the individual qualities of the buildings themselves, there are other factors such as the relationships of the buildings with each other, the quality of the spaces between them and the vistas and views that unite or disrupt them. The relationship with adjoining areas and landscape, the quality of trees, boundary treatments, advertisements, road signage, street furniture and hard surfaces, are also important features which can add to or detract from the conservation area.

1.6. This Appraisal recognises the importance of these factors and will consider them carefully. Once approved this document will be regarded as a 'material consideration' when determining planning applications. Where appropriate the documents put forward simple practical management proposals to improve the character of the conservation area and which are capable of being implemented as and when resources permit.

1.7. The recommendations concerning non-listed buildings and structures are normally formed by the field workers observations made from the public realm and seldom involve internal inspection or discussions with owners. Thus such recommendations contained in this Appraisal might be subject to reconsideration through the planning application process, where that is necessary, and which would involve the submission of additional information. Similar considerations apply to estimating dates of buildings and also to their legal status in relation to householder permitted development rights (i.e. either being considered as single dwellings or alternatively as flats). Similar considerations may apply as to determining whether or not a building is within the curtilage of a listed building.

**1.8. This Conservation Appraisal will:**

- Identify the special character of the conservation area.
- Identify elements that should be retained or enhanced;
- Identify detracting elements;
- Review the existing boundaries;
- Put forward practical enhancement proposals;

**1.9. The document will be prepared in partnership with the Parish Council and the local community through the consultation process.**

**1.10. Acknowledgement and thanks are recorded to Hertfordshire County Council who's Natural Historic and Built Environment Team has been particularly helpful.**

**1.11. This document is written in three parts: Part A - Legal and Policy Framework; Part B - Appraisal; Part C - Management Proposals.**

## **PART A - LEGAL AND POLICY FRAMEWORK**

### **2. LEGAL AND POLICY FRAMEWORK.**

**2.1. The legal background for designating a conservation area is set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that the Council shall from time to time designate Conservation Areas, which are defined as being 'areas of special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance'. The same section of the Act also requires that Councils undertake periodic reviews.**

**2.2. Section 71 of the Act requires Councils to 'formulate and publish proposals for the preservation and enhancement' of Conservation Areas and hold a public meeting to consider them.**

**2.3. Within Conservation Areas there are additional planning controls and if these are to be supported it is important that the designated areas accord with the statutory definition and are not devalued by including land or buildings that lack special interest.**

**2.4. Planning permission is required for the demolition of a building in a conservation area but is subject to certain exceptions. For example, it does not apply to Listed Buildings which are protected by their own legislation but is relevant to other non listed buildings in the conservation area above a threshold size set out in legislation\*. Looking for and assessing such buildings is therefore a priority of this Appraisal.**

\* The demolition of a building not exceeding 50 cubic metres is not development and can be demolished without planning permission. Demolition of other buildings below 115 cubic metres are regarded as 'Permitted Development' granted by the General Permitted Development Order, subject to conditions that may require the Council's 'prior approval' regarding methods of proposed demolition and restoration.

**2.5. Certain ecclesiastical buildings (which are for the time being used for ecclesiastical purposes) are not subject to local authority administration provided an equivalent approved system of control is operated by the church authority. This is known as the 'ecclesiastical exemption'. Importantly in such circumstances, church authorities still need to obtain any other necessary planning permissions under the Town and Country Planning Act 1990.**

**2.6. The Town and Country Planning (General Permitted Development) (England), Order 2015 (further amended) defines the range of minor developments for which planning permission is not required and this range is more restricted in conservation areas. For example, the Order currently requires that the addition of dormer windows to roof slopes, various types of cladding, satellite dishes fronting a highway and a reduced size of extensions, all require planning permission in a conservation area.**

**2.7. However, even within conservation areas there are other minor developments associated with many non-listed buildings that do not require planning permission. So as to provide further protection the law allows Councils to introduce additional controls if appropriate. Examples of such controls can commonly include some developments fronting a highway or open space, such as an external porch or the demolition of some gates, fences or walls or their alteration. The removal of existing important architectural features that are important to the character or appearance of a conservation area such as chimneys, traditional detailing or materials, distinctive porches, windows and doors or walls or railings can be subject to a more detailed assessment and if appropriate made subject to protection by a legal process known as an 'Article 4 Direction' which withdraws 'Permitted Development Rights'. The use of such Directions needs to be made in justified circumstances where a clear assessment of each conservation area has been made. In conducting this Appraisal, consideration will be given as to whether or not such additional controls are appropriate. The Council has introduced a similar Article 4 Direction elsewhere in the District: and agreed the general principle of introducing further Directions in other conservation areas.**

**2.8. Works to Trees. Another additional planning control relates to trees located within conservation areas. Setting aside various exceptions principally relating to size, any proposal to fell or carry out works to trees has to be 'notified' to the Council. The Council may then decide whether to make the tree/s subject to a Tree Preservation Order. This Appraisal diagrammatically**



identifies only the most significant trees or groups of trees that make an important contribution to the character of the conservation area, particularly when viewed from the public realm. Other trees not specifically identified may still be suitable for statutory protection.

2.9. Some hedges may be protected by the Hedgerow Regulations 1997. This legislation is extremely complicated and only applies in certain situations that are determined by the location and extent of the hedge, its age and or its historical importance, the wildlife it supports and its number of woody species. The Regulations do not apply to domestic garden hedges.

2.10. National Planning Policy Framework 2018 [\(updated 2019\)](#). The principle emphasis of the framework is to promote sustainable development which has three main objectives which are Economic, Social and Environmental. Achieving good design is a key aspect of sustainable development and new development should make a positive contribution to local character and distinctiveness.

2.11. Of particular relevance to this document, the National Planning Policy Framework advises as follows:

- Plans should set out a positive strategy for the conservation and enjoyment of the historic environment.
- Conservation Areas. Such areas must justify such a status virtue of being of special architectural or historic interest and that the concept of conservation is not devalued through the designation of areas that lack special interest.
- Heritage assets. Heritage assets range from sites and buildings of local historic value to those of the highest significance. They are an irreplaceable resource and should be conserved in a manner appropriate to their significance to be enjoyed by present and future generations.
- Considerable weight should be given to conserving such heritage assets and the more important they are the greater the weight. For example the effect of an application affecting a non- designated heritage asset should be taken into account and a balanced judgment reached. Substantial harm to or loss of a grade II Listed Building or Registered Park or Garden should be exceptional whilst similarly, substantial harm to heritage assets of higher status, e.g. those listed grade I or II\* should be wholly exceptional.
- Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance and proposals that preserve such elements should be treated favourably.
- The use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well being of the area.

- **Green Spaces.** Such areas of particular importance can properly be identified for special protection as Local Green Spaces in selected situations.

**2.12. East Hertfordshire's environmental initiatives and Plan Policies.** East Hertfordshire is committed to protecting conservation areas and implementing policies which preserve and enhance them; to support their preservation through the publication of design and technical advice and to be pro-active by offering grants and administering an Historic Buildings Grant Service. With regard to the latter grants are awarded on a first come first served basis in relation to works which result in the maintenance of listed buildings and other unlisted buildings of architectural or historic interest. The maximum grant will not normally exceed £2,000.

**2.13.** In respect of the above the Council has produced a number of leaflets and guidance notes that are available on line and on request. These guidance notes on the preservation and repair of historic materials and buildings provide useful information relevant to the preservation and enhancement of conservation areas. They will be updated as resources permit.

**2.14.** The Council also has a 'Heritage at Risk Register', originally produced in 2006, and further updated. This document is available on the Council's website. Grant assistance not exceeding £10,000 may be available for necessary works that lead to such buildings' long term security. The summer house and curtain wall at Benington Lordship is included on the Council's Register.

~~2.15. The East Herts Local Plan was adopted by the Council in 2007. The 'saved' policies set out in the plan remain in force and are relevant in relation to conservation area and historic building considerations. The Local Plan and its policies can be viewed on the Council's website or a copy can be obtained from the Council (contact details are set out in section 7).~~

~~2.165.~~ In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, the Council ~~is in the process of~~ has prepareding a planning policy document which ~~will~~ has ~~replaced~~ now replaced the 2007 Local Plan. This ~~is~~ will be known as the East Herts District Plan (DP) ~~).~~ Once adopted the DP which was adopted on 23 in October 2018 and which will contains the relevant Council planning policies. ~~As currently drafted this emerging The~~ District Plan advises that development in conservation areas should, inter alia, ~~conform have regard to~~ with the content of the Appraisals.

~~2.176.~~ Benington conservation area was first designated in 1968 and boundaries revised/redesignated in 1981.

## PART B - APPRAISAL

### 3. ORIGINS AND HISTORICAL DEVELOPMENT

3.1. There are about 20 records within or close to the existing conservation area held by the County Historic Environment Records. Some relate to Listed Buildings, with a selection of some descriptions being included later in this document. Other interesting entries relate to:

(a) Benington Castle which is described as a late 11<sup>th</sup> century motte and bailey with 12th century keep and 1832 mock Norman Gatehouse.

(b) Possible Medieval foundations which may have been of an ecclesiastical building were found circa 1870 in an orchard on the village green. Similarly a 15<sup>th</sup> century bronze seal of the Guild of St Nicolas was found in the same location at the same time.

3.2. Prehistoric. Unknown.

3.3. Roman settlement. Possible - Roman sherd find (see below reference to Samian bowl below).

3.4. The Domesday Book was a census commissioned by William I in 1086. In relation to Benington it notes concerning the land of Peter de Valognes that *Peter himself holds Benington. It is assessed at 10 hides and there are 3 ploughs and there can be 2 more. There are 16 villans with a priest and 17 bordars have 8 ploughs. There is 1 cottar and 5 slaves, woodland for 100 pigs (and) a park (apparently only one of three mentioned in Domesday) for wild beasts. In all it is worth £12; when received £6. TRE Almaer of Benington held this manor.* [Source: Domesday Book a complete translation, Alecto Historical Editions Penguin Books 2002.](#)

3.5. Interpretation: A 'Hide' was a standard unit of land measurement interpreted to be about 120 acres. A 'villan' was a peasant legally tied to land he worked on and of higher economic status than a 'bordar'. A cottar was a peasant occupying a cottage in return for services. TRE is an abbreviation essentially meaning 'In King Edward's time'.

3.6. Anglo Saxon. County records advise of a small number of residual sherds dating from the mid 9th/10<sup>th</sup> centuries having been found suggesting Anglo Saxon settlement. See also reference to Mercian kings set out below in Kelly's Directory 1874.

3.7. Medieval settlement. An abbreviated description from the County Historic Environment Records for Benington reads as follows. *...The parish church stands here next to the manorial centre and the main settlement, which has always been small, emerged around the meeting point of four lanes adjacent to the manor*

and church.... The 1840 tithe map shows only about a dozen properties in single plots around the green and along the approach roads.

**3.8. Another description relating to medieval earthworks (ditch which had formed part of the churchyard's southern boundary and which probably was part of the defences of the Norman castle) advises as follows:** *The lower fill contained Norman and later domestic refuse including meat bones and pottery and a single large sherd of a Flavian rouletted Samian bowl; nothing else on the site was Roman. The pottery ranged from hand-made Norman types to Herts Glazed ware, the overall date being 12<sup>th</sup> century.*

**3.9. The 19th century. A picture of the settlement as it can be recognised in part today is set out in Kelly's Directory of 1874 which refers as follows:** *Bennington (note double 'nn' spelling) is a parish...6 miles from Hertford, 6 south east from Stevenage station on the Great Northern Railway...The church of St Peter is very ancient with square tower containing a fine peal of 8 bells; it contains two fine monuments, one of which is of the Bensted family...Here is a National school for boys, girls and infants, under Government inspection: the school premises were greatly enlarged in 1872. The Wesleyans and Primitive Methodists have chapels here. The charities from different sources amount to about £20 per annum. A fair is held here yearly on July 10. Bennington was anciently a residence of the Kings of Mercia. A parliamentary council was held here by Bertulph, King of the Mercians about the year 850. The soil is mixed, principally heavy; subsoil chalk and clay. The chief crops are wheat, barley, beans & etc...and the population in 1871 was 581.*

**3.10. Commercial activities in addition to farmers in the parish listed in Kelly's at this time were Post Office, carrier (to Hertford and Ware), bakers (2), carpenter, shopkeepers (3), blacksmith, shoemaker, builder, Bell PH, yeast dealer, beer retailer (2), Cricketers PH and shoemaker, tailor, bricklayer. This represents a wide range of local commercial activities and a high level of self-sufficiency, common even for small settlements at this time.**



Picture 1. Church of St Peter Benington - date unknown probably late 19<sup>th</sup> early 20<sup>th</sup> century. Church interpreted as being covered in vegetation; fence no longer in place, neither is semi circular metal structure appearing to support a lantern. Reproduced courtesy of Hertfordshire Archives and Local Studies (HALS).



Picture 2. The pond in centre of village date probably late 19<sup>th</sup>/early 20<sup>th</sup> century. Reproduced courtesy of Hertfordshire Archives and Local Studies (HALS).

3.11. Mapping from 1874 -1894 (Plan 1) identifies the location of some of the activities listed above. It shows the Rectory, the school, Bell PH, Post Office opposite the Bell, Benington Lordship earthworks, chalk pit and lime kiln (now site of pumping station). Mapping from 1897 shows that that the Post Office had moved to a new location north of the school. Little had changed by 1920, the mapping of which shows the lych gate to the church, erected to commemorate those from the parish who gave their lives in WW1, the Parish Hall and greenhouse structures to the north of Benington Lordship and what is now Benington Bury Farm.

3.12. The publication, Place Names of Hertfordshire, Cambridge University Press 1970 advises several names, a selection of which is included thus: Belintone and Beninton (1086), Benetone (1235), Benytone (1279) Banyngton (1316). It has already been noted that Kelly's of 1874 refers to Bennington. Derivation of name – perhaps meaning farm by the river Beane (with connective 'ing').

3.13. Benington - a collection of historical anecdotes of a Hertfordshire village by Eve Duncan is interesting reading and is available for purchase in the church.

3.14. Plan 1 shows the existing Conservation Area plotted on historic map dating from 1874-1894.

#### 4. ENVIRONMENTAL DESIGNATIONS AND CRITERIA USED TO IDENTIFY OTHER IMPORTANT ENVIRONMENTAL FEATURES

4.1. Scheduled Ancient Monuments. A National designation. Benington Castle is an ancient monument so scheduled - see below.

4.2. Areas of Archaeological Significance. Designated locally by EHDC on advice from HCC. ~~The areas identified by this Appraisal are areas as shown on the Council's most up to date mapping system and may sometimes differ from that shown on the adopted Plan.~~ The identification and refinement of such areas is an ongoing process. Much of the conservation area is so designated.

4.3. Listed buildings. A National designation. Individually listed buildings have been identified, plotted and a selection briefly described, such abbreviated descriptions being based on the national list, occasionally with additional comments *in italics* by the fieldworker. Full descriptions can be obtained on line at Historic England's website [List.HistoricEngland.org.uk](http://List.HistoricEngland.org.uk) Listed buildings are protected from unauthorised demolition, alteration or extension. Structures, including railings and walls, within the curtilage of listed buildings, if they are pre-1948, are subject to the same controls as listed buildings.

**4.4. The issue of deciding whether or not a building is 'curtilage listed' can sometimes be problematic and there is no exact legal definition of a building's curtilage. The main tests relate to the physical layout of the land surrounding the main building/s at the date of listing, the physical layout and functional relationship of structures to each other; ownership, past and present and use or function, past and present. Structures need to be ancillary or subordinate to the main Listed Building and form part of the land and not be historically independent. Protection is granted to such objects or structures within the curtilage of a Listed Building if they were built prior to July 1, 1948. In determining the extent of a Listed Building and its curtilage, a key assessment will be to examine the situation at the time of listing.**

**4.5. Non listed buildings of quality and worthy of protection. Several other non-listed buildings and structures that make an important architectural or historic contribution to the conservation area are identified by this Appraisal. The basic questions asked in assessing such buildings/structures are:**

- (a) Is the non listed building/structure of sufficient architectural or historic interest whose general external form and appearance remains largely unaltered?**
- (b) Does the building contain a sufficient level of external original features and materials?**
- (c) Has the building retained its original scale without large inappropriate modern extensions that destroy the visual appearance particularly in respect of the front elevation?**
- (d) Is the building visually important in the street scene?**
- (e) Determining which properties to include or which to exclude is occasionally a matter of difficult judgement.**

**4.6. Important trees and hedgerows are identified by this Appraisal. Their positions are shown very diagrammatically indeed and access to some rear areas has not been obtained. The basic criteria for identifying important trees and hedgerows are:-**

- (a) They are in good condition.**
- (b) They are visible at least in part from public view points.**
- (c) They make a significant contribution to the street scene or other publicly accessible areas.**

**4.7. Open spaces or gaps of quality that contribute to the visual importance of the conservation area where development would be**

inappropriate are identified by this Appraisal. The basic question asked in identifying such areas is does the open space or gap form an important landscape feature contributing to the general spatial quality and visual importance of the conservation area? Private open spaces forming an important setting for an historic asset and unkempt spaces that have the potential to be enhanced are candidates for selection subject to complying with the principle question.

4.8. Other distinctive features that make an important visual or historic contribution are identified by this Appraisal. In relation to walls and railings those at and above prescribed heights in a conservation area 1m abutting a highway (including a public footpath or bridleway, waterway or open space) or 2m elsewhere, are protected and require permission for their demolition.

4.9. Reference has previously been made to the potential of introducing Article 4 Directions in justified circumstances. The Appraisals undertaken to date have identified elsewhere in the District that many historic architectural features of quality remain unaltered on some non listed buildings but, on the other hand, the exercise of Permitted Development rights has eroded other parts of some conservation areas. Should Members decide to proceed with such an initiative in Benington, such important historic detailing including features as identified below could justifiably be retained and inappropriate alterations to them controlled. ~~(Update: Members have introduced a similar Article 4 Direction elsewhere in the District)-~~ and agreed the general principle of introducing further Directions in other conservation areas.

- Chimneys, in good condition, contemporary with the age of the property, prominent in the street scene and generally complete with chimney pots.
- Selected windows, on front or side elevations, fronting and visible from the street/s, generally contemporary with the age of the property or of a sympathetic historic design and where the majority of windows of respective elevations retain their original characteristics and have not been replaced by disruptive modern glazing units.
- Other features might include good quality architectural materials and detailing constructed of wood, metal or other materials.
- Walls or railings which make a positive architectural or historic contribution to the visual appearance of the conservation area.
- It may also be appropriate to introduce Article 4 Directions to retain quality buildings below the prescribed Permitted Development threshold.



4.10. Features that are out of character with the conservation area and detract or are in poor repair are identified.

4.11. Important views are identified.

4.12. Conservation area boundaries. In suggesting any revisions to the Conservation Area boundaries, principal consideration is given as to whether or not the land or buildings in question form part of an area of special architectural or historic interest whose character or appearance should be conserved. The conservation area can include open land that has historical associations with the built form. This may particularly be the case if such open land is environmentally important and visually forms part of the conservation area's setting and is distinct from open farmland. Current advice from Historic England advises against the inclusion of agricultural land forming part of the wider landscape.

4.13. Wildlife sites. Those shown are identified on the ~~emerging~~ District Plan ~~(which may differ from those on the Adopted Plan due to updates)~~. There are none at Benington.

Formatted: Font color: Purple

4.14. Historic Park and Garden. This one designated nationally that is referred to in detail below being located at Benington Lordship (see below). The remnants of a further historic garden at Bury Lodge Farm are also described below.

4.15. For information there is another of local importance identified by East Herts District Council at Benington Place, Town Lane beyond the conservation area.

## CHARACTER ANALYSIS.

5.1. **General Landscape setting.** The Council's Landscape Character Assessment produced in 2007 (which is Supplementary Planning Guidance) identifies the distinct landscapes of the District in terms of their wider settings. The conservation area is located within Area 71, the Benington - Sacombe Ridge. It is described as *an area of ancient countryside with small woods, winding green lanes and numerous stream-eroded valleys... Benington was one of only three deer parks listed at Domesday.* In respect of the gardens of Benington Lordship the document notes that *One of the main features of the gardens is a rectangular sunken terrace dating from the 17th or possibly 16th century.* Benington is described as a medieval settlement with a 14th century flint church and 'almost perfect' village Green (Pevsner).

5.2. **General overview.** Positive attributes. Benington conservation area is particularly fine with many listed buildings of high quality centred around the

village green where all the main roads converge and flanked by the church and Benington Lordship to the immediate west. Throughout the conservation area trees and some hedgerows make an important environmental contribution.

5.3. **Negative attributes.** Although not within the conservation area, the latter's historic nature is compromised by adjacent 20th century suburban developments accessed by Three Stiles which detrimentally impacts its eastern edge.

5.4. **Individually Listed Buildings.** There are 22 listed buildings/groups within the existing conservation area. Of this total, 41% date from the 17th century, 27% from the 16th century and 18% from the 19th century. The 12th, 13th and 20th centuries are also represented.

5.5. The above buildings are grade II except two which are Grade I (church and remains of Benington Castle) and three which are grade II\* (Benington Lordship, The Bell PH and Beningtonbury/Peterscourt. Proportionally the numbers of Grade I and II\* are high. Combined with the fact that several grade II buildings are former open hall houses, this makes the concentration of high quality buildings within Benington conservation area particularly important.

5.6. **Individually Listed Buildings.** A selection of Listed Buildings with abbreviated descriptions based on the National list is provided below. Any comments by the fieldworker are in *italics*.

5.7. Parish Church of St Peter - grade I. Late 13th or early 14th century nave and chancel, early 15th century west tower. Restored 1889 by John Oldrid Scott. Flint rubble with stone dressings. Steep old red tile roof to porch, chancel and similar roof, hipped at east, to north chapel. Parapet hides low pitched nave roof and embattled parapet to the Hertfordshire spike on the tower. Simple 15th century oak benches. Traceried tomb chest of Sir John de Benstede and his lady with life size recumbent effigies. The wall to the east has been pierced for a similar canopied tomb chest circa 1430 of Sir Edward de Benstede and his lady. The underside of the 4- centred arch is panelled with a central angel holding their souls in a napkin. The church stands on a prominent elevated site by the castle overlooking the green. Of outstanding interest for its chapel and tombs.



Picture 3. Grade I church of St. Peter occupies a prominent elevated location in the conservation area.

**5.8.—Lych, Lych gate at St Peter's Church - Grade II. Circa 1919 for Canon Mills erected in memory of son and others killed in Great War. Oak timber frame on a knapped flint waist-high plinth with limestone capping, quoins, and buttress offsets. Red tile steep roof gabled to front. *Details read Erected by Canon Mills Rector of Benington in memory of his son...and 18 comrades from this parish who gave their lives in the Great War 1914-1919.***

**5.9. No.11 Church Green - Grade II. 17th century or earlier, Timber frame on brick sill part painted, part stucco. Fake timbering applied to west gable facing road. Steep thatched roof. Unusual single-storey thatched house.**



Picture 4. Unusual 17th century single storey thatched property with later fake timbering applied.

**5.10. Remains of Benington Castle - Grade 1. Ruined keep of medieval ringwork castle. 1130's for the De Valognes family, slighted (*ignored?*) in 1176/7 by Henry II, garrisoned again in 1192/3, destroyed 1212 after Robert Fitz Walter was outlawed. Flint rubble walls 7- 8 ft thick with some herringbone-coursed flint facing and limestone quoins and plinth offset of dressed stone with diagonal tooling, exposed on exterior north wall. A small square stone tower about 44 feet x 41 feet with pilaster buttresses at the middle and ends of each face. A small square north east annexe may be original. Demolition involved removal of one side entirely. South wall is reduced to footings. A fallen mass of masonry lies on the north east annexe and an imitation Norman doorway was inserted circa 1842.**



Picture 5. Grade 1 12th century remains of Norman castle for the De Valognes family.

**5.11. Benington Lordship - Grade: II\*. Country house. Late 17th century, east entrance and gatehouse circa 1842 by James Pulham a modeller from Broxbourne, for the Proctor family, west wing circa 1906 for Bott family. Knapped flint faced walls with stone dressings and gatehouse modelled in Pulham's Portland Stone Cement to appear to be weathered cubical ashlar. Red brick west wing. Steep old red tile roofs. A large square 3-storeys house of double-pile plan with 2 mid-wall chimneys. Symmetrical south front 7 windows wide. Box sash windows. Attached at north east is a tall Norman revival gatehouse with twin flint-faced circular towers. Runic inscription on cartouche over gate.**



Pictures 6 and 7. Benington Lordship a fine grade II\* listed building with 7 window range to south elevation and a tall Norman revival gatehouse with twin flint-faced circular towers to north east.

**5.12. Summerhouse and Curtain Wall at Benington Lordship - Grade II.** Summerhouse and adjoining curtain wall. Circa 1842 by James Pulham for the Proctor family. Flint and stucco modelled to appear ashlar, Front a ruined tower with machicolations overhanging a wide Romanesque arched doorway of 2 recessed orders and hood mould each with chevron ornament. Demi-figures holding battle axes as stops. Winged head and cartouche with runic inscription over door. *This is included on the Council's Heritage at Risk Register where the objective is to secure consolidation of the ruin and prevent ongoing deterioration. Grant assistance may be available.*



Picture 8. Grade II summer House, a building included on the Council's Heritage at Risk Register.

**5.13. Benington Bury, and Peterscourt - Grade II\*.** *Former Rectory, now 2 houses. 1637 for Nathaniel Dod, Rector. Divided in 1980's. Red brick with front plastered and stone dressings. Steep red tile roofs. Built as a 2-storeys and attics, central-chimney, lobby- entry, 2-cell plan house facing east with symmetrical red brick front with 2-storeys porch and 2 gables with moulded parapet and finials at apex and feet, and mullioned wood windows with labels. Good interiors to main range with 4-centred chamfered red brick fireplaces to hall and chamber over.*

**5.14. Grotto at Peterscourt - Grade II.** *Grotto-maze. Early 19th century incorporating 18th century red brick structure at ~~north-west~~North West corner. Brick-kiln wasters and stucco, covered in ivy. Open at top. A large maze with winding passages and chambers off with pools and central viewing mound, all built of grotto-work within an irregular enclosure of high brick walls. *Most unusual and delightful.**



Picture 9. The most unusual and delightful grotto at Peterscourt.

**5.15. Scheduled Ancient Monument.** This abbreviated description of Benington Castle is based on Historic England's entry details. Benington Castle is a motte and bailey west of Church Green. Such structures are medieval fortifications introduced into Britain by the Normans and comprised of a conical mound of earth or rubble, the motte, surmounted by a palisade and a stone or timber tower. In a majority of examples an embanked enclosure containing additional buildings, the bailey, adjoined the motte. They acted as garrison forts during offensive military operations, as strongholds, and, in many cases, as aristocratic residences and as centres of local or royal administration. Although many were occupied for only a short period of time, they continued to be built and occupied from the 11th to the 13th centuries, after which they were superseded by other types of castle.

**5.16.** Benington Castle is a well-documented example of a Norman motte and bailey castle with a tower keep. Its historical records date back to the 11th century. Benington Castle includes a large square mound, or motte, which measures 45m across and about 6m in height. The remains of a rectangular tower keep, of flint rubble construction, stand on the east side of the motte. The keep, a listed building Grade I, measures 13.5m by 12.5m with walls about 2.2m thick and up to 2.5m high. The south wall is reduced to its footings.

**5.17.** Also situated on the motte is Benington Lordship, a Grade II\* listed Georgian house, the summerhouse, Grade II listed, and the curtain wall and gatehouse both of which were built in about 1832 and are also listed Grade II.

**5.18.** Surrounding the motte is a ditch about 6m deep and nearly 19m wide in some places. The bailey forms a semicircle to the north-east of the motte and was surrounded by a curtain wall, fragments of which have been found. A

second bailey surrounds the church and churchyard which are situated to the south of the motte. This area is not included in the scheduling as both church and churchyard remain in use by the parish. A third bailey is believed to have existed to the west of the motte.

5.19. The earthworks are considered to have been built by Peter de Valognes who was sheriff of the county in 1086. His son Roger erected the masonry castle in 1136. In 1176-7 one hundred picks were purchased for the demolition of the castle but it appears that this was never carried out as the castle was still strongly garrisoned in 1193. It was passed on shortly afterwards to Robert Fitzwalker on his marriage and was destroyed in 1212 on his outlawry. The house, the summerhouse, curtain wall, gatehouse, driveway, paths and fences are excluded from the scheduling although the ground beneath these features is included.



Picture 10. Defensive earthworks at Benington Lordship.

5.20. **Areas of Archaeological Significance.** Much of the conservation area is so designated.

5.21. **Important buildings within the curtilages of Listed Building.** The issue of deciding whether or not a building is 'curtilage listed' can sometimes be problematic and there is no exact legal definition of a building's curtilage. The buildings identified below have been considered curtilage listed on the basis of existing information for the purpose of this exercise. However should detailed information reveal otherwise their status of important buildings to be retained remains unaltered.



**5.22. The Lodge to Benington Lordship. Probably of early 20th century origin, this red brick property with steeply sloping tiled roof and chimneys with windows is contemporary to its period - some decorative wooden detailing.**



Picture 11. The Lodge an ancillary listed building to Benington Lordship probably dating from the early 20th century.

**5.23. Curtilage building to east of Kitchen Garden and north of Benington Lordship, 19th century of red brick construction with steep tiled roof, chimneys and decorative barge board detailing.**



Picture 12. 19th century curtilage listed building of quality to east of Kitchen Garden, Benington Lordship.

**5.24. Building attached to and to north of Benington Bury. Does not appear to be included in the listed building description. Is shown on late 19th century mapping. Single storey with steeply sloping tiled roof, some scalloped decorative tiles.**

**5.25. Other non listed buildings that make an important architectural or historic contribution.** This Appraisal identifies a small number of other buildings of high quality that are not listed but that should be retained. These generally date from the late 19th/ early/mid 20th century and are an important element in the high environmental quality of the conservation area and make a very positive contribution to its built form and historical evolution. Any Important architectural features they possess and worthy of retention are identified.

**5.26. Beech House, Duck Lane.** Probably 19th century with early 20th century extension to west. Late 20th century extension to east. Bay windows to both floors. Tiled roof and chimney stacks with pots. Porch detracts but historic parts of building worthy of retention. An Article 4 Direction may be appropriate subject to further consideration and notification.



Picture 13. Beech House although some modern additions detract, the historic parts of the building are worthy of retention.

**5.27. Nos. 32 -36 Walkern Road.** 19th century terrace constructed of red brick with slate roof and chimneys. Early/sympathetic windows; No. 36 has bay window to ground floor. An Article 4 Direction may be appropriate subject to further consideration and notification.



Picture 14. Nos. 32-36 Walkern Road.

**5.28. The School House, Walkern Road. Dating from the 19th century this two storey property is of brick and knapped flint construction with steep tiled roof and decorative tiled detailing and ridge tiles, chimney stack to rear. Vertically hung tiles to front. An Article 4 Direction may be appropriate subject to further consideration and notification.**



Picture 15. The School House, Walkern Road.

**5.29. Benington Primary School. Of 19th century date with steeply sloping decorative tiled roof and decorative ridge tiles. Early /sympathetic windows. Decorative plaque to front reads Benington National School.**



Pictures 16-17. Bennington School Parts of the building are visually most worthy of retention. Note spelling of Bennington (with double n) in centrally located stone detail.

**5.30. Other distinctive features that make an important architectural or historic contribution.** Walls and railings so identified are protected to varying degrees virtue of exceeding specified height relevant to the conservation area legislation or by being within the curtilage of a Listed Building unless otherwise noted.

**5.31. Walls of varying heights and detailing defining the Kitchen Garden at Bennington Lordship. Of red brick construction with piers and rounded capping detail.**



Picture 18. High quality wall enclosing western side of Kitchen Garden.

**5.32. Dwarf flint wall capped with concrete to south of remains of Benington Lordship. This wall has recently been repaired following collapse of nearby mature tree.**

**5.33. Side wall to south of school about 1.5 m in height of red brick with rounded capping detailing. The latter (because not fronting the road and less than 2m is unprotected and thus potentially appropriate for protection by Article 4 Direction subject to further consideration and notification).**

**5.34. Entrance gates to Benington Lordship. Tall brick pillars topped with finial detail. Metal gates in need of repair. Date unknown but probably early 20th century as entrance point shows first on mapping dating from this time. Provenance of metal work unknown. In urgent need of repair. Potentially grant assistance available.**



Picture 19. Fine entrance gates to Benington Lordship in urgent need of repair.

**5.35. Good quality cast iron street lamp - lantern atop a tapering octagonal column probably of late 19th century date.**



Picture 20. Cast iron lamp on tapering octagonal column probably of late 19th century date.

**5.36. War Memorial. Commemorating those who gave their lives in both World Wars. Tapering stone column in sections with cross on two stepped octagonal raised Portland stone bases.**



Picture 21. War Memorial in churchyard, adds to the visual quality of this important open space.

**5.37. Gravestones in churchyard. See below.**

**5.38. Walls and associated building (potting shed?) to former kitchen garden at Bury Lodge Farm. Brick walls about 3m in height. Most attractive walls of 19th century date enclosing former kitchen garden. Generally in fair condition but some repair work desirable. May be eligible for grant assistance.**



Picture 22. Walls to former kitchen Garden Bury Lodge Farm.



5.39. Short length of wall Bury Lodge Farm. Brick construction about 3m in height.



Picture 23. Brick wall Bury Lodge Farm worthy of retention.

5.40. ***Important Open Spaces.*** The spaces identified below are most important and should be preserved. Together with a significant number of trees they are an integral part of the conservation area and its overall high quality.

5.41. Churchyard. A linear space with traditional churchyard trees that is well maintained and at different levels. There are large numbers of gravestones many from the 19th/ early 20th century. Several war graves noted. Also grave of PC Benjamin Snow who died aged 32 in January 1871, killed arresting a poacher called John Chapman. Because the former did not have an official warrant for the arrest, the latter was found guilty of manslaughter only and thus avoided the death penalty. (The southernmost corner of the churchyard appears as part of the Historic Park and Garden designation which needs resolving).



Picture 24. St Peter's graveyard - an interesting linear space providing an elevated setting for the magnificent church and crammed with interesting gravestones.

**5.42. Church Green and associated nearby smaller greens in the centre of the village is the meeting point of four roads. It is an uncluttered space of visual and focal importance to the village framed by important listed buildings in several locations. The mature trees it supports add to its overall high quality.**



**Picture 25. Church Green - an important focal point framed by important listed buildings.**

**5.43. Open grassland opposite Beech House. This open space is visually important, close to the centre of the village and forms an immediate open setting for nearby historic buildings to which its character and visual connection is closely linked, in part due to the open nature of its frontage.**



**Picture 26. An important open area at Duck Lane near the centre of the conservation area and also important the immediate setting of nearby historic buildings.**

5.44. Open land to east of The Bell PH, Town Lane. Although currently overgrown and disused for the most part this open land performs an important general visual function in providing an open space within the conservation area at a point where modern development impacts nearby at Three Stiles. It is a gap on Town Lane between the important listed grade II\* PH and nos. 12-14 Town Lane and clearly separated from the open countryside to its south.



Picture 27. Disused open land between the grade II\* listed PH, the edge of the settlement which is also strategically important to the general setting of the conservation area. Its southern boundary clearly separates it from open countryside beyond.

Formatted: Left

5.45. Open countryside to the east of Duck Lane. During the consultation process concern was raised relating to ensuring proper protection of the countryside to the east of Duck Lane. Historic England advises that conservation area designation is not generally an appropriate means of protecting the wider landscape. It should be noted however that such an area forms part of the 'Rural Area Beyond the Green Belt' and is subject to, and thus protected by, District Plan Policy GBR2. The Rural Area Beyond the Green Belt is a considerable and significant countryside resource, which Policy GBR2 seeks to maintain.

5.46. This appraisal therefore recognises the importance of maintaining the general openness of this area from inappropriate development and as such it will be protected by Policy GBR2 as a valued countryside resource.

Formatted: Font: 12 pt

Formatted: Left

**5.457. Important Historic Parks and Gardens.** The extensive park and garden at Benington Lordship is partly located within the conservation area but extends expansively into open countryside beyond in a westerly direction. The boundaries of the conservation area include those areas of the designated garden most closely associated with the house. The abbreviated description below is based on Historic England details.

**5.468.** Benington Lordship - Grade II. A country house surrounded by mid-19th and early 20th century gardens, within a landscape park. In about 1700 the Caesar family of Benington Place (now Benington Park) built Benington Lordship on the site of an Elizabethan farmhouse, adjacent to the castle ruins. In 1826 the last John Chessyre sold Benington Lordship to George Proctor, who, circa 1832, commissioned a neo-Norman gatehouse, summerhouse and curtain wall to connect them, which together are known as The Folly, as well as additions to the house.

**5.4749.** In 1905 Arthur Bott, a Staffordshire engineer, bought the Lordship upon his return from working in India. Mr Bott and his wife Lilian enlarged the house and garden, taking in areas of the park, and built a new kitchen garden adjacent to the stables. The existing garden areas were remodelled by the Botts, influenced by the designers of the period. By the 1970s the gardens required renovation, and were restored. The main approach enters off the village green. The gardens, flanked by the park to the west and south, surround the house and are broken into several formal and informal compartments.

**5.4850.** The path along the south front of the house leads east into the forecourt between the house and keep. To the west the path leads to a flight of steps, linked to the south end of the adjacent veranda. The steps lead down to the gravel path which was formerly part of the south drive. The path is flanked to the east by the west sides of the house and Rose Garden, and to the west by the broad, terraced west lawn, overlooking two ponds in the valley at the bottom of the lawn (lawn and ponds incorporated into the garden in the early C20). The ponds are probably the remains of medieval fishponds. The park, laid to pasture and planted with scattered mature trees, lies west and south-west of the house and gardens.



Picture 28. View looking west to ponds.

**5.4951.** The Herbaceous Border, flanking a gravel path broken by steps down to the west, forms the northern boundary of the garden, and is itself bounded to the north by the south wall of the kitchen garden, stepped down to the west. The Border connects the orchard at its east end with the Rockery and north pond at its west end.



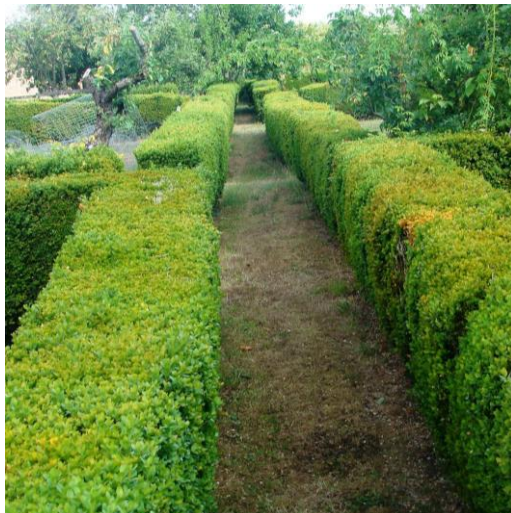
Picture 29. The herbaceous border to south of the Kitchen Garden.

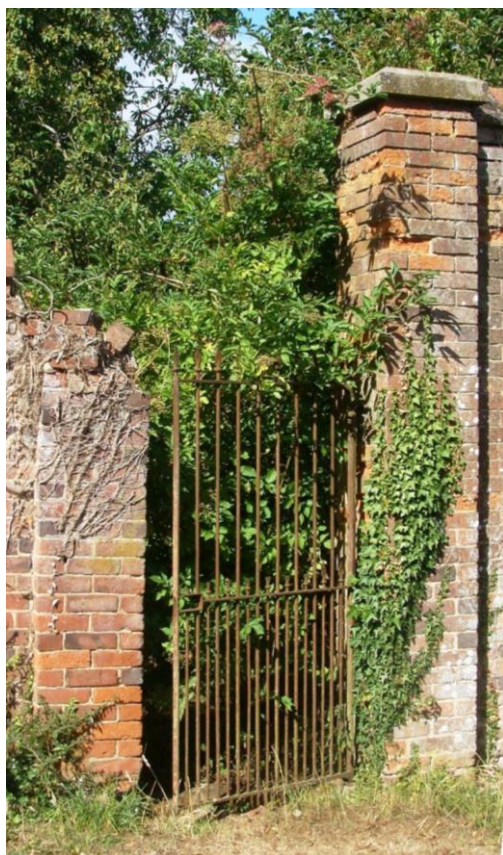
**5.502.** The rectangular, brick-walled kitchen garden (1906) lies adjacent to the north boundary of the site.



Picture 30. View into Kitchen Garden from south entrance.

**5.543. Other Garden of Historic Importance.** Garden probably of 19th century origin at Bury Lodge Farm. This shows on Plan 1 (the 1874 -1894 OS map). Walls and potting shed remain but greenhouses appearing on the mapping no longer exist. Walls enclosing former kitchen garden are about 3 m in height and appear in reason able condition although some repair work is needed. Without prejudice to outcome, grant assistance may be appropriate. The owners are encouraged to retain those historic elements of the garden which still remain, for example, the yew hedges.





Pictures 31-33. Former kitchen garden at Bury Lodge Farm. Top traditional box edgings which the owners are encouraged to retain. Below walls about 3m in height, some repairs desirable. Grant assistance may be available.

**5.524. Particularly important trees and hedgerows.** Those trees that are most important are shown very diagrammatically on the accompanying plans. As can be seen from the accompanying plan trees are important and extensive throughout the conservation area. Also and as previously advised some rear

boundaries and other areas were not accessible so in such locations information regarding trees may be limited.

**5.535. Village approach.** The village approach from the south with its overhanging trees on steep banks is visually important and a feature of this part of the conservation area.



Picture 34. Looking south out of the conservation area. A combination of overhanging trees and steep banks makes an important visual contribution to this part of the conservation area.

**5.546. Water features.** A pond at the junction of Duck Lane and Walkern Road in the centre of the conservation area makes a valuable visual contribution. Also two ponds to the west of Benington Lordship.



Picture 35. Attractive water feature junction of Duck Lane and Walkern Road.

**5.557. Important views.** A selection as shown on accompanying plans.

**5.568. Elements out of character with the Conservation Area.** Site of the Bell PH. The Bell PH is a most important listed building but the exposed nature of the car park together with various fencing elements currently detract. A young yew hedge has been planted to the front which when mature should secure visual improvements. Perhaps a few additional native trees strategically



planted within the hedge would in time provide vertical emphasis in keeping with other planting in the village nearby.



Picture 36. The exposed nature of the Bell PH car park will be much improved once the hedge to front has matured. Possible further improvements could be sought by some small number of strategically located tree planting. Note: since this photograph was taken the asbestos outbuilding in the picture is currently being refurbished.

**5.5759.** Utility poles and overhead services. There are several such poles and overhead services which detract to a modest degree although Benington is fortunate in the limited nature of this issue, commonly encountered in other conservation areas. Nevertheless the Parish Council may wish to contact the appropriate service company to establish whether or not opportunities exist to make selected improvements.

**5.5860.** Opportunities to secure improvements. Consider repair work and potential grant assistance with owners in relation to the summer house at Benington Lordship. Repair entrance gates to Benington Lordship. Consider repairs to walls at former Kitchen Garden, Bury Lodge Farm.

**5.5961.** Suggested boundary changes. It is proposed to amend the conservation area as follows:

(a) Minor extension at Benington Bury Farm area (part western boundary) to remove any ambiguity relating to historic wall remaining within the conservation area.

(b) Minor extension At Benington Bury Farm area to include entirety of residential building on eastern boundary.

(c) Minor extension to west of ponds at Benington Lordship to better reflect existing boundaries.

**(d) Exclude field to north of buildings at Benington Bury Farm which visually appears as part of open countryside (but retain narrow strip to ensure there is no ambiguity relating to historic wall remaining within the conservation area).**



Picture 37. Land to north of Benington Bury Farm, excluded from the conservation area as it reads more as being part of the open countryside.

**(e) exclude an area of open land including ménage and associated buildings on the east side of Duck Lane, north-east of Beech House. This land is interpreted as being part of the open countryside.**



Pictures 38 - 39. Modern buildings set in a wider landscape and now **proposed to be** excluded from the conservation area.

**(f) exclude an area to rear of school principally consisting of buildings, hard surface and play areas. This area is not of special architectural or historic quality and is proposed for exclusion following detailed examination and consequential to the period of further consultation 9-30 September 2019.**



**Pictures 40-41. Area to rear of school, now proposed to be excluded from the conservation area.**

Formatted: Centered

Formatted: Font: 9 pt

**5.602** Looking at the Character Analysis (Plan 2) it can be seen there are many examples of the red line denoting the existing conservation area being off-set from the physical boundaries meant to be followed. These are particularly apparent on the Benington mapping and will be rectified in the production of the final document. Such positional inaccuracies are not referred to above.

**5.613. Other Actions.** Check issue of southern part of churchyard falling within an area designated by Historic England as an Historic Park and Garden.

## **6. OVERALL SUMMARY.**

**6.1.** Benington's conservation area is of high quality. It is assuredly considered to be '*special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance*'. In addition to the diverse selection of important listed buildings of the highest quality there are

strong historical associations going back to the Norman period. Great care needs to be exercised in relation to new development proposals.

6.2. This Appraisal has also identified several late 19<sup>th</sup>/early 20<sup>th</sup> century non listed buildings that add to the quality of the built environment whose retention through the planning process and by additional controls is advised. There are also other features of importance that should be retained.

6.3. Throughout the conservation area trees play a most important role in visually enhancing the village street scenes in many locations. There are also important open spaces and historic gardens which need protecting.

6.4. In relation to the requirement to enhance, several improvements have been identified which are set out in summary tabular form in the Management section below. The suggested improvements, both large and small, will principally be implemented by the goodwill and with the co-operation of individual owners. However the Council may be able to offer advice and guidance and, subject to staff resources, will be prepared to do so, as and when appropriate. Some improvements may be potentially eligible for grant assistance.

6.5. Several alterations to the Conservation Area boundary have been proposed.

## PART C - MANAGEMENT PROPOSALS.

### 7. MANAGEMENT PROPOSALS.

7.1. *Revised Conservation Area Boundary.* The revised boundary is shown on accompanying Management Plan to which the reader is referred and includes the following amendment/s.

(a) Minor extension at Benington Bury Farm area (part western boundary) to remove any ambiguity relating to historic wall remaining within the conservation area.

(b) Minor extension At Benington Bury Farm area to include entirety of residential building on eastern boundary.

(c) Minor extension to west of ponds at Benington Lordship, ~~to better reflect existing boundaries.~~

(d) Exclude field to north of buildings at Benington Bury Farm which visually appears as part of open countryside (but retain narrow strip to ensure there is no ambiguity relating to historic wall remaining within the conservation area).

(e) exclude an area of open land including ménage and associated buildings on the east side of Duck Lane, north-east of Beech House.

(f) exclude an area to rear of school principally consisting of buildings, hard surface and play areas.

**7.2. General Planning Control and Good Practice within the Conservation Area.**

All 'saved' planning policies are contained in the East Herts ~~Local District Plan~~ **Second Review** adopted ~~in April 2007~~ **in October 2018**. It is currently against this document and the National Planning Policy Framework (NPPF) that the District Council will process applications. The NPPF is supplemented by Planning Practice Guidance. One such guidance note of particular relevance is 'Conserving and Enhancing the Historic Environment'. ~~When the 2007 Local Plan is replaced by the District Plan the latter's policies will then be relevant.~~ District Plan policies HA1, HA4, HA5 and HA6 are particularly relevant.

7.3. Applicants considering submitting any application should carefully consider the relevant District Plan policies and if necessary contact Officers to seek pre-application advice.

Telephone 01279 655261 (For development proposals ask for Development Management. For general conservation advice ask for a Conservation Officer).

E-mail: [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)

Website: [www.eastherts.gov.uk](http://www.eastherts.gov.uk)

Or write to Development Management, East Herts. District Council, Wallfields, Pegs Lane, Hertford SG13 8EQ

7.4. Applicants may also wish to refer to one of the several Guidance Notes previously referred to which will be updated as resources permit.

**7.5. Planning Control - Potential need to undertake an Archaeological Evaluation.** Within the Scheduled Ancient Monument and within Areas of Archaeological Significance ~~(as shown on either the adopted Local Plan or emerging District Plan)~~, the contents of policies **BH1, BH2 and BH3** HA1 and HA3 are particularly relevant.

**7.6. Listed Building Control and Good Practice.** Those buildings that are individually listed are identified. Other pre-1948 buildings, structures or walls within the curtilage of a Listed Building are similarly protected in law. Policy HA 7 particularly applies.

7.7. Listed Buildings are a significant asset in contributing to the quality of the conservation area. It is essential that their architectural detailing is not eroded nor their other qualities and settings compromised.

**7.8. Planning Control – Other Unlisted Buildings that make an Important Architectural or Historic Contribution.** Within the existing Conservation Areas this Appraisal has identified several unlisted buildings/ groups of buildings that are considered to have sufficient qualities to be described thus. Any proposal involving the demolition of these buildings is unlikely to be approved. Policies HA2 and HA4 II particularly apply.

**7.9.** These buildings are: Beech House, Duck Lane; 32-36 Walkern Road; The School House, Walkern Road and part of Benington Primary School.

**7.10.** There are other distinctive features that are integral to some of the important unlisted buildings identified above that make an important architectural or historic contribution, including selected chimneys, windows and other architectural detailing where protection could be provided by removing Permitted Development Rights via an Article 4 Direction. The associated legislation is ~~complex. Should the Council consider such a course of action appropriate~~complex and there would be a process of notifying the affected owners separately at a later date. This would be associated with further detailed consideration and possible refinement. Policy HA4 I (f) particularly applies.

**7.11. Planning Control – Other distinctive features that make an Important Architectural or Historic Contribution.** This Appraisal has identified a number of walls and other features that make a particular contribution to the character of the conservation area. These will be protected from demolition within the parameters of legislation.

**7.12. Planning Control – Important Historic Park and Garden.** There is one such garden being that at Benington Lordship which is on Historic England's national register and listed grade II. Proposals that significantly harm the garden's special character will not be permitted. ~~and will be considered against Policy BH16.~~ Policies HA1, HA4 and HA8 particularly apply.

Other Garden of Historic Importance. Garden probably of 19th century origin at Bury Lodge Farm. The owners are encouraged to retain those historic elements of the garden which still remain, for example, the yew hedges. District Plan Policy HA2 particularly applies.

**7.13. Planning Control – Important open land, open spaces and gaps.** This Appraisal has identified the following particularly important open spaces: The Churchyard; Church Green and associated subsidiary greens; grassland opposite Beech House; land to the east of the Bell PH. These spaces will be protected. Policy HA4 I (e) particularly applies.

**7.14. Planning Control – Open countryside to the east of Duck Lane. This land will be protected as a valued countryside resource. District Plan Policy GBR2 particularly applies.**

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

**7.145. Planning Control – Particularly important trees and hedgerows.** Only the most significant trees are shown very diagrammatically. It has not been possible to plot trees on inaccessible land. Subject to certain exceptions all trees in a conservation area are afforded protection and a person wanting to carry out works has to notify the Council. Trees that have not been identified may still be considered suitable for protection by Tree Preservation Orders. Owners are advised to make regular inspections to check the health of trees in the interests of amenity and Health and Safety. **Policy NE3 III particularly applies.**

**7.16. Planning Control – Water Features. Pond at the junction of Duck Lane and Walkern Road and two ponds to the west of Benington Lordship will be protected. District Plan Policy NE3 IV particularly applies.**

**7.157. Planning Control - Important views.** A selection of general views is diagrammatically shown. ~~Policy BH6 is particularly relevant.~~ **Policy HA4 I (e) particularly applies.**

**7.168. Enhancement Proposals.** The Appraisal has identified utility poles that detract which are summarised in the Table below together with a proposed course of action; other actions are also identified. Within the staff and financial resources available, Council Officers will be pro-active and provide assistance. It must be recognized that such improvements will generally be achieved only by the owner's co-operation. The reader's attention is drawn to the potential of grant assistance in eligible circumstances.

Detracting element	Location	Proposed Action.
Utility poles and overhead services.	Various.	The PC may wish to selectively pursue with the appropriate services company.
<b>Other actions, including opportunities to secure improvements.</b>		
<b>Discuss the potential of repair work and potential grant assistance with owners in relation to the summer house at Benington Lordship.</b>		
<b>Discuss the potential of repair work and potential grant assistance with owners in relation to the metal entrance gates to Benington Lordship.</b>		

**Discuss the potential of repair work and potential grant assistance with owners in relation to the walls at former kitchen garden, Bury Lodge Farm. Also encourage owner to retain other historical elements such as veteran trees and formal hedging.**

**Resolve issue of apparent conflict of southern area of churchyard being within an area designated by Historic England as an Historic Park and Garden.**



# CHARACTER ANALYSIS KEY

EXISTING CONSERVATION AREA BOUNDARY



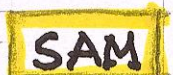
PROPOSED EXTENSIONS TO THE CONSERVATION AREA



PROPOSED REDUCTIONS OF THE CONSERVATION AREA



SCHEDULED ANCIENT MONUMENT



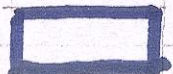
AREAS OF ARCHAEOLOGICAL SIGNIFICANCE



INDIVIDUALLY LISTED BUILDINGS/STRUCTURES



IMPORTANT BUILDINGS IN THE CURTILAGES OF LISTED BUILDINGS



OTHER INDIVIDUALLY LISTED FEATURES

Lych Gate to church

Grotto at Peterscourt



LISTED BUILDINGS 'AT RISK' OR OTHER CURTILAGE LISTED BUILDINGS/STRUCTURES IN NEED OF REPAIR/ REFURBISHMENT



UNLISTED BUILDINGS THAT MAKE AN IMPORTANT ARCHITECTURAL OR HISTORIC CONTRIBUTION



OTHER DISTINCTIVE FEATURES THAT MAKE AN IMPORTANT ARCHITECTURAL OR HISTORIC CONTRIBUTION

Walls

Tombstones

War Memorial

Entrance gates and piers

Historic 'street' lamp



IMPORTANT OPEN SPACES



IMPORTANT HISTORIC PARK AND GARDEN



OTHER GARDEN OF HISTORIC IMPORTANCE



IMPORTANT WATER FEATURES



GENERAL LOCATION OF IMPORTANT TREES/HEDGEROWS



IMPORTANT VIEWS



ELEMENTS OUT OF CHARACTER WITH THE CONSERVATION AREA

This page is intentionally left blank



*Revised following period of further consultation.*

**BENINGTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.**  
**Draft for Consultation 2018.**

**PLAN 2 - Character Analysis.**

© Crown copyright and database right 2018. Ordnance Survey 100018528

Website: [www.eastherts.gov.uk](http://www.eastherts.gov.uk)

E-mail: [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)

Phone: 01279 655261 (ask for the Conservation Officer)

East Herts District Council  
 Pegs Lane, Hertford, SG13 8EQ

This page is intentionally left blank

# BENINGTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.

Draft for Consultation 2018

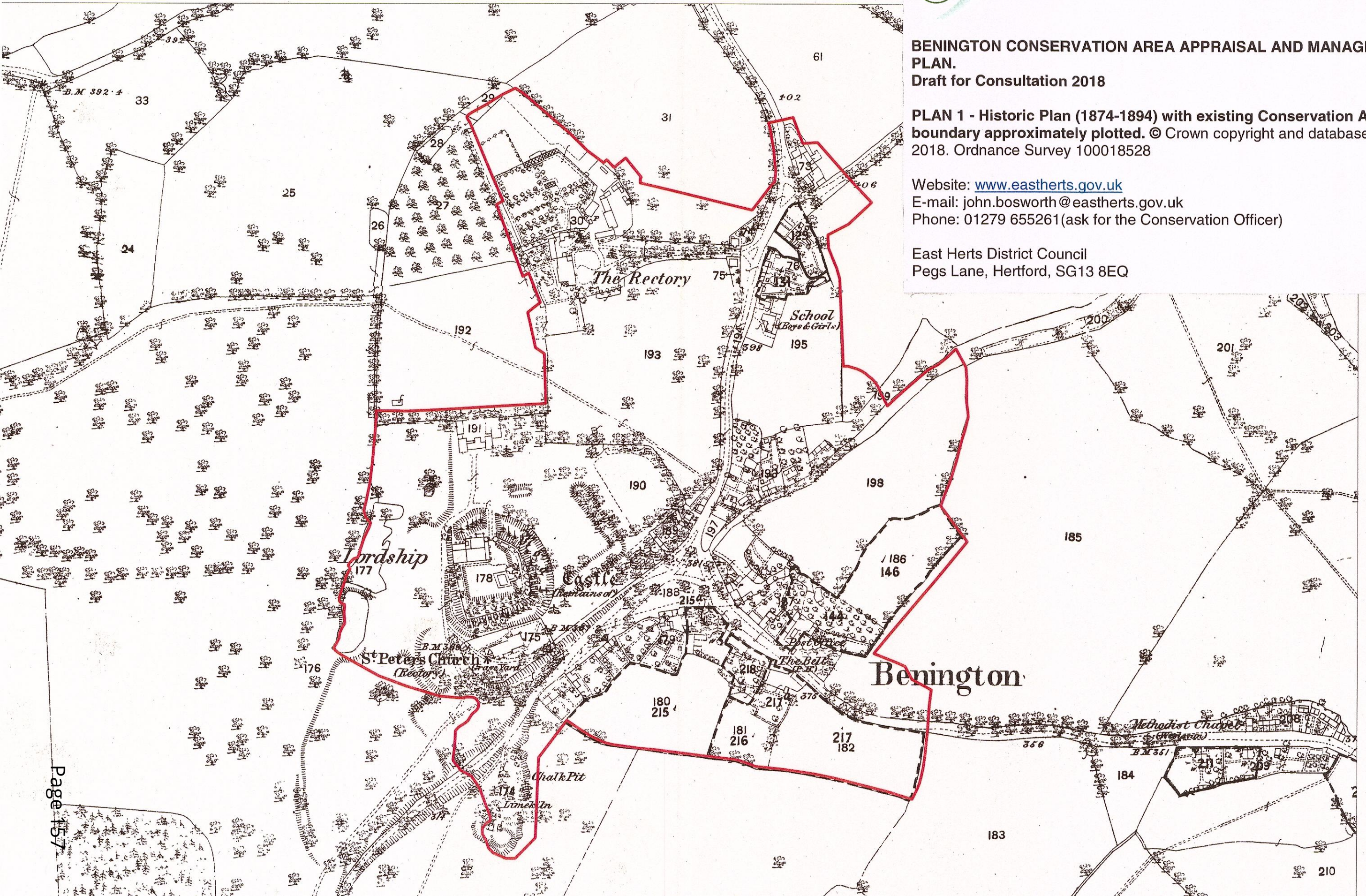
**PLAN 1 - Historic Plan (1874-1894) with existing Conservation Area boundary approximately plotted.** © Crown copyright and database right 2018. Ordnance Survey 100018528

Website: [www.eastherts.gov.uk](http://www.eastherts.gov.uk)

E-mail: [john.bosworth@eastherts.gov.uk](mailto:john.bosworth@eastherts.gov.uk)

Phone: 01279 655261 (ask for the Conservation Officer)

East Herts District Council  
Pegs Lane, Hertford, SG13 8EQ



This page is intentionally left blank

# MANAGEMENT PLAN KEY

District Plan Policies and Government Planning Policies set out in the 'National Planning Policy Framework' apply as appropriate.

**REVISED CONSERVATION AREA BOUNDARY:** District Plan Policies HA1, HA4, HA5 and HA6 particularly apply.

**SCHEDULED ANCIENT MONUMENTS AND AREAS OF ARCHAEOLOGICAL SIGNIFICANCE:** District Plan Policies HA1 and HA3 particularly apply.

**INDIVIDUALLY LISTED BUILDINGS/STRUCTURES:** District Plan Policy HA7 particularly applies.

**OTHER INDIVIDUALLY LISTED FEATURES:** District Plan Policy HA7 particularly applies.

Lych Gate to church

Grotto at Peterscourt

**LISTED BUILDINGS 'AT RISK' OR OTHER CURTILAGE LISTED BUILDINGS/STRUCTURES IN NEED OF REPAIR/ REFURBISHMENT**

**IMPORTANT BUILDINGS IN THE CURTILAGES OF LISTED BUILDINGS:** District Plan Policy HA7 particularly applies.

**UNLISTED BUILDINGS TO BE PROTECTED FROM DEMOLITION:** District Plan Policies HA2 and HA4 II particularly apply.

**OTHER DISTINCTIVE FEATURES TO BE PROTECTED FROM DEMOLITION WITHIN PARAMETERS OF EXISTING DISTRICT PLAN POLICIES AND LEGISLATION:** (includes features within the curtilage of Listed Buildings and walls/railings above the specified heights)

Walls

Tombstones

War Memorial

Entrance gates and piers

Historic 'Street' Lamp

**SELECTED FEATURES ON UNLISTED BUILDINGS WHERE ADDITIONAL CONTROLS ARE PROPOSED SUBJECT TO FURTHER CONSIDERATION AND NOTIFICATION (by Article 4 Direction):** District Plan Policy HA4(f) particularly applies. See text for exact locational details.

**IMPORTANT OPEN SPACES TO BE PROTECTED:** District Plan Policy HA4 I(e) particularly applies.

**IMPORTANT WATER FEATURES TO BE PROTECTED:** District Plan Policy NE3 IV particularly applies.

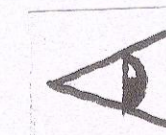
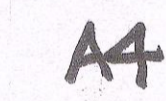
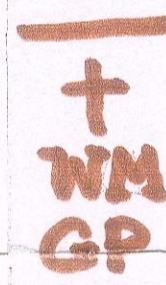
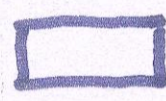
**GENERAL LOCATION OF IMPORTANT TREES/HEDGEROWS TO BE PROTECTED WITHIN PARAMETERS OF LEGISLATION:** District Plan Policy NE3 III particularly applies.

**IMPORTANT HISTORIC PARK AND GARDEN TO BE PROTECTED:** District Plan Policies HA1, HA4 and HA8 particularly apply.

**OTHER GARDEN OF HISTORIC IMPORTANCE TO BE PROTECTED WITHIN PARAMETERS OF LEGISLATION:** District Plan Policy HA2 particularly applies.

**SELECTED IMPORTANT VIEWS TO BE PROTECTED:** District Plan Policy HA4 I(e) particularly applies.

**PROPOSED ENHANCEMENTS.**



This page is intentionally left blank





This page is intentionally left blank

## EAST HERTS COUNCIL

EXECUTIVE – 3 DECEMBER 2019

### REPORT BY LEADER OF THE COUNCIL

REPORT TITLE: HARLOW AND GILSTON GARDEN TOWN:  
STEWARDSHIP OBJECTIVES AND PRINCIPLES

WARD(S) AFFECTED: Hunsdon, all

---

### **Purpose/Summary of Report**

- To enable the Executive to consider the Stewardship Objectives and Principles, in relation to the development coming forward at the Harlow and Gilston Garden Town and recommend to Council that they be endorsed.

<b><u>RECOMMENDATION FOR EXECUTIVE: to:</u></b>	
<b>(A)</b>	<b>recommend to Council that the Stewardship Objectives and Principles, relating to development proposals coming forward as part of the Harlow and Gilston Garden Town, be endorsed.</b>

#### 1.0 Background

1.1 The Harlow and Gilston Garden Town (HGGT) Vision sets out that development coming forward should be informed by the Garden City Principles, as devised by the Town and Country Planning Association (TCPA).

1.2 An important element of the Garden City Principles is that appropriate arrangements need to be in place for the long term stewardship of land and facilities provided as a result of

development. A range of such assets are likely to come forward as a result of the Garden Town development, including at the Gilston site. Therefore it is necessary to ensure that the approach to future stewardship is established.

- 1.3 Consultants (Arup) have been commissioned to consider the particular circumstances relating to the Garden Town developments and to recommend a way forward with regard to stewardship matters.
- 1.4 At this stage and as a first step in the process, Stewardship Objectives and Principles have been devised. This report is to seek endorsement of these by the Executive and Council and to ensure members are aware of the parameters that are being set in place in relation to this matter.
- 1.5 A report was previously presented to the Executive (17 July 2018) which addressed how community assets delivered as a result of new development should be managed. This was prompted by the requirement to establish management arrangements in relation to the Bishop's Stortford North development. At that time, the Executive resolved that guidelines for future sites should be produced. The stewardship work that is being undertaken now, in relation to the Garden Town, can provide the basis of those guidelines for sites across the District.

## 2.0 Report

- 2.1 As indicated, to date, following consultation with a range of Garden Town stakeholders, Stewardship Objectives and Principles have been devised. These set out what the ultimate stewardship arrangements should achieve (Objectives) and comprise a set of high level statements about how the arrangements should operate (Principles). The Objectives and Principles are set out in **Essential Reference Paper B**. The Objectives and Principles have been considered and endorsed

by the HGGT Board, although they have been subject to subsequent revision.

- 2.2 Further work is underway now in relation to the following matters:
- to agree on the range of assets that should or could fall within the remit of a stewardship body;
  - to identify and assess potential stewardship models; and,
  - to make recommendations with regard to the most appropriate stewardship approach.
- 2.3 This work will involve further engagement with stakeholders. In that respect a community stakeholder engagement event was recently undertaken on 11 November. This enabled representatives to consider the range of assets to be included and potential stewardship models. The outcomes from the event are being drawn into the ongoing work assessing possible stewardship models.
- 2.4 Irrespective of further progress, endorsement of the Stewardship Objectives and Principles is being sought at this stage in order to ensure that the Executive and Council are aware of the direction of travel in relation to this matter. A further report will be presented to the Executive when the work of this commission has concluded and consultants have provided recommendations in relation to the appropriate long term stewardship model(s).
- 2.5 With regard to the Objectives, these generally relate to the standards to be achieved by the finally agreed stewardship approach and cross refer to other TCPA Garden City Principles. In that respect, for example, the Objectives require that assets are maintained in a way that develops the health and well-being of residents. Asset maintenance should support the social cohesion of the local community, enhance existing assets and allow an accessible, inclusive and sustainable community to be promoted.

- 2.6 The Principles define how the stewardship body will operate. These are high-level at this stage and cover issues such as decisions being made in the long term public interest, ensuring the stewardship body is financially sustainable, resilient, flexible, adaptable, collaborative and transparent. It will be necessary to ensure that the final arrangements include representation from the residents of the new development, when they start to move into the site.
- 2.7 With regard to both the Objectives and Principles, it is considered that these represent an appropriately broad and flexible, yet definitive set of parameters. They provide an appropriate framework through which the next and more detailed stages of the work can take place. It is recommended that they can be endorsed in their current form to enable progress to be made to the final form of the stewardship arrangements.
- 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

Contact Member: Cllr Linda Haysey – Leader of the Council  
[linda.haysey@eastherts.gov.uk](mailto:linda.haysey@eastherts.gov.uk)

Contact Officer: Sara Saunders – Head of Planning and Building Control  
Contact Tel No 01992 531656  
[sara.saunders@eastherts.gov.uk](mailto:sara.saunders@eastherts.gov.uk)

Report Author: Kevin Steptoe – Garden Town Lead Officer  
[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)

**IMPLICATIONS/CONSULTATIONS**

<p>Contribution to the Council's Corporate Priorities/ Objectives</p>	<p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Priority 2 – Enhance the quality of people's lives</p> <p>Priority 3 – Enable a flourishing local economy</p>
<p>Consultation:</p>	<p>There has been community stakeholder and landowner/ developer engagement through consultation events and workshops.</p>
<p>Legal:</p>	<p>None arising at this stage. It will be necessary to ensure that the finally agreed stewardship arrangements are robust with regard to their legal implications.</p>
<p>Financial:</p>	<p>No direct financial implications at this stage. Final arrangements will seek to ensure that assets are managed in a way that is financially sound in the longer term.</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>Limited at this stage. The Objectives and Principles establish a framework which seeks to ensure that longer term risks are minimised.</p>
<p>Health and wellbeing – issues and impacts:</p>	<p>None direct at this stage. The Objectives ensure that health well-being objectives are taken into account in the further stewardship work.</p>
<p>Equality, diversity and human rights</p>	<p>Not considered that EIA Assessment required at this stage.</p>

considerations, and whether Equality Impact Assessment required:	
Environmental Sustainability	The Objectives ensure that environmental sustainability is taken into account in the further stewardship work.



### HGGT Stewardship Objectives and Principles

---

#### Objectives

The objectives establish the intended outcomes to be achieved through any stewardship arrangements and that any stewardship body established will need to fulfil. However, it is acknowledged that depending on the model(s) selected and the assets conferred to the body(ies), it is possible that not all objectives will necessarily be applicable to all types of bodies.

- a) Community assets will be well managed and maintained as part of a high-quality development.
- b) Community assets will be maintained, enhanced and promoted to develop the health and wellbeing of residents.
- c) Community assets will be maintained, enhanced and promoted to support the social cohesion of the local community.
- d) Green spaces will be created, restored and managed to improve the natural environment to deliver net biodiversity gain and enhanced habitats.
- e) Green spaces, sustainable urban drainage systems (SuDs) and community assets will complement and enhance the existing natural, semi-natural and built public assets within the wider area.
- f) An accessible, inclusive and sustainable community will be promoted.
- g) Local people will be involved in volunteering schemes linked to the stewardship of the assets.
- h) Economic participation and skills development of residents will be facilitated and encouraged through vocational education and training opportunities.

## **Principles**

The principles define how the stewardship body will operate and make decisions. Any stewardship body will:

1. Uphold the objectives of stewardship for the HGGT and ensure decisions are made in the long-term public interest.
2. Be an effective, credible and respected custodian of assets.
3. Be financially sustainable, offering value for money services and develop, maintain and monitor a long-term viable and prudent business plan to ensure the efficacy and success of the stewardship arrangements.
4. Enable long term resilience through a flexible, adaptable and entrepreneurial approach.
5. Ensure that it has access to suitable skills and expertise and has sufficient capacity to enable it to undertake its role successfully.
6. Encourage collaboration and partnership working between local authority partners, the community and wider stakeholders, to take full advantage of their contribution to stewardship, where appropriate.
7. Include representation from the HGGT Garden Community site residents on the stewardship body once the occupation of the HGGT Garden Community sites begins.
8. Embed transparent monitoring and accountability requirements from the outset to ensure the benefits of the development are realised and maintained.

EAST HERTS COUNCIL

EXECUTIVE – 3 DECEMBER 2019

REPORT BY LEADER OF THE COUNCIL

HERTFORDSHIRE GROWTH BOARD – MEMORANDUM OF UNDERSTANDING

WARD(S) AFFECTED: None

---

## **Purpose/Summary of Report**

- To invite the Executive to approve the attached Hertfordshire Growth Board - Memorandum of Understanding setting out the objectives, principles, and scope of the collaborative work undertaken through the Hertfordshire Growth Board.

<p><b><u>RECOMMENDATION:</u></b> That the Executive agree the Hertfordshire Growth Board - Memorandum of Understanding set out as Essential Reference paper B to this report.</p>
---

## 1. Background

- 1.1 Since September 2018 the Hertfordshire Leaders and Local Enterprise Partnership Chair have been collaborating through the Hertfordshire Growth Board. Together they have undertaken the Growth Board Development Programme, which has allowed the leaders to identify their key growth challenges, emerging programmes of work, and key features of an emerging proposition to government. Work is now taking place to move those programmes into implementation and to deepen our ongoing collaborative ways of working and engagement with central government.

- 1.2 The Leaders of the District Councils, County Councils, and the Local Enterprise Partnership agreed at the September 2019 Hertfordshire Growth Board meeting to develop a Memorandum of Understanding to be considered by the Hertfordshire Growth Board at its meeting on 15<sup>th</sup> October. The Memorandum of Understanding attached to these papers as Essential Reference B, has now been considered by the Growth Board and is recommended for agreement by all the Hertfordshire Councils and the Local Enterprise Partnership Board.
- 1.3 In terms of scope and content, the Memorandum of Understanding sets out the core objectives and aims of working through the Hertfordshire Growth Board and the principles of partnership between the parties to the agreement. It also makes clear what is in and what is not within the scope of the work of the Hertfordshire Growth Board:
- The objectives of the collaboration focus on taking a broader place-based approach to strategic planning for development, infrastructure, transport, climate change, and economy. The aims of the collaboration expand on the work that the parties might undertake through the Hertfordshire Growth Board to help achieve these objectives.
  - The principles set out some of the benefits to be achieved through partnership working, using the two-tier system at its best, responding to wider challenges, providing leadership of place and increasing impact. It also sets out the principles of how the parties will work together, how they will undertake place-making in Hertfordshire, and approaches towards governance.
  - The scope of the Memorandum of Understanding makes clear that any council exercising any particular function shall continue to do so – including local plans, housing, and development management.
- 1.4 The Memorandum of Understanding has a number of legal terms and conditions, which are summarised as follows:

- It is not enforceable in law and cannot override existing statutes;
- Parties are free to withdraw individually at any point, and the Memorandum of Understanding shall wholly terminate if the growth board dissolves; and
- It is amendable only by the unanimous written consent of all its members.

1.5 Drafts of the Memorandum of Understanding have been circulated through the Chief Executives' and Leaders' groups and amended as a result of feedback. The attached version has the support of the Growth Board to go forward through individual Councils' democratic processes.

1.6 The draft Memorandum of Understanding, if adopted by the Councils and the Local Enterprise Partnership, will give a very clear signal to Government and partners about the Hertfordshire joint working ambition. It will also demonstrate how the Growth Board's members are providing place-based leadership and governance across Hertfordshire and is maturing as a body that government can talk with about an enhanced collaborative relationship in future.

#### Background Papers

ERP B – Growth Board – Memorandum of Understanding.

Contact Member: Linda Haysey, Leader of the Council  
*[linda.haysey@eastherts.gov.uk](mailto:linda.haysey@eastherts.gov.uk)*

Contact Officer: Richard Cassidy – Chief executive  
Contact Tel 01992 531650  
*[richard.cassidy@eastherts.gov.uk](mailto:richard.cassidy@eastherts.gov.uk)*

This page is intentionally left blank

**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:	There has been extensive Leader and Chief Executive engagement, representing all Hertfordshire Local Authorities and the Hertfordshire Local Enterprise Partnership, to develop the Memorandum.
Legal:	None arising at this stage. The memorandum is not enforceable in law and cannot override existing statutes. Parties are free to withdraw from the Memorandum at any point.
Financial:	The signing of the MOU does not commit any Hertfordshire Council or the Local Enterprise Partnership to expenditure at this stage. The work of the Growth Board is evolving and at present is being funded in-kind or through use of the Growth Fund established for use by the Growth Board through the retained Business Rates Pilot Funds secured for Hertfordshire.
Human Resource:	None arising at this stage. The initial implementation of the work of the Growth Board will require elements of staffing support from existing partner authorities. Future delivery of the Growth Board strategy will be subject to support bids made to central government and other agencies.
Risk Management:	Limited at this stage. The Memorandum seeks to establish a framework which to ensure that longer term risks are minimised.

Health and wellbeing – issues and impacts:	None at this stage.
Equality, diversity and human rights considerations, and whether Equality Impact Assessment required:	<p>There are no direct equality implications arising from this report.</p> <p>No EqIA was undertaken in relation to this report.</p>
Environmental Sustainability	The objectives of the Memorandum ensure that environmental sustainability is taken into account in the further work of the Hertfordshire Growth Board.



# HERTFORDSHIRE GROWTH BOARD

## Memorandum of Understanding

### October 2019



## Memorandum of Understanding

Between

Broxbourne Borough Council  
Dacorum Borough Council  
East Herts District Council  
Hertfordshire County Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council  
Hertfordshire Local Enterprise Partnership

The local authorities listed above comprising of county council, district councils and borough councils are together referred to as “Local Authorities”. The Hertfordshire Local Enterprise Partnership is referred to as the “LEP”. The Local Authorities and the LEP are collectively referred to in this Memorandum of Understanding as the “Partners”. A list of the Partners and their principal addresses are listed at Schedule 1 “the Partners”.

### 1. Purpose

1.1. The purpose of this Memorandum of Understanding is for the Partners to:

- Raise awareness of their joint working intent to Hertfordshire residents, partners, businesses and central government;
- commit to continued collaborative place-based working across Hertfordshire;
- set out the joint working intention between the Partners; and
- demonstrate how they will work together as equal stakeholders with different roles to manage future growth in Hertfordshire.

### 2. Background

2.1. Since September 2018, the Partners have been working collaboratively through the Hertfordshire Growth Board – an alliance consisting of the Leaders of all of the Local Authorities and the Chair of the LEP. Together, the Partners are responding to the place leadership and growth challenges that face Hertfordshire now and in the future and are committed to ensuring that the Partners work in a proactive, positive and inclusive way.

2.2. To date, the Partners have identified the following growth challenges:

- demand for residential homes of a variety of types and tenures;
- need for infrastructure and local services serving both new and existing residents;
- securing jobs and inward business investment within Hertfordshire;
- responding to growth pressures from outside Hertfordshire in a considered and appropriate way;

- pressure on green belt and providing a sustainable and high-quality environment, and
- the threat climate change poses to the county and its residents.

Through the exploration of the joint place-based ambitions that the Partners have been developing, working together to achieve this challenge will result in positive benefits for Hertfordshire, now and in the future.

2.3. The Partners are keen to ensure that growth delivers for both current and future Hertfordshire residents and supports a thriving county. The three pillars of the Hertfordshire Growth Board will be people, place and prosperity. People means enabling happy, healthy, diverse communities who feel they belong in Hertfordshire and can benefit from its successes. Place means making places contribute to people's health, happiness, and wellbeing without compromising the future or our environment. Prosperity means delivering Hertfordshire's contribution to the UK and national economy while maintaining and further developing a sustainable local economy that creates value for Hertfordshire residents.

2.4. Hertfordshire is a net contributor to the UK economy, and good growth is key to ensuring that the Partners continue to build on that while locally providing good quality jobs, skills, and opportunities for all Hertfordshire residents. Hertfordshire's location between London and the Oxford-Cambridge Arc and its unique 'offer' make the Partners perfectly placed to work with government and co-create ideas and solutions to meet the challenges and maintain the momentum and growth of UK plc that benefits all of Hertfordshire. However, in parts of Hertfordshire our productivity is falling behind the national average, and without change, we risk not being able to deliver on local and national economic objectives.

2.5. This Memorandum of Understanding builds on a history of successful partnership working in Hertfordshire on issues like property, infrastructure and planning as well as the two emerging joint strategic spatial planning partnerships in North East Central Herts and South West Herts.

2.6. This Memorandum of Understanding sets out:

- the core objectives and aims of the Hertfordshire Growth Board; and
  - the principles of collaboration for Hertfordshire
- subject to the terms and conditions set out within this Memorandum of Understanding.

### **3. Core Objectives and Aims**

3.1. The core objective of the Hertfordshire Growth Board is to respond to the key growth challenges facing Hertfordshire. The Partners have agreed a set of place-based ambitions and agreed to work together on delivering those ambitions through the future work programme:

- Strategic planning and positioning – the need to raise Hertfordshire's profile and secure central government support for scaled and accelerated delivery, helping to overcome the challenges faced by the local plan system, and growing strategic employment and housing corridors within Hertfordshire;

- Homes – the need to overcome market failure to deliver the housing Hertfordshire needs. This includes more social and affordable housing; good and inclusive growth that delivers sustainable communities, housing, and places into the future; and accommodating housing and economic growth with sustainable construction and excellent design that does not compromise the attractiveness of our existing places;
- Infrastructure – the need to access sufficient forward funding to put ‘infrastructure in first’ ahead of development delivery, reduce our carbon footprint, and plan for active and sustainable travel; and
- Economy – the need to further unlock the potential of our key sectors, stimulate new sectors, and create quality local jobs growth, in alignment with the emerging Local Industrial Strategy.

3.2. The Hertfordshire Growth Board will support the Partners to lead on, facilitate and support each other to collectively fulfil this core objective.

3.3. The Hertfordshire Growth Board, through its future work programme commitments aims to:

- Set out the shared vision for place and growth in Hertfordshire and the strategic priorities that will guide how the Partners collectively respond to demographic, economic and social challenges and work together for the continued success of a thriving Hertfordshire;
- Identify investment opportunities and potential sources of funding, including from central government, from private sources and locally, and where appropriate agree investment locally for the benefit of Hertfordshire;
- Speak with one voice to central government, academia, delivery partners, business and Hertfordshire residents, taking advantage of its place narrative and the scale of twelve Partners coming together;
- Agree and deliver on Partners’ shared priorities for infrastructure investment and development now and in the future;
- Lead on developing and securing the emerging agreement with central government to support infrastructure and housing, engaging with central government to secure buy-in, and acting as the accountable body for governance and delivery;
- Support the North East Central Herts and South West Herts planning partnerships and help facilitate strategic alignment of the joint planning work undertaken with each other and adjacent Local Planning Authorities.

#### **4. Principles of Partnership**

4.1. The Partners recognise the following benefits of stronger partnership working on place-based working in Hertfordshire:

- Building on the strengths of the two-tier system of local government, delivering at a local level while solving problems at a larger scale;
- Identifying and delivering local needs in collaboration with other strategic partners such as NHS, Police Constabulary and local businesses;

- Responding to challenges that extend beyond local authority boundaries such as strategic infrastructure delivery, traffic congestion, air quality, carbon reduction and affordable housing;
- Providing leadership of place at a county wide scale, helping to deliver joined up strategic and spatial planning appropriate for Hertfordshire's villages, towns, and cathedral city;
- Delivering at scale, with greater impact (the sum of what the Partners deliver together being greater than the sum of each individual authority's part) and with a single voice and message that commands the attention of government, investors and residents.

4.2. The Partners agree to the following principles to achieve the core objectives and aims set out in paragraph 3 above:

- The shared growth agenda – the Partners will individually work towards the Partners' shared growth challenges and ambitions, and in alignment with a collective coherent growth programme. The Partners may take advantage of their collective scale to maximise impact and shall endeavour to work across departments, authorities and boundaries;
- Strategic alignment – the Partners will seek strategic alignment with the emerging Hertfordshire Local Industrial Strategy, the emerging North East Central Herts and South West Herts Joint Strategic Spatial Plans, other groups and forums within Hertfordshire, regional bodies and neighbouring areas;
- Governance – the Partners will collectively secure the right governance, scrutiny, and transparency arrangements for the Hertfordshire Growth Board and underlying programmes, mindful of our local political environment and two-tier system of government. Local identity is one of Hertfordshire's strengths and the Partners will ensure that local identities and voices are not lost, and that pragmatic and flexible policies reflect local need;
- Designed around places – the Partners will support the development of Joint Strategic Spatial Plans and adopt a place-based delivery approach that addresses our shared challenges – connectivity, affordable homes, inclusive economic growth, protecting the environment, tackling climate change, and building healthy, safe communities;
- Collaboration – the Partners will ensure that they use and support existing successful examples of joint working across Hertfordshire where appropriate and will share and build on the substantial best practice and expertise that has been developed by each individual Partner. Each Partner will work effectively with its stakeholders, including residents, the private sector and academia; and
- Programme governance approach – the Partners will adopt robust project and programme management disciplines to bring pace, momentum and manage progress in achieving growth outcomes; and
- Resourcing – Partners will work together and with Government to put the resources that are necessary in place to deliver the core ambitions of the programme.

## 5. Scope of Memorandum of Understanding

- 5.1. The Partners intend to work together to enable good growth in Hertfordshire, subject to each individual Partner making decisions in accordance with its own decision-making process and the right to exercise its powers accordingly. Nothing in this Memorandum of Understanding shall affect the sovereignty of any individual Partner.
- 5.2. Each individual Partner agrees that the following shall remain in the domain of each individual Partner:
- decisions regarding housing and employment numbers, targets, and sites shall remain the responsibility of each Local Authority;
  - development management shall remain the responsibility of each Local Authority; and
  - discharging any function currently the responsibility of any Partner will remain the responsibility of that partner exercising that function.
- 5.3. The Growth Board will operate in accordance with its agreed Terms of Reference.

## **6. Term and Termination**

- 6.1. This Memorandum of Understanding shall commence on the date of the final signature of the Partners;
- 6.2. This Memorandum of Understanding shall wholly terminate if the Hertfordshire Growth Board is dissolved by a majority vote.
- 6.3. Any individual Partner may withdraw from this Memorandum of Understanding by giving 30 days written notice to the Hertfordshire Growth Board. The future of any projects and work streams that the individual Partner is involved in at the date of withdrawal shall be agreed by the Hertfordshire Growth Board and any individual Partner agrees that involvement may continue (financial or otherwise) until the end of the project or work stream unless agreed otherwise.

## **7. Variation**

- 7.1. This Memorandum of Understanding may be varied by written agreement of all of the Partners.
- 7.2. The Partners shall review this Memorandum of Understanding on an annual basis.

## **8. Charges and Liabilities**

- 8.1. Unless expressly agreed by the Hertfordshire Growth Board, each Partner shall bear their own costs and expenses incurred in complying with their obligations under this Memorandum of Understanding.

## **9. Status**

- 9.1. This Memorandum of Understanding is not intended to be legally binding and no legal obligations or legal rights shall arise between the parties from this Memorandum of Understanding.
- 9.2. This Memorandum of Understanding cannot override the statutory duties and powers of the Partners.

- 9.3. Nothing in this Memorandum of Understanding shall constitute a partnership or joint venture between any of the Partners.
- 9.4. Notwithstanding paragraph 9.1 above, each Partner covenants with the other Partners that they shall act in good faith towards the others and agrees to work together in accordance with this Memorandum of Understanding.

**Signed by:**

<b>Local Authority</b>	<b>Leader</b>	<b>Chief Executive</b>	<b>Date</b>
Broxbourne Borough Council			
Dacorum Borough Council			
East Herts District Council			
Hertfordshire County Council			
Hertsmere Borough Council			
North Hertfordshire District Council			
St Albans District Council			
Stevenage Borough Council			
Three Rivers District Council			
Watford Borough Council			
Welwyn Hatfield Borough Council			
<b>Local Enterprise Partnership</b>	<b>Chair</b>	<b>Chief Executive</b>	<b>Date</b>
Hertfordshire Local Enterprise Partnership			

## Schedule 1 – The Partners

**BROXBOURNE BOROUGH COUNCIL** whose principal address is: Bishops College, Churchgate, Cheshunt EN8 9XG

**DACORUM BOROUGH COUNCIL** whose principal address is: The Forum, Marlowes, Hemel Hempstead HP1 1HH

**EAST HERTS DISTRICT COUNCIL** whose principal address is: Wallfields, Pegs Lane, Hertford SG13 8EQ

**HERTFORDSHIRE COUNTY COUNCIL** whose principal address is at County Hall, Pegs Lane, Hertford SG13 8DE

**HERTSMERE BOROUGH COUNCIL** whose principal address is: Civic Offices, Elstree Way, Borehamwood WD6 1WN

**NORTH HERTFORDSHIRE DISTRICT COUNCIL** whose principal address is: Council Offices, Gernon Rd, Letchworth Garden City SG6 3JF

**ST ALBANS CITY & DISTRICT COUNCIL** whose principal address is: Civic Centre, St Peter's St, St Albans AL1 3JE

**STEVENAGE BOROUGH COUNCIL** whose principal address is: Daneshill House, Danestrete, Stevenage SG1 1HN

**THREE RIVERS DISTRICT COUNCIL** whose principal address is: Three Rivers House, Northway, Rickmansworth WD3 1RL

**WATFORD BOROUGH COUNCIL** whose principal address is: Town Hall, Watford WD17 3EX

**WELYWN HATFIELD BOROUGH COUNCIL** whose principal address is: The Campus, Welwyn Garden City AL8 6AE

**HERTFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP** whose principal address is: One Garden City, Broadway, Letchworth Garden City, SG6 3BF



EAST HERTS COUNCIL

EXECUTIVE – 19 NOVEMBER 2019

REPORT BY THE EXECUTIVE MEMBER FOR FINANCIAL SUSTAINABILITY

QUARTERLY CORPORATE BUDGET MONITOR – QUARTER 2 SEPTEMBER 2019

WARD (S) AFFECTED: All

---

## **Purpose/Summary of Report:**

- To provide a report on finance and performance monitoring for East Herts Council for 2019/20 as at 30<sup>th</sup> September 2019.
- The net revenue budget for 2019/20 is £10.268m as set out in table 1, this is funded by Council Tax. The forecast outturn as at 30<sup>th</sup> September 2019 predicts a year end underspend of £37k.
- The revised capital budget for 2019/20 is £78.319m, of which £62.787m is to be carried forward to future years.

<b>RECOMMENDATIONS FOR EXECUTIVE: That</b>	
<b>(A)</b>	<b>the projected revenue budget forecast underspend of £37k in 2019/20 be noted (paragraph 2.1)</b>
<b>(B)</b>	<b>the capital budget for 2019/20 is £78.319m, of which £62.787m is to be carried forward to future years be noted (paragraph 6.1)</b>
<b>(C)</b>	<b>the reported performance for the period April 2019 to September 2019 be noted (paragraph 8)</b>
<b>(D)</b>	<b>It is agreed to fund, up to £100k, of planning costs relating the recent Little Hadham planning application</b>

	<b>issues from the New Home Bonus priority spend reserve (paragraph 2.3)</b>
<b>(E)</b>	<b>It is agreed that equalisation reserves are used to offset the Planning service under achievement of income by £150k (paragraph 2.3)</b>

## 1.0 BACKGROUND

- 1.1 This is the finance and performance monitoring report for East Herts Council.
- 1.2 On 19<sup>th</sup> December 2018 Council approved a balanced budget for the 2019/20 financial year. This report sets out the financial position for the year to date and provides forecasts for the outturn position.
- 1.3 The Council's revenue budget is made up of 5 areas; these are shown in table 1 below. The report that follows provides details of the forecast outturn position against these areas.

**Table 1: 2019/20 revenue budget**

	<b>Original Budget 2019/20</b>	<b>Forecast outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Total Net Cost of Services	14,201	14,164	(37)
Corporate Budgets Total	1,669	1,669	0
Net Use of Reserves	(139)	(139)	0
Funding	(5,463)	(5,463)	0
<b>Net Revenue Spend</b>	<b>10,268</b>	<b>10,231</b>	<b>(37)</b>
Funded by Council Tax	(10,268)	(10,268)	0

**Underspend**

**0**

**(37)**

**(37)**

1.4 This report contains the following sections and Essential Reference Papers:

REPORT SECTIONS	
2	Net Cost of Services
3	Corporate budgets
4	Reserves
5	Funding
6	Capital budgets
7	Debtors
8	Performance analysis
9	Risk
10	Implications/consultations

ESSENTIAL REFERENCE PAPERS	
A	Implications/Consultations
B	Capital Monitor
C	Debtors
D	Performance monitoring
E	Communications Report

## 2 NET COST OF SERVICES

2.1 The Councils net cost of services budget for 2019/20 is £14.201m. An underspend of £37k is forecast in 2019/20. Table 2 overleaf shows this current forecast outturn position broken down by service area.

### **Table 2: Revenue forecast outturn**

Original Budget 2019/20	Forecast outturn	Variance	Variance
£'000	£'000	£'000	%

Net Cost of Services	Chief Executive & Directors	380	383	3	0.8%
	Communications, Strategy & Policy	1,001	990	(11)	1.1%
	HR & Organisational Development	513	539	26	5.1%
	Strategic Finance & Property	1,663	1,711	48	2.9%
	Housing & Health	2,408	2,403	(5)	0.2%
	Democratic and Legal	1,303	1,262	(41)	3.1%
	Planning & Building Control	600	633	33	5.5%
	Operations	3,717	3,686	(31)	0.8%
	Shared Revenues & Benefits Service	1,622	1,577	(45)	5.4%
	Revenues & benefits retained costs	(336)	(435)	(99)	29.5%
	Housing Benefit Subsidy	(550)	(550)	0	0.0%
	Shared Business & Technology Services	1,880	1,965	85	7.1%
	<b>Total Net Cost of Services</b>	<b>14,201</b>	<b>14,164</b>	<b>(37)</b>	<b>0.3%</b>

## 2.2 Democratic and Legal

An underspend of £41k is reported against the Democratic and Legal services. This is due to salary underspends and vacant posts across legal services and land charges.

### **2.3 Planning & Building Control**

A forecast overspend of £183k is reported against the Planning and building control service. Most of this relates to fee income which tends to fluctuate during the course of the financial year and the trend is being monitored. However, it is likely that the submission of planning applications are down nationally.

To mitigate against this impact on the Net Cost of Services, it is recommended that £150k of the Equilisation Reserve is utilised. Officers are working towards reducing this impact in future years.

Additionally, it is recommended that £100k from the New Homes Bonus priority fund is used to mitigate against the planning costs relating to a site in Little Hadham.

### **2.4 Shared Revenues and Benefits Service**

A forecast underspend of £45k is reported against the Shared Revenues and Benefits service. This mostly relates to an underspend in salaries due to recruitment delays.

### **2.5 Revenues and Benefits Retained Costs**

The Revenues and benefits retained costs budget is forecast to overachieve by £99k. This is mostly due to government grant income received and not utilised within the year.

### **2.6 Shared Business & Technology Services**

A forecast overspend of £85k is reported against the Shared Business and Technology Services budget. This is due to an increase in IT costs following review of the shared service with

### 3 CORPORATE BUDGETS

- 3.1 Corporate budgets are costs and income received by the Council that are not service specific, these include income from the Council's investments, pension deficit contributions and New Homes Bonus grants to Town and Parish Councils.
- 3.2 Table 3 below shows the forecast outturn position against the corporate budgets.

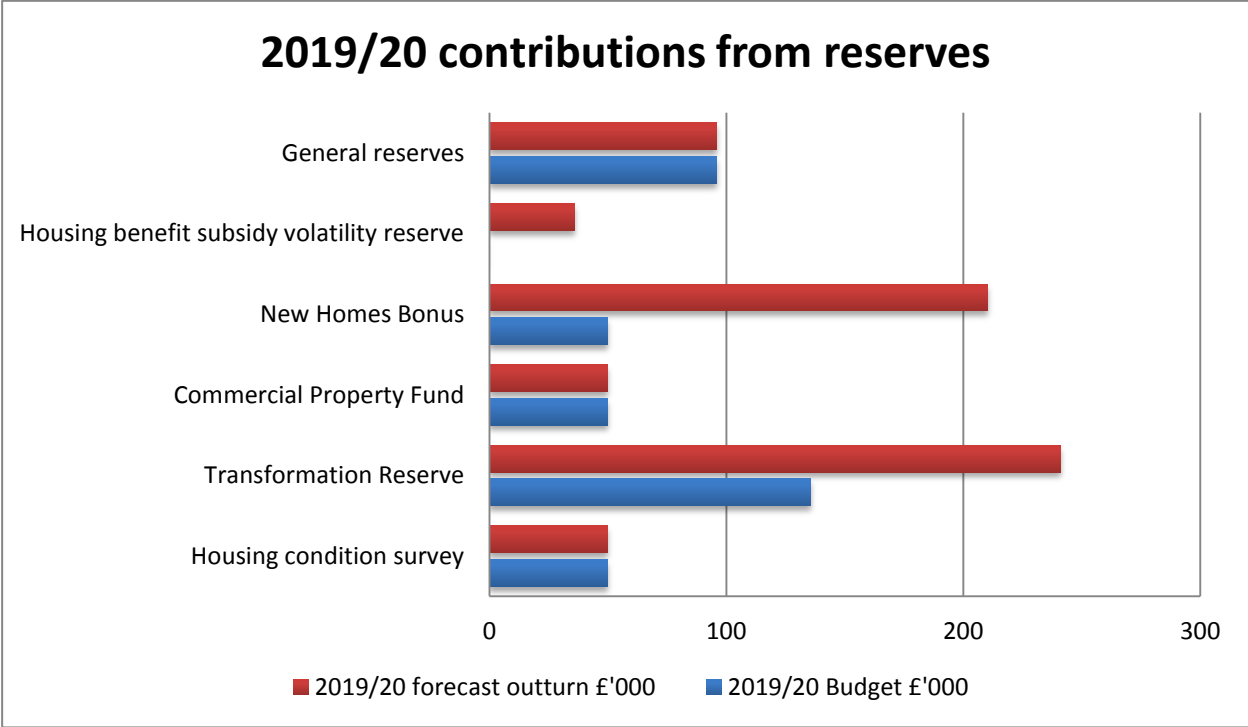
**Table 3: Corporate budgets 2019/20 forecast outturn**

	<b>Original Budget 2019/20</b>	<b>Forecast outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
NHB Grants to Town & Parish Council	697	697	0
NHB Priority Spend	697	697	0
Interest Payments	669	669	0
Interest & Investment Income	(1,090)	(1,090)	0
Pension Fund Deficit contribution	696	696	0
<b>Corporate Budget Total</b>	<b>1,669</b>	<b>1,669</b>	<b>0</b>

### 4 RESERVES

4.1 The Council holds earmarked reserves to fund unpredictable financial pressures and to smooth the effect of known spending over time. Graph 1 and 2 below reflect the forecast outturn position as at 30<sup>th</sup> September 2019.

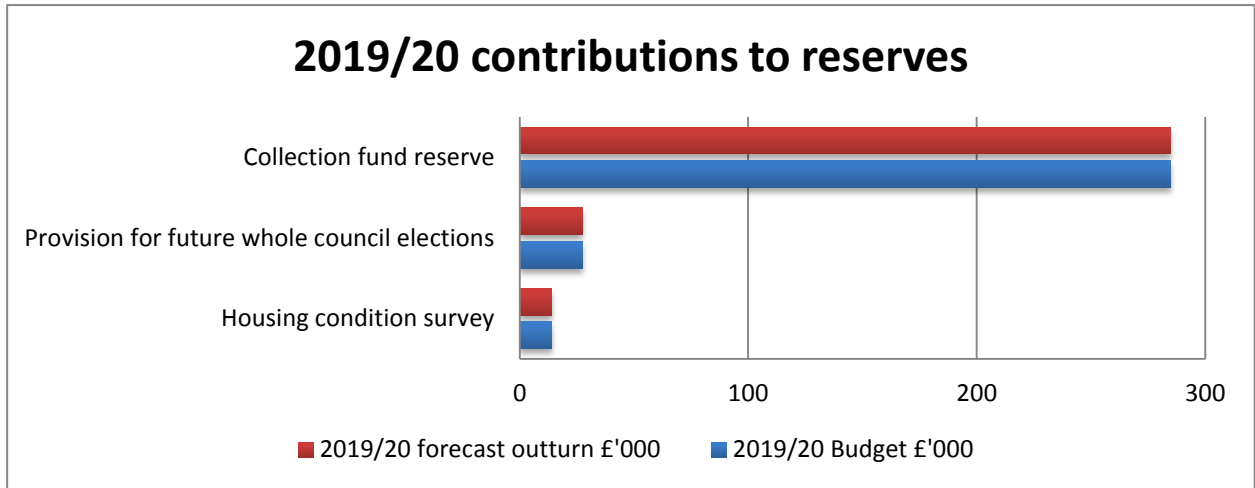
**Graph 1: 2019/20 forecast contributions from reserves**



4.2 As at 30<sup>th</sup> September 2019 it is forecast that there will be a total contribution from reserves of £834k in 2019/20, which is £452k more than budgeted for:

- £105k of this is to fund the Gilston Garden project, agreed after the 2019/20 budget was set
- £250k towards planning costs, as per paragraph 2.3 above
- £36k contribution from the housing benefit subsidy volatility reserve

**Graph 2: 2019/20 forecast contributions to reserves**



4.3 The forecast total contribution to reserves as at 30<sup>th</sup> September 2019 is in line with the budget of £327k.

## 5 FUNDING

5.1 These income budgets are general and non-service specific income sources. The table below shows the value and source of these funding streams as at 30<sup>th</sup> September 2019.

**Table 4: 2019/20 funding**

	Original Budget 2019/20	Forecast Funding 2019/20	Variance
Council Tax	(10,268)	(10,268)	0
NDR	(2,675)	(2,675)	0
New Homes Bonus	(2,788)	(2,788)	0
<b>Total Funding</b>	<b>(15,731)</b>	<b>(15,731)</b>	<b>0</b>

## 6 CAPITAL PROGRAMME



6.1 The revised capital budget for 2019/20 is £78.319m, of which £62.787m is to be carried forward to future years. **Essential Reference Paper B** provides a detailed analysis of the projects and their budgets.

6.2 The forecast outturn against revised budget in 2019/20 is an underspend of £90k.

## 7 DEBTORS

7.1 The total outstanding debt as at 30<sup>th</sup> September 2019 is £1.890m.

The outstanding debt over 120 days totals £664k. Officers are proactively working to pursue this debt. **Essential Reference Paper C** analyses the profile of aged debtors.

## 8 PERFORMANCE ANALYSIS

### **Performance against targets**

8.1 Please refer to performance indicator summary analysis in **Essential Reference Paper D** for full details. Our latest results can be found at <https://eastherts.covalentcpm.com/login> . All Members have a shared read only account. Log in details can be found via the members section of the intranet.

8.2 Some performance highlights include:

- Fly tips - With systems and communications now embedded between the contractor and client team to ensure enforcement, officers are able to gather evidence from fly tips before removal. This target has now improved in year 2 of the Urbaser contract.
- The % of household waste sent for reuse, recycling and composting is 2.1% higher than this time last year and at 55.37% is one of our highest recorded figures. The council ran a campaign over September to encourage and promote more

recycling (with another planned in the run up to Christmas). It is hoped that the Q3 figures will therefore build on the Q2 success.

8.3 Some areas of concern with regard to performance include:

- Missed bin collections are slowly improving month on month, however the target set is yet to be achieved. The target will be reviewed in line with the new corporate strategy. The Overview and Scrutiny Committee discussed the reasons for not achieving this target at their meeting on the 5<sup>th</sup> November 2019.
- Website satisfaction: we continue to miss the target however are hopeful that launching the new council website (early October) will lead to more positive customer feedback. Further details about the customer experience can be found at (8.4)
- Complaints upheld at 1<sup>st</sup> and 2<sup>nd</sup> stage (ie. where the council was at fault). We have missed the targets for both measures this quarter. Waste related (often specifically missed bin collections) constitute a large number of the upheld complaints. In most instances we have given the customer the benefit of the doubt and instructed the contractor to return and pick up bins. The contractor is however in the process of improving evidence for non collection of bins (eg. Photographic evidence of not being left at the boundary or contamination) which should lead to fewer complaints being upheld in future.

8.4 The following table gives a flavour of customer feedback over the past quarter:

Channel	Examples of Feedback (verbatim)
---------	---------------------------------

<p><b>Face to Face feedback.</b>  Customers were most likely to give good feedback when seeking support for parking (eg. renewing permits), council tax (changing circumstances), housing (seeking advice) and seeing the citizen’s advice service. Face to face remains the most popular customer contact channel and of the 104 ratings given over the quarter just 11 were rated as poor (across a mixture of areas).</p>	<ul style="list-style-type: none"> <li>• RUTH WAS VERY HELPFULL AND KIND</li> <li>• FRIENDLY HELPER NO QUIBBLES OVER GIVING A RECEIPT WHICH IVE HAD IN THE PAST</li> <li>• QUICK EASY AND INFORMATIVE CHANGING CAR REG</li> <li>• NO ONE AT RECEPTION KNEW HOW TO RENEW PERMITS OR CHANGE ONE OVER.</li> </ul>
<p><b>Website feedback</b>  Generally customers tend to provide more negative than positive feedback when using the website. This quarter we received 124 poor ratings and just 16 as good. This does however need to be put in context of 466,000 unique page views over the quarter. Customers were most likely to rate pages related to planning and elections (registering to vote) as poor.</p>	<ul style="list-style-type: none"> <li>• Useless. I followed the link given and found nowhere to confirm those eligible to vote. Waste of time, now will have to send in post</li> <li>• Im trying to confirm who is eligible to vote in my household as you sent me a form but there is nowhere that I can see as to where to start the process on line. So it is now going in the post.</li> <li>• Why is there ONLY ONE three minute spot for each side to vOice their comments. I find these restriction unacceptable</li> <li>• Planning site seems to be down - again....</li> </ul>

8.5 In addition to these performance results, **Essential Reference Paper E** shows the latest communications report, highlighting our Media coverage over the past quarter. This indicates we are continuing to grow our digital footprint via the main channels

(Twitter, Facebook) and more recently launched accounts in LinkedIn and Instagram.

## 9 RISK

- 9.1 The Strategic Risk Register was refreshed on 23rd September 2019 by Leadership team and senior managers. The new content has been decided and the finer detail is now being prepared. The revised register will be reported to Performance, Audit, Governance and Oversight Committee.

## 10 IMPLICATIONS/CONSULTATIONS

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

### Contact Member:

Councillor Geoff Williamson – Executive Member for Finance and Support Services

[geoffrey.williamson@eastherts.gov.uk](mailto:geoffrey.williamson@eastherts.gov.uk)

### Contact officers:

Isabel Brittain – Head of Strategic Finance and Property

Ext: 2050

[isabel.brittain@eastherts.gov.uk](mailto:isabel.brittain@eastherts.gov.uk)

Ben Wood – Head of Communications, Strategy and Policy

Ext: 1699

[benjamin.wood@eastherts.gov.uk](mailto:benjamin.wood@eastherts.gov.uk)

### Report authors:

For Financial Budget Monitoring:

Nasir Miah – Finance Business Advisor

Ext: 2054

[nasir.miah@eastherts.gov.uk](mailto:nasir.miah@eastherts.gov.uk)

For Performance Monitoring:

Ben Wood – Head of Communications, Strategy and Policy

Ext: 1699

[benjamin.wood@eastherts.gov.uk](mailto:benjamin.wood@eastherts.gov.uk)

For Risk Monitoring:

Graham Mully – Insurance and Risk Business Advisor

Ext: 2166

[Graham.Mully@eastherts.gov.uk](mailto:Graham.Mully@eastherts.gov.uk)

This page is intentionally left blank

**IMPLICATIONS/CONSULTATIONS**

<p>Contribution to the Council's Corporate Priorities/ Objectives (<i>delete as appropriate</i>):</p>	<p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Priority 2 – Enhance the quality of people's lives</p> <p>Priority 3 – Enable a flourishing local economy</p>
<p>Consultation:</p>	<p><i>Financial and non-financial discussions have taken place with the Leadership Team and Portfolio Holder for Finance and Support Services.</i></p>
<p>Legal:</p>	<p><i>There are no legal implications.</i></p>
<p>Financial:</p>	<p><i>Financial implications are included in the body of the report.</i></p>
<p>Human Resource:</p>	<p><i>There are no Human Resources implications.</i></p>
<p>Risk Management:</p>	<p><i>By not having effective performance management and reporting the Council is at risk of not being clear whether its priorities and objectives are being met and service delivery issues being resolved efficiently and effectively.</i></p> <p><i>Effective performance management supports transparency and improves local accountability.</i></p>
<p>Health and wellbeing – issues and impacts:</p>	<p><i>There are no Health and Wellbeing issues raised as part of this report.</i></p>
<p>Equality, diversity and human rights considerations, and whether Equality Impact Assessment required:</p>	<p><i>There are no equality, diversity and human rights implications.</i></p>

Environmental Sustainability	<i>There are no environmental sustainability implications raised as part of this report.</i>
------------------------------	--



	<b>Revised Budget 2019/20 £'000</b>	<b>Forecast Outturn 2019/20 £'000</b>	<b>Variance 2019/20 £'000</b>
<b>Strategic Finance &amp; Property</b>			
Operational asset investment (Rolling Programme)	114	114	0
Ware Arts Centre	60	60	0
Street Lighting LED Conversion	80	80	0
Charringtons House Investment	67	67	0
Wallfields – Accommodation Update	205	205	0
River & Watercourse Structures	81	81	0
St Andrews Street Car Park, Hertford - Riverbank Retaining Wall	69	69	0
Land Management Asset Register & Associated Works	50	50	0
Old River Lane (inc LEP)	1,359	1,359	0
Arts Centre - Old River Lane	500	500	0
Financial Sustainability	3,000	3,000	0
<b>Shared Business &amp; Technology Services</b>			
IT Rolling Programme	795	795	0
<b>Operations</b>			
Grange Paddocks Leisure Centre	2,719	2,719	0
Hartham Leisure Centre	2,041	2,041	0
Hertford Theatre	484	484	Page0201

Hertford Theatre Roof	0	0	0
Hertford & Beyond – Hartham Common Footpath	11	11	0
Bell Street – Public Convenience Facilities	67	67	0
Replacement play equipment across the district (Rolling programme)	50	50	0
Parsonage Lane play area	37	37	0
Play Area and other projects, Hartham Common, Hertford	325	325	0
Castle Park – HLF	179	179	0
Phisiobury Park - HLF	25	25	0
Trinity Close - Open Space Project	75	75	0
Buntingford Depot - Fire Prevention	310	310	0
<b>Housing &amp; Health</b>			
Disabled Facilities Grants - Discretionary	60	0	(60)
Decent Homes Grants	120	90	(30)
Hillcrest Hostel – Disabled Access Works	17	17	0
Future Housing Schemes - 6 Water Lane, Hertford	130	130	0
Colebrook Court (Network Housing)	65	65	0
DEFRA Air Quality Scheme	14	14	0
Community Capital Grants	120	120	0
Energy Grants	20	20	0

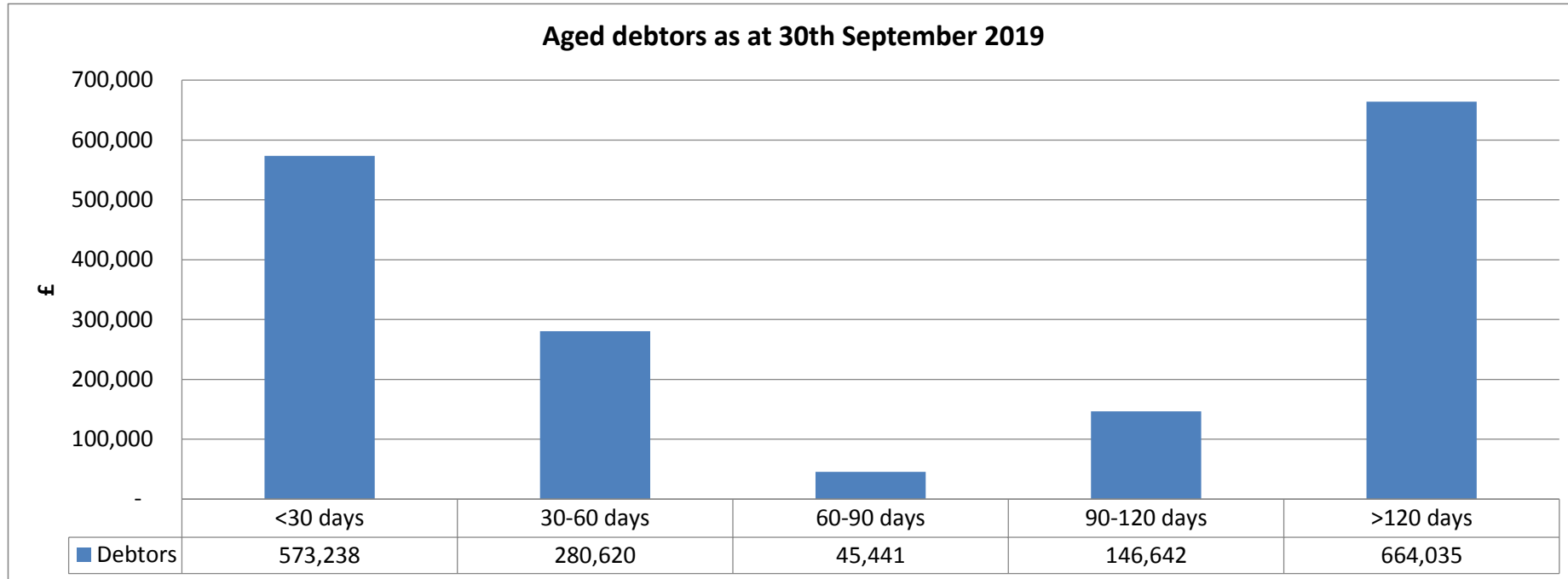
Castle Weir Micro Hydro Scheme	0	0	0
<b>Planning &amp; Building Control</b>			
Historic Building Grants -	55	55	0
Market Improvement Scheme	42	42	0
Improvements to The Wash, Maidenhead Street & Bull Plain, Hertford	96	96	0
<b>Communications, Strategy &amp; Policy</b>			
Website Build / Upgrade	51	51	0
Launch Pad 2	201	201	0
<b>Millstream Property Company</b>			
Capital Loans (5 x properties per annum)	1,491	1,491	0
Capital Loan (6 Water Lane, Hertford)	347	347	0

<b>Current Capital Programme Budget Total</b>	<b>15,532</b>	<b>15,442</b>	<b>(90)</b>
---	---------------	---------------	-------------

**Forecast Carry Forward****2020/21**

	<b>£'000</b>
<b>Strategic Finance &amp; Property</b>	
Old River Lane (inc LEP)	16,000
Solar Panels - Wallfields	45
Arts Centre - Old River Lane	29,500
<b>Operations</b>	
Grange Paddocks Leisure Centre	8,391
Hartham Leisure Centre	1,988
Hertford Theatre	5,000
Hertford Theatre Roof	190
Open Space Improvements - The Wash	50
Folly View Open Space Improvements, Hertford	15
Cannons Mill Lane Open Space improvements, Bishops Stortford	30
Castle Park - HLF	440
Phisiobury Park - HLF	80
<b>Housing &amp; Health</b>	
Community Capital Grants	63
Castle Weir Micro Hydro Scheme	192
<b>Planning &amp; Building Control</b>	
Improvements to The Wash, Maidenhead Street & Bull Plain, Hertford	39
<b>Millstream Property Company</b>	
Capital Loan (new development and retention of 11 residential units)	764
<b>Current Capital Programme Budget Total</b>	<b>62,787</b>

The following graph shows the age of the £1.890m of debts outstanding as at 30th September 2019




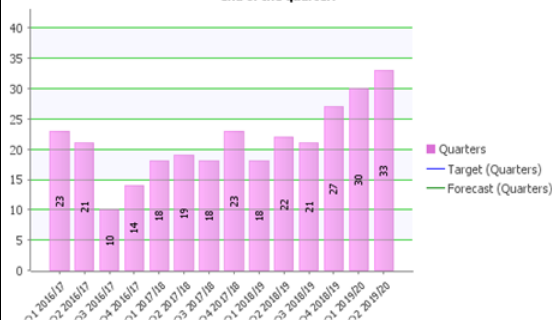
This page is intentionally left blank

Essential Reference Paper D - Performance Analysis


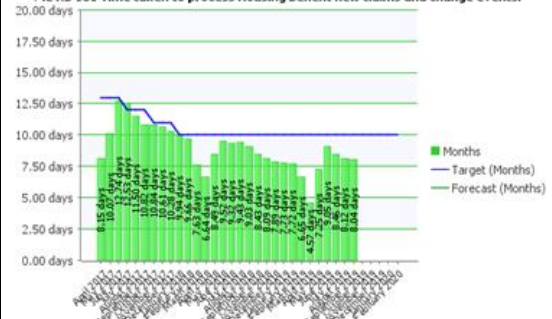
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
------------------	--------	--------------	----------------	----------------------------	------------------------------	-----------------------------

Priority 1: People

Service: Health & Housing

<p>QC HH 151 Number of homeless households living in temporary accommodation at the end of the quarter.</p>	<p>trend only</p>	<p>33</p>	<p>none set</p>		<p>QC HH 151 Number of homeless households living in temporary accommodation at the end of the quarter.</p>  <table border="1"> <caption>QC HH 151 Data</caption> <thead> <tr> <th>Quarter</th> <th>Value</th> </tr> </thead> <tbody> <tr><td>Q1 2016/17</td><td>23</td></tr> <tr><td>Q2 2016/17</td><td>21</td></tr> <tr><td>Q3 2016/17</td><td>10</td></tr> <tr><td>Q4 2016/17</td><td>14</td></tr> <tr><td>Q1 2017/18</td><td>18</td></tr> <tr><td>Q2 2017/18</td><td>19</td></tr> <tr><td>Q3 2017/18</td><td>18</td></tr> <tr><td>Q4 2017/18</td><td>23</td></tr> <tr><td>Q1 2018/19</td><td>18</td></tr> <tr><td>Q2 2018/19</td><td>22</td></tr> <tr><td>Q3 2018/19</td><td>21</td></tr> <tr><td>Q4 2018/19</td><td>27</td></tr> <tr><td>Q1 2019/20</td><td>30</td></tr> <tr><td>Q2 2019/20</td><td>33</td></tr> </tbody> </table>	Quarter	Value	Q1 2016/17	23	Q2 2016/17	21	Q3 2016/17	10	Q4 2016/17	14	Q1 2017/18	18	Q2 2017/18	19	Q3 2017/18	18	Q4 2017/18	23	Q1 2018/19	18	Q2 2018/19	22	Q3 2018/19	21	Q4 2018/19	27	Q1 2019/20	30	Q2 2019/20	33	<p>At the end of September 2019 the council had 33 households in temporary accommodation . The council's temporary accommodation hostel had 11 of 12 flats occupied with the 12th undergoing significant refurbishment. Twelve households were in B&amp;B. Seven single person households were in temporary supported accommodation for people with mental health conditions and three households were in longer term private leased self contained accommodation.</p>
Quarter	Value																																			
Q1 2016/17	23																																			
Q2 2016/17	21																																			
Q3 2016/17	10																																			
Q4 2016/17	14																																			
Q1 2017/18	18																																			
Q2 2017/18	19																																			
Q3 2017/18	18																																			
Q4 2017/18	23																																			
Q1 2018/19	18																																			
Q2 2018/19	22																																			
Q3 2018/19	21																																			
Q4 2018/19	27																																			
Q1 2019/20	30																																			
Q2 2019/20	33																																			

Service: Revs & Bens

<p>MC RB 181 Time taken to process Housing Benefit new claims and change events.</p>		<p>8.04 days</p>	<p>10 days</p>		<p>MC RB 181 Time taken to process Housing Benefit new claims and change events.</p>  <table border="1"> <caption>MC RB 181 Data</caption> <thead> <tr> <th>Month</th> <th>Value (days)</th> </tr> </thead> <tbody> <tr><td>May 2017</td><td>12.74</td></tr> <tr><td>Jun 2017</td><td>11.50</td></tr> <tr><td>Jul 2017</td><td>10.84</td></tr> <tr><td>Aug 2017</td><td>10.58</td></tr> <tr><td>Sep 2017</td><td>9.76</td></tr> <tr><td>Oct 2017</td><td>8.87</td></tr> <tr><td>Nov 2017</td><td>8.21</td></tr> <tr><td>Dec 2017</td><td>7.75</td></tr> <tr><td>Jan 2018</td><td>8.05</td></tr> <tr><td>Feb 2018</td><td>7.75</td></tr> <tr><td>Mar 2018</td><td>7.75</td></tr> <tr><td>Apr 2018</td><td>6.57</td></tr> <tr><td>May 2018</td><td>8.04</td></tr> <tr><td>Jun 2018</td><td>8.04</td></tr> <tr><td>Jul 2018</td><td>8.04</td></tr> <tr><td>Aug 2018</td><td>8.04</td></tr> <tr><td>Sep 2018</td><td>8.04</td></tr> <tr><td>Oct 2018</td><td>8.04</td></tr> <tr><td>Nov 2018</td><td>8.04</td></tr> <tr><td>Dec 2018</td><td>8.04</td></tr> <tr><td>Jan 2019</td><td>8.04</td></tr> <tr><td>Feb 2019</td><td>8.04</td></tr> </tbody> </table>	Month	Value (days)	May 2017	12.74	Jun 2017	11.50	Jul 2017	10.84	Aug 2017	10.58	Sep 2017	9.76	Oct 2017	8.87	Nov 2017	8.21	Dec 2017	7.75	Jan 2018	8.05	Feb 2018	7.75	Mar 2018	7.75	Apr 2018	6.57	May 2018	8.04	Jun 2018	8.04	Jul 2018	8.04	Aug 2018	8.04	Sep 2018	8.04	Oct 2018	8.04	Nov 2018	8.04	Dec 2018	8.04	Jan 2019	8.04	Feb 2019	8.04	<p>Value is 8.04 days which is slightly lower than last month.</p>
Month	Value (days)																																																			
May 2017	12.74																																																			
Jun 2017	11.50																																																			
Jul 2017	10.84																																																			
Aug 2017	10.58																																																			
Sep 2017	9.76																																																			
Oct 2017	8.87																																																			
Nov 2017	8.21																																																			
Dec 2017	7.75																																																			
Jan 2018	8.05																																																			
Feb 2018	7.75																																																			
Mar 2018	7.75																																																			
Apr 2018	6.57																																																			
May 2018	8.04																																																			
Jun 2018	8.04																																																			
Jul 2018	8.04																																																			
Aug 2018	8.04																																																			
Sep 2018	8.04																																																			
Oct 2018	8.04																																																			
Nov 2018	8.04																																																			
Dec 2018	8.04																																																			
Jan 2019	8.04																																																			
Feb 2019	8.04																																																			

Priority 2: Place


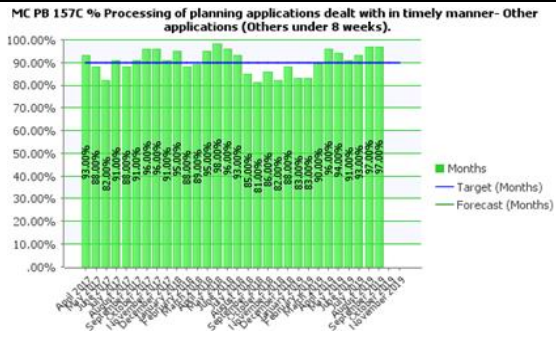
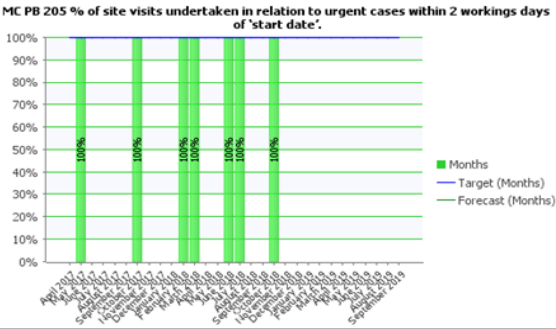
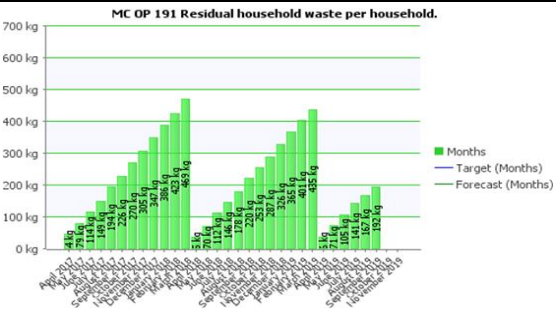
Service: Health & Housing

Essential Reference Paper D - Performance Analysis						
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
QC HH 155 Number of affordable homes delivered (gross)		153	80	Cumulative Figure		<p>A total of 153 new affordable homes (116 affordable rented homes and 37 shared ownership) were completed up to the end of the second quarter 2019/20. The expected delivery for the quarter was 165 but 12 properties on Network's regeneration site in Hertford have been delayed. Of the total homes delivered 59 were directly developed by Network and the remaining are from Section 106 agreements between the council, developers and housing associations.</p>
HC HH 148 - Number of applicants on the housing register	trend only	2003	none set	↓		<p>At the end of September 2019 there were 2,003 households on the Housing Register. This is broken down by property size required as follows: 1 bed need - 993; 2 bed need - 665; 3 bed need - 285; 4+ bed need - 60. The number of households on the Housing Register is slightly lower than that at beginning of April 2019. The net change of households being the difference between households being housed, applications not being renewed and new applications being accepted onto the Housing Register. The profile of the size of the properties required is broadly the same with one and bedroom homes being the greatest need.</p>



Essential Reference Paper D - Performance Analysis

PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
MC PB 157A % Processing of planning applications dealt with in timely manner - Major applications (Majors under 13 weeks).		50.00%	60.00%	↓	<p>MC PB 157A % Processing of planning applications dealt with in timely manner - Major applications (Majors under 13 weeks)</p>	1 of 2 applications were dealt with within time frames
MC PB 157B % Processing of planning applications dealt with in timely manner- Minor applications (Others - under 8 weeks).		82.00%	80.00%	↑	<p>MC PB 157B % Processing of planning applications dealt with in timely manner- Minor applications (Minors under 8 weeks).</p>	23 of 28 applications were dealt with within time frames

Essential Reference Paper D - Performance Analysis						
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
MC PB 157C % Processing of planning applications dealt with in timely manner- Other applications (Others - under 8 weeks).		97.00%	90.00%		<p>MC PB 157C % Processing of planning applications dealt with in timely manner- Other applications (Others under 8 weeks).</p> 	92 of 95 applications were dealt with within time frames
MC PB 205 % of site visits undertaken in relation to urgent cases within 2 workings days of 'start date'.	N/A	N/A	100%	N/A	<p>MC PB 205 % of site visits undertaken in relation to urgent cases within 2 workings days of 'start date'.</p> 	There have been 0 cases in the latest period
<b>Service: Operations</b>						
MC OP 191 Residual household waste per household	trend only	192kg	none set	Cumulative Figure	<p>MC OP 191 Residual household waste per household.</p> 	The most recent data available is 192kg which is 28kg less than at the same time last year and represents a large improvement and best results since results have been captured

Essential Reference Paper D - Performance Analysis

PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
LATEST UPDATE August 2019 - MC OP 192 % of household waste sent for reuse, recycling and composting.	Green	55.37%	50%	Up (Blue Arrow)	<p>MC OP 192 % of household waste sent for reuse, recycling and composting.</p>	The most recent data available is 55.37% recycling which is 2.1% higher than at the same point last year. This is one of the highest % recorded
MC OP 2.2 - Waste: missed collections per 100,000 collections of household.	Red	44.12%	30	Up (Blue Arrow)	<p>MC OP 2.2 Waste: missed collections per 100,000 collections of household.</p>	Missed bin collections are slowly improving month on month, however the target set is yet to be achieved. The target will be reviewed in line with the new corporate strategy. The Overview and Scrutiny Committee discussed the reasons for not achieving this target at their meeting on the 5 <sup>th</sup> November 2019.
QC OP 2.4 Fly-tips: Time taken for removal	Green	1.47 days	2.00 days	Up (Blue Arrow)	<p>QC OP 2.4 Fly-tips: Time taken for removal.</p>	Systems and communications are now embedded between the contractor and client team to ensure enforcement officers are able to gather evidence from fly tips before removal. This target has now improved in year 2 of the Urbaser contract.

Essential Reference Paper D - Performance Analysis																																																																																																																																																														
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note																																																																																																																																																								
<b>Priority 3: Business</b>																																																																																																																																																														
<b>Service: Health &amp; Housing</b>																																																																																																																																																														
QC HH 184 % of food premises in the area which are broadly compliant with food hygiene law		97.00%	85.00%	↑	<p>QC HH 184 % of food premises in the area which are broadly compliant with food hygiene law</p> <table border="1"> <caption>QC HH 184 % of food premises in the area which are broadly compliant with food hygiene law</caption> <thead> <tr> <th>Quarter</th> <th>Value (%)</th> </tr> </thead> <tbody> <tr><td>Q1 2017/18</td><td>94.4%</td></tr> <tr><td>Q2 2017/18</td><td>95.8%</td></tr> <tr><td>Q3 2017/18</td><td>94.4%</td></tr> <tr><td>Q4 2017/18</td><td>96.5%</td></tr> <tr><td>Q1 2018/19</td><td>95.8%</td></tr> <tr><td>Q2 2018/19</td><td>96.8%</td></tr> <tr><td>Q3 2018/19</td><td>96.8%</td></tr> <tr><td>Q4 2018/19</td><td>97.8%</td></tr> <tr><td>Q1 2019/20</td><td>97.8%</td></tr> <tr><td>Q2 2019/20</td><td>97.8%</td></tr> <tr><td>Q3 2019/20</td><td>97.8%</td></tr> <tr><td>Q4 2019/20</td><td>97.8%</td></tr> </tbody> </table>	Quarter	Value (%)	Q1 2017/18	94.4%	Q2 2017/18	95.8%	Q3 2017/18	94.4%	Q4 2017/18	96.5%	Q1 2018/19	95.8%	Q2 2018/19	96.8%	Q3 2018/19	96.8%	Q4 2018/19	97.8%	Q1 2019/20	97.8%	Q2 2019/20	97.8%	Q3 2019/20	97.8%	Q4 2019/20	97.8%	Qtr 2 - Target exceeded. 97% of registered food businesses in East Herts are broadly compliant with food law; this represents 1035 businesses.																																																																																																																														
Quarter	Value (%)																																																																																																																																																													
Q1 2017/18	94.4%																																																																																																																																																													
Q2 2017/18	95.8%																																																																																																																																																													
Q3 2017/18	94.4%																																																																																																																																																													
Q4 2017/18	96.5%																																																																																																																																																													
Q1 2018/19	95.8%																																																																																																																																																													
Q2 2018/19	96.8%																																																																																																																																																													
Q3 2018/19	96.8%																																																																																																																																																													
Q4 2018/19	97.8%																																																																																																																																																													
Q1 2019/20	97.8%																																																																																																																																																													
Q2 2019/20	97.8%																																																																																																																																																													
Q3 2019/20	97.8%																																																																																																																																																													
Q4 2019/20	97.8%																																																																																																																																																													
<b>Priority: Supporting All</b>																																																																																																																																																														
<b>Service: Revs &amp; Bens</b>																																																																																																																																																														
MC RB 10.2 Council tax collection, % of current year liability collected.		56.10%	56.00%	Cumulative Figure	<p>MC RB 10.2 Council tax collection, % of current year liability collected.</p> <table border="1"> <caption>MC RB 10.2 Council tax collection, % of current year liability collected</caption> <thead> <tr> <th>Month</th> <th>Value (%)</th> </tr> </thead> <tbody> <tr><td>Apr 19</td><td>11.1%</td></tr> <tr><td>May 19</td><td>12.3%</td></tr> <tr><td>Jun 19</td><td>13.5%</td></tr> <tr><td>Jul 19</td><td>14.7%</td></tr> <tr><td>Aug 19</td><td>15.9%</td></tr> <tr><td>Sep 19</td><td>17.1%</td></tr> <tr><td>Oct 19</td><td>18.3%</td></tr> <tr><td>Nov 19</td><td>19.5%</td></tr> <tr><td>Dec 19</td><td>20.7%</td></tr> <tr><td>Jan 20</td><td>21.9%</td></tr> <tr><td>Feb 20</td><td>23.1%</td></tr> <tr><td>Mar 20</td><td>24.3%</td></tr> <tr><td>Apr 20</td><td>25.5%</td></tr> <tr><td>May 20</td><td>26.7%</td></tr> <tr><td>Jun 20</td><td>27.9%</td></tr> <tr><td>Jul 20</td><td>29.1%</td></tr> <tr><td>Aug 20</td><td>30.3%</td></tr> <tr><td>Sep 20</td><td>31.5%</td></tr> <tr><td>Oct 20</td><td>32.7%</td></tr> <tr><td>Nov 20</td><td>33.9%</td></tr> <tr><td>Dec 20</td><td>35.1%</td></tr> <tr><td>Jan 21</td><td>36.3%</td></tr> <tr><td>Feb 21</td><td>37.5%</td></tr> <tr><td>Mar 21</td><td>38.7%</td></tr> <tr><td>Apr 21</td><td>40.0%</td></tr> <tr><td>May 21</td><td>41.2%</td></tr> <tr><td>Jun 21</td><td>42.4%</td></tr> <tr><td>Jul 21</td><td>43.6%</td></tr> <tr><td>Aug 21</td><td>44.8%</td></tr> <tr><td>Sep 21</td><td>46.0%</td></tr> <tr><td>Oct 21</td><td>47.2%</td></tr> <tr><td>Nov 21</td><td>48.4%</td></tr> <tr><td>Dec 21</td><td>49.6%</td></tr> <tr><td>Jan 22</td><td>50.8%</td></tr> <tr><td>Feb 22</td><td>52.0%</td></tr> <tr><td>Mar 22</td><td>53.2%</td></tr> <tr><td>Apr 22</td><td>54.4%</td></tr> <tr><td>May 22</td><td>55.6%</td></tr> <tr><td>Jun 22</td><td>56.8%</td></tr> <tr><td>Jul 22</td><td>58.0%</td></tr> <tr><td>Aug 22</td><td>59.2%</td></tr> <tr><td>Sep 22</td><td>60.4%</td></tr> <tr><td>Oct 22</td><td>61.6%</td></tr> <tr><td>Nov 22</td><td>62.8%</td></tr> <tr><td>Dec 22</td><td>64.0%</td></tr> <tr><td>Jan 23</td><td>65.2%</td></tr> <tr><td>Feb 23</td><td>66.4%</td></tr> <tr><td>Mar 23</td><td>67.6%</td></tr> <tr><td>Apr 23</td><td>68.8%</td></tr> <tr><td>May 23</td><td>70.0%</td></tr> <tr><td>Jun 23</td><td>71.2%</td></tr> <tr><td>Jul 23</td><td>72.4%</td></tr> <tr><td>Aug 23</td><td>73.6%</td></tr> <tr><td>Sep 23</td><td>74.8%</td></tr> <tr><td>Oct 23</td><td>76.0%</td></tr> <tr><td>Nov 23</td><td>77.2%</td></tr> <tr><td>Dec 23</td><td>78.4%</td></tr> <tr><td>Jan 24</td><td>79.6%</td></tr> <tr><td>Feb 24</td><td>80.8%</td></tr> <tr><td>Mar 24</td><td>82.0%</td></tr> <tr><td>Apr 24</td><td>83.2%</td></tr> <tr><td>May 24</td><td>84.4%</td></tr> <tr><td>Jun 24</td><td>85.6%</td></tr> <tr><td>Jul 24</td><td>86.8%</td></tr> <tr><td>Aug 24</td><td>88.0%</td></tr> <tr><td>Sep 24</td><td>89.2%</td></tr> <tr><td>Oct 24</td><td>90.4%</td></tr> <tr><td>Nov 24</td><td>91.6%</td></tr> <tr><td>Dec 24</td><td>92.8%</td></tr> <tr><td>Jan 25</td><td>94.0%</td></tr> <tr><td>Feb 25</td><td>95.2%</td></tr> <tr><td>Mar 25</td><td>96.4%</td></tr> <tr><td>Apr 25</td><td>97.6%</td></tr> <tr><td>May 25</td><td>98.8%</td></tr> <tr><td>Jun 25</td><td>100.0%</td></tr> </tbody> </table>	Month	Value (%)	Apr 19	11.1%	May 19	12.3%	Jun 19	13.5%	Jul 19	14.7%	Aug 19	15.9%	Sep 19	17.1%	Oct 19	18.3%	Nov 19	19.5%	Dec 19	20.7%	Jan 20	21.9%	Feb 20	23.1%	Mar 20	24.3%	Apr 20	25.5%	May 20	26.7%	Jun 20	27.9%	Jul 20	29.1%	Aug 20	30.3%	Sep 20	31.5%	Oct 20	32.7%	Nov 20	33.9%	Dec 20	35.1%	Jan 21	36.3%	Feb 21	37.5%	Mar 21	38.7%	Apr 21	40.0%	May 21	41.2%	Jun 21	42.4%	Jul 21	43.6%	Aug 21	44.8%	Sep 21	46.0%	Oct 21	47.2%	Nov 21	48.4%	Dec 21	49.6%	Jan 22	50.8%	Feb 22	52.0%	Mar 22	53.2%	Apr 22	54.4%	May 22	55.6%	Jun 22	56.8%	Jul 22	58.0%	Aug 22	59.2%	Sep 22	60.4%	Oct 22	61.6%	Nov 22	62.8%	Dec 22	64.0%	Jan 23	65.2%	Feb 23	66.4%	Mar 23	67.6%	Apr 23	68.8%	May 23	70.0%	Jun 23	71.2%	Jul 23	72.4%	Aug 23	73.6%	Sep 23	74.8%	Oct 23	76.0%	Nov 23	77.2%	Dec 23	78.4%	Jan 24	79.6%	Feb 24	80.8%	Mar 24	82.0%	Apr 24	83.2%	May 24	84.4%	Jun 24	85.6%	Jul 24	86.8%	Aug 24	88.0%	Sep 24	89.2%	Oct 24	90.4%	Nov 24	91.6%	Dec 24	92.8%	Jan 25	94.0%	Feb 25	95.2%	Mar 25	96.4%	Apr 25	97.6%	May 25	98.8%	Jun 25	100.0%	Figure sits 0.1% above set target
Month	Value (%)																																																																																																																																																													
Apr 19	11.1%																																																																																																																																																													
May 19	12.3%																																																																																																																																																													
Jun 19	13.5%																																																																																																																																																													
Jul 19	14.7%																																																																																																																																																													
Aug 19	15.9%																																																																																																																																																													
Sep 19	17.1%																																																																																																																																																													
Oct 19	18.3%																																																																																																																																																													
Nov 19	19.5%																																																																																																																																																													
Dec 19	20.7%																																																																																																																																																													
Jan 20	21.9%																																																																																																																																																													
Feb 20	23.1%																																																																																																																																																													
Mar 20	24.3%																																																																																																																																																													
Apr 20	25.5%																																																																																																																																																													
May 20	26.7%																																																																																																																																																													
Jun 20	27.9%																																																																																																																																																													
Jul 20	29.1%																																																																																																																																																													
Aug 20	30.3%																																																																																																																																																													
Sep 20	31.5%																																																																																																																																																													
Oct 20	32.7%																																																																																																																																																													
Nov 20	33.9%																																																																																																																																																													
Dec 20	35.1%																																																																																																																																																													
Jan 21	36.3%																																																																																																																																																													
Feb 21	37.5%																																																																																																																																																													
Mar 21	38.7%																																																																																																																																																													
Apr 21	40.0%																																																																																																																																																													
May 21	41.2%																																																																																																																																																													
Jun 21	42.4%																																																																																																																																																													
Jul 21	43.6%																																																																																																																																																													
Aug 21	44.8%																																																																																																																																																													
Sep 21	46.0%																																																																																																																																																													
Oct 21	47.2%																																																																																																																																																													
Nov 21	48.4%																																																																																																																																																													
Dec 21	49.6%																																																																																																																																																													
Jan 22	50.8%																																																																																																																																																													
Feb 22	52.0%																																																																																																																																																													
Mar 22	53.2%																																																																																																																																																													
Apr 22	54.4%																																																																																																																																																													
May 22	55.6%																																																																																																																																																													
Jun 22	56.8%																																																																																																																																																													
Jul 22	58.0%																																																																																																																																																													
Aug 22	59.2%																																																																																																																																																													
Sep 22	60.4%																																																																																																																																																													
Oct 22	61.6%																																																																																																																																																													
Nov 22	62.8%																																																																																																																																																													
Dec 22	64.0%																																																																																																																																																													
Jan 23	65.2%																																																																																																																																																													
Feb 23	66.4%																																																																																																																																																													
Mar 23	67.6%																																																																																																																																																													
Apr 23	68.8%																																																																																																																																																													
May 23	70.0%																																																																																																																																																													
Jun 23	71.2%																																																																																																																																																													
Jul 23	72.4%																																																																																																																																																													
Aug 23	73.6%																																																																																																																																																													
Sep 23	74.8%																																																																																																																																																													
Oct 23	76.0%																																																																																																																																																													
Nov 23	77.2%																																																																																																																																																													
Dec 23	78.4%																																																																																																																																																													
Jan 24	79.6%																																																																																																																																																													
Feb 24	80.8%																																																																																																																																																													
Mar 24	82.0%																																																																																																																																																													
Apr 24	83.2%																																																																																																																																																													
May 24	84.4%																																																																																																																																																													
Jun 24	85.6%																																																																																																																																																													
Jul 24	86.8%																																																																																																																																																													
Aug 24	88.0%																																																																																																																																																													
Sep 24	89.2%																																																																																																																																																													
Oct 24	90.4%																																																																																																																																																													
Nov 24	91.6%																																																																																																																																																													
Dec 24	92.8%																																																																																																																																																													
Jan 25	94.0%																																																																																																																																																													
Feb 25	95.2%																																																																																																																																																													
Mar 25	96.4%																																																																																																																																																													
Apr 25	97.6%																																																																																																																																																													
May 25	98.8%																																																																																																																																																													
Jun 25	100.0%																																																																																																																																																													

Essential Reference Paper D - Performance Analysis

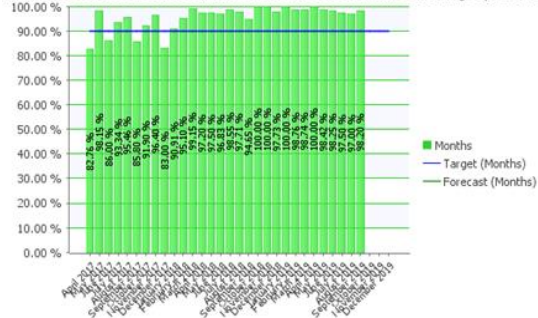
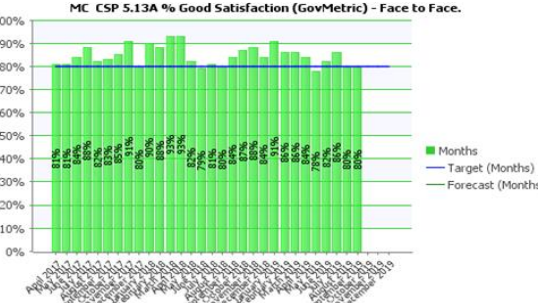
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
MC RB 10.4 NNDR (Business rates) collection, % of current year liability collected.		56.40%	56.00%	Cumulative Figure	<p>MC RB 10.4 NNDR (Business rates) collection, % of current year liability collected.</p>	Figures are 0.4% above set targets
<b>Service: Human Resources</b>						
MC HR 12A Number of short-term sickness absence days per FTE staff in post		0.15 days	0.33 days	↓	<p>MC HR 12A Number of short-term sickness absence days per FTE staff in post</p>	S/T absence for the year so far = 1.37 (end of year target = 4)

Essential Reference Paper D - Performance Analysis

PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
MC HR 12B Number of long-term sickness absence days per FTE staff in post		0.13 days	0.17 days	↓		L/T absence for the year so far = 1.02 (end of year target = 2)
MC HR 12C Total number of sickness absence days per FTE staff in post		0.28 days	0.50 days	↓		Total sickness for the year so far = 2.39 (end of year target = 6)

Service: Democratic & Legal Services

Essential Reference Paper D - Performance Analysis

PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
MC DL 5.15 % of FOI cases closed in month that were closed within 20 working days or less		98.20%	90.00%	↑	<p>MC DL 5.15 % of FOI cases closed in month that were closed within 20 working days or less</p> 	There were 53 cases closed in September, of which 1 was overdue
<b>Service: Communications, Strategy &amp; Policy</b>						
MC CSP 5.13A % Good Satisfaction (GovMetric) - Face to Face.		80%	80%	●	<p>MC CSP 5.13A % Good Satisfaction (GovMetric) - Face to Face.</p> 	90 of the 113 scores were positive. A further 13 were average

Essential Reference Paper D - Performance Analysis						
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
(E)MC CSP 5.13C % Good Satisfaction (GovMetric) - Website.		35%	50%	↑	<p>MC CSP 5.13C % Good Satisfaction (GovMetric) - Website.</p>	The score for September was again 35% with 80 of 231 scores positive. There were a further 33 average scores. The new website launch was delayed until the 3rd October so an improvement is anticipated to be shown in the next month of scoring
QC CSP 5.1 % of complaints resolved in 14 days (10 working days) or less.		53.00%	70.00%	↓	<p>QC CSP 5.1 % of complaints resolved in 14 days (10 working days) or less (based on stage 1 complaints)</p>	7 of the 15 Stage 1 complaints took longer than 10 working days to resolve.
QC CSP 5.2A % of complaints about the Council and its services that are upheld: 1st stage		46.70%	30.00%	↓	<p>QC CSP 5.2A % of complaints about the Council and its services that are upheld: 1st stage</p>	7 of the 15 stage 1 complaints were upheld or partially upheld. 3 related to bin collection issues, 2 were for planning, 1 for CPS and 1 for H&H

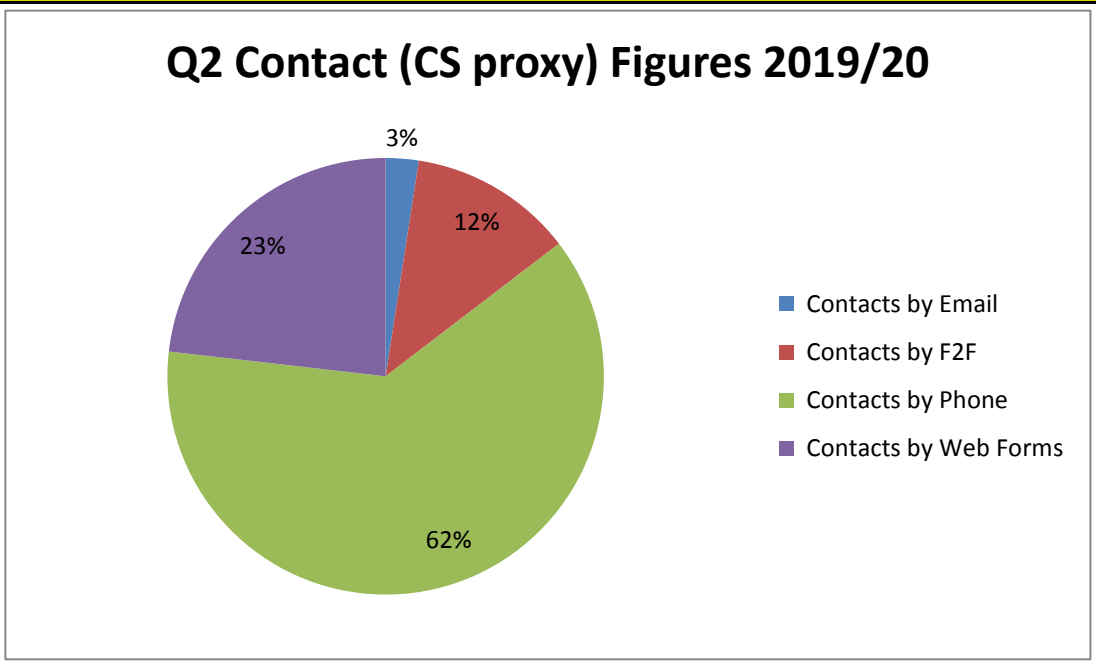



Essential Reference Paper D - Performance Analysis

PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
QC CSP 5.2B % of complaints about the Council and its services that are upheld: 2nd stage - appeal		50.00%	25.00%	↓	<p>QC CSP 5.2B % of complaints about the Council and its services that are upheld: 2nd stage - appeal</p>	4 Stage 2 complaints were received over the quarter. All 4 of these were upheld or partially upheld. 2 related to planning, 1 to waste and 1 was regarding a tree preservation order

Service: Digital East Herts

1a Volume & Proportion of Contacts by Email	trend only	559 (3%) 276 in Q1	Trend only	↑
1b Volume & Proportion of Contacts by F2F	trend only	2,793 (12%) 3,991 in Q1	Trend only	↓
1c Volume & Proportion of Contacts by Phone	trend only	14,271 (62%) 14,746 in Q1	Trend only	↓








Essential Reference Paper D - Performance Analysis						
PI code and Name	Status	Latest Value	Current Target	Movement since last update	Performance Data Trend Chart	Notes & History Latest Note
1d Volume & Proportion of Contacts by Web Forms	trend only	5320 (23%) 4,423 in Q1	Trend only			These records are based on contact into customer services as a comparable proxy for customer contact given total contact into the Council can often include internal comms and sales/marketing and is the same methodology used in Q1. There has been a large increase in web form traffic as we continue to build new forms and people become more aware of them online. Phone calls are broadly similar to Q1 (475 less calls) but the proportion reduced significantly. Face to Face interactions declined during this period, a common theme around the summer holidays.

**PI Status**

Performance is 6% or more off target	
Performance is 3% or more off target	
Performance is on target or exceeding target	
No target to set performance against	Trend Only
Latest data unavailable - last data shown	
Indicators to be deleted	

**Movement since last period**

Value is higher than previous period & this is positive movement	
Value is higher than previous period but this is negative movement	
Value is lower than previous period but this is positive movement	
Value is lower than previous period & this is negative movement	
Value is the same as previous period	
N/A -Cumulative so will always be above previous period	n/a

# Quarterly comms reporting



## twitter

July	August	September	
<b>Tweets</b> 135	<b>Tweets</b> 80	<b>Tweets</b> 105	↓ Decrease on last qtr -33
<b>Followers</b> 9,758	<b>Followers</b> 9,798	<b>Followers</b> 9,883	↑ Increase on last qtr +202
<b>Impressions</b> 152k	<b>Impressions</b> 110k	<b>Impressions</b> 137k	↑ Increase on last qtr +9k
<b>580 mentions</b>	<b>410 mentions</b>	<b>394 mentions</b>	↓ Decrease on last qtr -21
<b>Customer enquiries</b> 34	<b>Customer enquiries</b> 27	<b>Customer enquiries</b> 36	= N/A

## facebook

July	August	September	
<b>Posts</b> 72	<b>Posts</b> 38	<b>Posts</b> 69	↑ Increase on last qtr +25
<b>Followers</b> 1,780	<b>Followers</b> 1,836	<b>Followers</b> 2,032	↑ Increase on last qtr +338
<b>Customer enquiries</b> 40	<b>Customer enquiries</b> 27	<b>Customer enquiries</b> 42	= N/A

## Instagram

July	August	September	
<b>Followers</b> 1,295	<b>Followers</b> 1,311	<b>Followers</b> 1,333	↑ Increase on last qtr +61
<b>6 posts</b>	<b>5 posts</b>	<b>4 posts</b>	↓ Decrease on last qtr -9
<b>159</b>	<b>128</b>	<b>84</b>	↓ Decrease on last qtr -272

## LinkedIn

July	August	September	
<b>Connections</b> 623	<b>Connections</b> 648	<b>Connections</b> 669	↑ Increase on last qtr +59
<b>67 Clicks</b>	<b>45 Clicks</b>	<b>42 Clicks</b>	↓ Decrease on last qtr -120

## Internal Communications

July	August	September	
<b>Intranet page views</b> 19,730	<b>Intranet page views</b> 18,761	<b>Intranet page views</b> 18,147	↑ Increase on last qtr +12,121
<b>Team Update views</b> 760	<b>Team Update views</b> 412	<b>Team Update views</b> 533	↑ Increase on last qtr +481
<b>Top story</b>			
Staff recognition June winner (119)	Staff recognition July winner (129)	Staff recognition August winner (114)	↓ Decrease on last qtr -65
<b>Staff briefings attendance (September)</b>			
<b>203</b>			↑ Increase on last qtr +23

# Emailmarketing

July	August	September	
<b>Subscribers</b> 1,623	<b>Subscribers</b> 1,658	<b>Subscribers</b> 1,657	↑ Increase on last qtr +32
<b>Open rate 56%</b>	<b>Open rate 48.7%</b>	<b>Open rate 48.2%</b>	↓ Decrease on last qtr -26%

## Website

July	August	September	
<b>Page views</b> 205,003	<b>Page views</b> 186,155	<b>Page views</b> 181,263	↓ Decrease on last qtr -165,417

## Press

### Traditional

July	August	September	
<b>PRESS RELEASES SENT</b> 5	<b>PRESS RELEASES SENT</b> 2	<b>PRESS RELEASES SENT</b> 5	= NO CHANGE
<b>Press articles</b> 40	<b>Press articles</b> 45	<b>Press articles</b> 27	↑ Increase on last qtr +23
<b>Press score</b> +9	<b>Press score</b> -2	<b>Press score</b> +17	↑ Increase on last qtr +21

### Digital Media

July	August	September	
<b>online articles</b> 28	<b>online articles</b> 20	<b>online articles</b> 20	↓ Decrease on last qtr -14
<b>Press score</b> +8	<b>Press score</b> +5	<b>Press score</b> +14	= NO CHANGE

### Total score

<b>Press score</b> +17	<b>Press score</b> +3	<b>Press score</b> +31	↑ Increase on last qtr +21
---------------------------	--------------------------	---------------------------	----------------------------

This page is intentionally left blank