

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held as a virtual meeting on Wednesday 22nd July, 2020 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Date this 14 July 2020

James Ellis
Head of Legal and
Democratic Services

Note: Prayers will be said before the meeting commences. Those Members who do not wish to participate will be invited to enter the virtual room at their conclusion

AGENDA

1. Chairman's Announcements

To receive any announcements.

2. Apologies for Absence

To receive any Members' apologies for absence.

3. Minutes – 13 May 2020 (Pages 7 - 42)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 13 May 2020.

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Petitions

To receive any petitions.

6. Public Questions (Pages 43 - 44)

To receive any public questions.

7. Members' questions (Pages 45 - 48)

To receive any Members' questions.

8. Executive Report – 2 June 2020 (Pages 49 - 96)

To receive a report from the Leader of the Council and to consider recommendations on the matters below:

(A) Gilston Area Charter Supplementary Planning Document - final for adoption

9. Executive Report – 7 July 2020 (Pages 97 - 134)

To receive a report from the Leader of the Council and to consider recommendations on the matters below:

(A) East Herts Local Development Scheme - update July 2020

(B) Capital Contingency

(C) Annual Report 2019 - 20

10. Patmore Heath Conservation Area Appraisal and Management Plan
(Pages 135 - 232)
11. Street Trading Consent Policy (Pages 233 - 284)
12. Motions on Notice

To receive Motions on Notice.

- (A) Motion on Notice - Anti Racism_(Pages 285 - 286)

To consider a motion on notice proposed by Councillor Mione Goldspink and seconded by Councillor Chris Wilson.

- (B) Motion on Notice - Working to achieve a more equal and fair society_(Pages 287 - 288)

To consider a motion on notice proposed by Councillor Holly Drake and seconded by Councillor Ben Crystall.

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 participation at its meetings. During the coronavirus restrictions on gatherings, meetings are currently being held online (via Zoom). Although the public cannot attend the Council's online meetings, for security reasons, anyone can watch the meeting live online. Please see below for details.

To watch the online meeting "live": follow the directions on this page of our website: <https://www.eastherts.gov.uk/councillors-committees/live-meetings-online>

Audio/Visual Recording of meetings

Members of the public may record meetings of the Council.

Asking questions of Executive Members at Council meetings

At Council meetings, time is provided for public questions. Any member of the public may ask a question of an Executive Member, as long as it relates to the work of the District Council. During the Coronavirus restrictions, public questions may be submitted in advance of the meeting, in writing and will be read out by the Chairman.

The deadline for submitting a public question to be answered at a Council meeting is midday, two days before the day of the meeting. To register a question, please contact Democratic Services.

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

You can view the agenda on the website, and you can also use the Civica mod.gov app to download it to a mobile device. This app can be obtained from any app store.

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

For further information about this meeting, contact Democratic Services on democratic.services@eastherts.gov.uk or telephone 01279 655261.

MINUTES OF A MEETING OF THE
COUNCIL HELD AS A VIRTUAL MEETING ON
WEDNESDAY 13 MAY 2020, AT 7.00 PM

PRESENT:

Councillor J Kaye (Chairman).
Councillors A Alder, D Andrews, T Beckett,
S Bell, R Buckmaster, R Bolton, P Boylan,
M Brady, E Buckmaster, S Bull, J Burmicz,
L Corpe, K Crofton, B Crystall, A Curtis,
G Cutting, B Deering, I Devonshire,
H Drake, J Dumont, R Fernando, J Frecknall,
M Goldspink, J Goodeve, A Hall, L Haysey,
D Hollebon, A Huggins, J Jones, I Kemp,
G McAndrew, M McMullen, S Newton,
T Page, M Pope, J Ranger, C Redfern,
S Reed, C Rowley, P Ruffles, S Rutland-
Barsby, D Snowdon, M Stevenson, T Stowe,
N Symonds, A Ward-Booth, G Williamson,
C Wilson and J Wyllie.

OFFICERS IN ATTENDANCE:

Rebecca Dobson	- Democratic Services Manager
Richard Cassidy	- Chief Executive
Helen Standen	- Deputy Chief Executive
Peter Mannings	- Democratic Services Officer
James Ellis	- Head of Legal and Democratic Services
Bob Palmer	- Head of Strategic Finance and

Property

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all those remotely in attendance, and welcomed any members of the public or press who were observing the meeting on the livestreamed broadcast. He explained the recording of the meeting would be available on the Council's website after the meeting.

The Chairman set out the legal basis on which the meeting was being held, as recent legislation which had been introduced in response to the Coronavirus pandemic now permitted meetings to be conducted remotely. This legislation, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, had come into force on 4 April 2020.

The Chairman gave a summary of his recent civic duties, which he said had been constrained to a great extent by the "lockdown" measures and had therefore brought the civic year to an earlier close than would have been anticipated. He said the events planned for VE Day had not been able to take place, but that his immediate community had nevertheless marked the occasion by exchanging greetings. He had met neighbours, some of whom he had not met before. He hoped that this type of friendly and supportive relationship in the District's communities would continue to be a bonus during the next few weeks and months.

The Chairman then spoke of the sad news of deaths of those known to Members, including former Councillors Roz Standley and Linda Radford. He said Linda Radford had been a great ambassador for her ward of Hertford Castle, and for the District. He referred also to the loss of life arising from Covid-19, and asked that Members and Officers join him in a minute's silence for the 784 people in the County of Hertfordshire who had died.

Members observed a minute's silence, accordingly.

2 APOLOGIES FOR ABSENCE

No apologies had been received.

Upon taking a roll call of those Members present was taken, it was confirmed that all were participating both by video and audio.

3 DECLARATIONS OF INTEREST

Councillors Burmicz and Ranger declared a disclosable pecuniary interest in relation to item 16 on the agenda, dispensation from attending meetings, in that they were the Members named in the report and were in receipt of the basic allowance.

4 MINUTES OF 3 MARCH 2020

Councillor Andrews proposed a motion to amend the Minutes at Minute 375 to delete the word "are" in the first line of paragraph 1 of the proposed amendment, and to make the same change in the substantive

motion which was approved, so that it read “declares that EU citizens have always been welcome in the District of East Herts and will continue to be so”.

Councillor Redfern seconded the proposal.

Those Members who had not attended the meeting on 3 March indicated that they would abstain from voting on approval of the Minutes.

The motion to approve the Minutes being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that subject to the above amendments, the Minutes of the meeting held on 3 March 2020 be confirmed as a correct record and signed by the Chairman.

5 PUBLIC QUESTIONS

There were no questions submitted by members of the public.

6 PETITIONS

No petitions had been submitted.

7 MEMBERS' QUESTIONS

The Chairman explained that the written responses to all Members' Questions would be published as soon as practical after the meeting, so that they would be available before the Minutes were published.

Councillor Newton asked the Leader:

“How is East Herts Council working with our partners and stakeholders to respond to the challenge of the Covid 19 pandemic?”

Councillor Haysey responded as follows:

“I’d like to thank Councillor Newton for her very important question at this time. At the outset of the Covid 19 this council engaged directly with partners and stakeholders so to maintain services and avoid wasteful duplication of effort. Central government sees county-wide Local Resilience Forums, LRFs, these are established bodies set up to co-ordinate actions in an emergency. The Hertfordshire LRF, a partnership of over 60 organisations, set up a Strategic Co-ordinating Group which includes local government, public health, clinical commissioning group, ambulance and police representatives. East Herts works closely with this group, including co-ordinating various work streams some such as county-wide bulk-purchasing of Personal Protective Equipment. As well as the immediate response to the crisis, the group recognises the potential long term impacts on our communities and of leading the Community Reassurance Group.

“Hertfordshire County Council is co-ordinating volunteering via Team Herts and we have encouraged all the voluntary groups in East Herts to register on the Team Herts list. Nationally, Operation Shield involves GPs and hospital doctors identifying the most vulnerable who have been invited to contact the

county council to discuss their support needs. To date, East Herts Council has supported Operation Shield by telephoning over 600 individuals who hadn't contacted the county. Our input has been vital in ensuring the most vulnerable are being reached.

"The national Operation Sustain programme is about assisting those who also may need support. Again, we are working with partners to support this by, for example, working with health and county colleagues to support all our Social Prescribing Service clients.

"We should be proud of how the residents of East Herts have 'stepped up to the plate' as over 1,253 volunteers have been logged on Team Herts- the highest of any district or borough in Hertfordshire.

"The challenges have been and remain significant but I am proud of the work by elected Members and officers alike to work together with partners and stakeholders with the sole aim of protecting local residents as best we can."

Councillor Beckett asked Councillor Williamson, Executive Member for Financial Sustainability, the following question:

"The current pandemic and resulting anxiety over the loss of income for many of our residents has driven a huge spike in enquiries to East Herts CAB, and as a council we are sending a lot of enquiries their way through our social media and individual communications. In addition, because of national guidelines on social distancing, CAB has closed face to

face communications and have had to set their teams up to work remotely in order to maintain the high standard of service our residents need and deserve.

“The remote set up cost for CAB remote working has been in the region of 12K, something no one could have budgeted for.

“Therefore as it is alleviating a huge workload and expense from the council, have we any plans in place to give an additional grant to assist CAB in delivering their increased service remotely due to the COVID19 crisis, to at least meet all or part of their contingency cost for remote working?”

Councillor Williamson responded as follows:

“Thank you Councillor Beckett for raising this question and firstly I would like to thank the CAB staff publicly for their continuing hard work during this difficult time.

“Over the past few weeks we have been in discussion with their Chief Executive, Laura Hyde, and as Councillor Beckett points out they have seen an increase in demand. Queries and requests for advice around universal credit and employment have increased and they estimate around a third of this increase is directly attributable to Covid-19. Interestingly they are also seeing more queries from people in their 20s which traditionally have not been a group that has engaged with citizen’s advice services.

“The nature of the discussions we are now having with the CAB is how we can work together more closely

when restrictions begin to be lifted. The CAB have by necessity closed their face to face offering, but have still managed to deliver an effective service over the phone and by email. Of course we too have done the same and have also managed to keep many of our services up and running. Going forward we want to ensure that we are able to bring all services back to normal operations, but also that we are able to take advantage of the changes in behaviour that have been forced upon us. With social distancing requirements set to remain for some time we will be aiming to make more use of digital means of communicating with clients and residents as an alternative to face to face meetings.

“Specifically in relation to the question, we are looking at how our customer service team and the CAB teams can collaborate further, particularly in relation to sharing space where social distancing can be maintained, and using technology which will allow staff from both organisations to be able to remain working at home but still have virtual meetings with clients over video conferencing platforms, for example. In these ways we can help to reduce CAB’s overhead costs and thus be key to how we support their services being sustainable into the future.

“More work will be undertaken in the coming weeks and I am happy to keep Members informed of progress.”

Councillor Kemp asked Councillor Williamson the following question:

“Can the Executive Member for Financial Sustainability confirm that the Council is doing everything in its power to support local businesses affected by the Covid-19 pandemic?”

Councillor Williamson responded as follows:

“Thank you to Councillor Kemp for raising this matter and I can confirm that this is the case. We have a number of roles in this regard both as a regulator and as a community leader. As of today we have administered £18m worth of business rates’ relief and given out an extra £24m in grants to over 1,900 businesses. In conjunction with the other packages of financial support outlined by the Chancellor this will no doubt be a vital injection of cash for many hard-pressed businesses; indeed we have received considerable positive feedback from those that have received the grant, stating how it has managed to keep them afloat in terms of paying their suppliers and employees.

“Furthermore and in common with many other landlords, we have taken a sympathetic view with any of our commercial tenants who are experiencing financial difficulties. Arrangements to defer rent have been agreed with nine of our tenants, although one of these subsequently decided to maintain normal payments.

“As we look ahead to restrictions being lifted we are also working closely with partners on re-opening town centres. Yesterday my colleague the Executive Member for Planning and Growth chaired a meeting

with town councils, business representatives, the police and highways on how to implement social distancing measures in our high streets so that we can get people supporting local shops, restaurants and cafes in a safe way when these venues are allowed to re-open. We are also working closely with our colleagues on the LEP to promote initiatives such as a crowdfunding platform which allows businesses to secure cash investment from local people as well as access match funding if they can diversify their offer during these difficult times. We will continue to build our support businesses as best we can going forward.”

Councillor Frecknall asked Councillor Boylan, Executive Member for Neighbourhoods, the following question:

“The unprecedented time in which we are living is creating untold challenges for many residents across the district. While recognising and commending the work by officers and members alike in supporting those residents who are most vulnerable and in need, I would like to ask what the council is doing to tackle the increase in the rates of Domestic Abuse for both male and female residents. For instance, has the idea of 'safe spaces' has been discussed with local supermarkets and hubs? I recognise that much of this remit will fall to County Council, but it is to us, at the District level, to whom many residents will turn for help first.”

Councillor Boylan responded as follows:

“I would like to thank Councillor Frecknall for giving advance notice of this question. It is worth

remembering that victims and perpetrators of domestic abuse can be men, women and children and is devastating to individual victims and families at any time. However, the recent measures taken to control the spread of COVID19 virus, requiring everyone to stay at home have provided an environment for relationships within the home to become highly pressured. Both intimate and sibling relationships have been tested beyond normal circumstances with sometimes a feeling of nowhere to escape.

“It is widely recognised nationally that the incidence of domestic abuse has increased in the last few months. Since lockdown began, I have been taking part in a weekly Zoom meeting hosted by the Police and Crime Commissioner, along with the Assistant Chief Constable and all community safety portfolios holders from the ten districts and boroughs and county. Domestic abuse has been a constant theme of concern at those meetings from the beginning. There has been a rise in police reporting for domestic abuse across the county and the latest figures for East Herts show an 11% increase on last year, but that percentage has now started to reduce. Nevertheless, the responsibility for prevention, detection and victim support for domestic abuse is a multi-agency one, led by the two safeguarding boards in Hertfordshire. Different agencies have different responsibilities and contributions to this approach. This council has both housing and safeguarding responsibilities with respect to those experiencing domestic abuse and continues to work hard to maintain services during the coronavirus emergency. In February this year, the council entered into an agreement with the Survivors

Against Domestic Abuse service, known as SADA. This service is managed by Stevenage Council and provides East Herts residents with access to support with rehousing options including safe accommodation. SADA has been operating throughout the lockdown and the council has continued to make referrals. Both SADA and the Hertfordshire Domestic Abuse Helpline have reported increased referrals and contacts from across the county throughout lockdown. However, I can assure members that there remains capacity in the safe accommodation the council can access.

“Furthermore, just this week, the Housing Team is advertising housing association vacancies for the first time since March; certain groups will have top priority for rehousing, including those escaping domestic abuse. The council is part of the countywide Domestic Abuse Partnership, which has been meeting weekly since it was set up on 20 April as part of the wider response to the coronavirus emergency. The use of supermarkets being ‘safe hubs’, which is an excellent approach, is being rolled out across the county by this Partnership. This partnership has engaged the local charity “Safer Places” to train staff in local supermarkets and pharmacies on how to support people who seek advice whilst out shopping alone, including providing posters, discreet leaflets and signposting. ‘Safer Places’ website provides straightforward and practical advice, including accessing service while shopping alone and, when dialling 999, pressing 55 so that the operator can hear what’s going on without themselves being heard or needing the victim to speak.

"The council's website provides detailed information and advice on the range of services provided by the council and others.

"I hope this provides Councillor Frecknall and other Members with assurance about how serious this council takes its responsibilities around this important subject."

Councillor Goldspink asked Councillor Williamson the following question:

"Could the Executive Member give details, please, about the steps which this Council is taking to assist our residents if they are having difficulty in paying their Council Tax?"

Councillor Williamson responded as follows:

"May I thank Councillor Goldspink for raising this important issue. For any residents who are experiencing difficulties the first step is to talk to us without delay, rather than simply stop paying. By doing so, this enables us to record the issues and provide tailored advice based on their particular circumstances.

"There are a variety of ways we can help - we can reschedule payments over the year, or delay payments by making their first instalment in June. If necessary we suggest that customers pay any small amounts they can afford regularly rather than nothing, to reduce pressure later on. We will also advise them about Council Tax Support and direct them to other

agencies if appropriate.

“Furthermore all recovery actions such as issuing a summons for non-payment have been stopped. The Council Tax Hardship Scheme, which grants up to an extra £150.00 for working age claimants, is also helping to reduce the pressure on the most vulnerable.

“We have to remember that East Herts is the collection agency for Council Tax for all preceptors, and HCC and the Police are not allowing us to delay our paying over their precepts, so we need to continue to collect what we can to enable other important services to continue running.”

Councillor Brady asked the Leader of the Council the following question:

“Could you please indicate which proposed projects may be affected by the blow to the economy of the Covid-19 Virus?”

Councillor Haysey responded as follows:

“We are working closely with the construction companies which have the best access to professional advice. Construction companies are taking direction from the Construction Leadership Council and guidance from central government on assessing whether their supply chains are still active as well as the feasibility of social distancing on sites. Following the announcement by the Prime Minister on Sunday evening, it seems construction is a sector where government are keen to keep things moving.

“At this stage we don’t expect too many delays in our major projects. At Grange Paddocks Leisure Centre we are eight weeks into construction and still anticipate the new centre being operational by October 2021. It helps of course that the current activities are mostly groundwork related which means social distancing is a lot easier.

“For Northgate we are proposing to press ahead with works and hope to agree a date for closing the car park soon with a view to works commencing thereafter.

“With regards to Hertford Theatre we are concerned that current restrictions could impact our ability to undertake any meaningful public consultation which is necessary before a planning application is submitted and we anticipate a delayed start date for works from January 2021 to July/ August 2021.

“However, the current situation provides us with an opportunity to undertake a different approach to consultation and engagement. Traditionally consultation activities carried out by the Council focus on face to face events and large mail outs. These tend to be costly to deliver and the least environmentally sustainable options available. Alternative approaches to consultation are now being explored across the country and provide different platforms to engage with wide sections of the community. There are a range of tools which are available to us such as email surveys, on-line live Q&A sessions through Facebook and YouTube, and bespoke software for virtual exhibitions, all of which are being used elsewhere and provide for

a more efficient, sustainable and inclusive approach to consultation.

“We will be looking at deploying some of these new approaches in our pre-application engagement for the Theatre. The old and the new.

“A similar situation arises on consultation from the new designs for Hartham Leisure Centre.

“I want East Herts to be an exemplar in the delivery of alternative consultation techniques and I would like external developers to follow suit in pursuing a range of alternative consultation options to reach a fully inclusive audience ahead of submitting planning applications.

“That hopefully gives a flavour of where we are however I note the question is about the economic dimension to these projects. We will have to wait and see what the macro effects of this pandemic are on the global economy, cost of materials, labour and so forth but we are committed to moving these projects ahead on time and in budget.”

8 CORONAVIRUS - DEFERRAL OF ANNUAL COUNCIL

The Head of Legal and Democratic Services presented a report on the Council’s deferral of its 2020 annual meeting and continuation of the existing arrangements and appointments.

The Head of Legal and Democratic Services said this meeting would in normal circumstances have been the

annual meeting of Council, at which decisions on the structure of committees, appointments and the scheme of delegation were decided. However, as one of the measures to assist local authorities in continuing to conduct meetings during the Coronavirus lockdown, the government had introduced new legislation, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. This report sought confirmation from Members that the annual meeting of the Council be deferred and that the existing arrangements and appointments be continued.

Councillor Haysey proposed a motion that the recommendations in the report be supported. Councillor Williamson seconded the motion.

The motion being put to the meeting and a vote taken, it was declared CARRIED.

RESOLVED – that (A) Existing appointments of the Chairman and Vice Chairman of the Council continue until the Council either convenes a deferred annual Council meeting or until annual Council in May 2021;

(B) The Council's committee structure and allocation of all seats and appointments for chairmen, vice chairmen and membership of committees, joint committees, sub-committees and panels continue in the same manner (in accordance with the existing political balance where applicable);

(C) It notes that the Leader has indicated that the existing composition and constitution of the Executive, and scheme of delegation, be continued;

(D) Existing appointments to outside bodies be continued; and

(E) The programme of ordinary meetings for 2020-21, to be held as virtual or physical meetings, be confirmed, as set out at Appendix A to the report, subject to changes if required.

9 OUTSIDE BODIES

The Head of Legal and Democratic Services presented a report on reports by Members appointed to Outside Bodies for the civic year 2019-20.

Councillor Rutland-Barsby thanked all Member for their hard work in acting as representatives to these bodies. She proposed a motion that the recommendation be supported. The motion was seconded by Councillor Curtis.

The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that the reports of Members appointed to Outside Bodies for the 2019-20 civic year be received and noted.

10 REVIEW OF CONSTITUTION

The Head of Legal and Democratic Services presented a report on a review of the Constitution. He said a number of changes were required to ensure the Constitution was up to date, and to reflect decisions taken throughout the year. An Officer working group had considered the necessary changes for presentation to Council, as set out in the report. There had also been new legislation as a result of the Coronavirus crisis, which amended councils' standing orders automatically. However, as a point of best practice, the recommendation sought Members' confirmation that the standing orders were amended to reflect any provisions of the legislation which were relevant to the Council's Constitution.

Councillor Cutting proposed a motion supporting the recommendations. Councillor Snowdon seconded the motion.

Councillor Goldspink said the Liberal Democrat Group supported these recommendations, and she noted that future changes to the Constitution could be agreed by Council, if required at a later date.

Councillor Andrews said he welcomed the report. However, he drew attention to a proposed increase in the amount of write offs for unrecoverable debts which the Chief Financial Officer had authority to decide, from £10K to £25K.

Councillor Kemp asked officers to advise what the

write off limit had been in the past.

The Head of Strategic Finance and Property said the change to £25K was in line with the delegated authority limit for many other district councils. In practice, exercise of such authority was not required often, and if Members preferred that the level remain at £10K this would not be problematic.

Councillor Pope said he agreed with Councillor Andrews and favoured leaving the limit unchanged.

Councillor Cutting said write offs of over £10K represented significant amounts of money, and agreed the current limit should be retained.

In response to a question from Councillor Beckett, Councillor E Buckmaster said this was a matter of process, as irrecoverable debt could not, by its very nature, be recovered. As long as the process was robust, he had no objection to the authorisation limit being increased to £25K.

Councillor Ward-Booth proposed an amendment to the motion, that the amount of the write off limit be £10K, rather than £25K.

Councillor Devonshire seconded the amendment.

Councillor Andrews said the appropriate body should receive for noting any decision for a write off of an amount of up to £10K. Councillor Ward-Booth consented to alter his amendment to add the words "and exercise of delegation of such write offs to be

reported to the Audit and Governance Committee”.

The amendment being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – (A) that the updates and consequential amendments to the Constitution identified in the attached appendices be approved, subject to the write off limit for the Chief Financial Officer to remain at £10K and exercise of delegation of such write offs to be reported to the Audit and Governance Committee.

At a later point in the meeting, it was noticed that the substantive motion had not been voted on immediately after the amendment had been carried. The Chairman being alerted to this fact, the substantive motion was put to the meeting, and a vote taken. The substantive motion was declared CARRIED.

RESOLVED – (A) that the updates and consequential amendments to the Constitution identified in the attached appendices be approved, subject to the write off limit for the Chief Financial Officer to remain at £10K and exercise of delegation of such write offs to be reported to the Audit and Governance Committee..

(B) that in respect of the legislation introduced to permit meetings to be conducted remotely, the Council’s standing orders be deemed amended to enable its public meetings to be

conducted remotely in accordance with protocols to be decided by the Chief Executive;

(C) that authority to make any minor related changes to the Constitution is given to the Head of Legal and Democratic Services.

11 MEMBERS' SCHEME OF ALLOWANCES 2020

The Head of Legal and Democratic Services presented a report on recommendations of the Independent Remuneration Panel.

The Leader proposed an alteration to the recommendations set out in the report, to add the following words: "that Council (1) defers consideration of the Independent Remuneration Panel's review of allowances and recommendations as set out at (a) to (d); and (2) the current scheme of Members' Allowances be continued either until 13 May 2021, or until such time as the Council adopts a revised scheme of allowances, whichever shall be the earlier". She therefore proposed a motion to support the altered recommendations.

Councillor Devonshire seconded the motion.

Councillor Crystall said he echoed the decision to defer consideration of the review of Members' allowances, to show support for the District's residents.

Councillor Goldspink said she too agreed with this approach. She expressed her thanks to the Independent Remuneration Panel for the work they

had done in their review, which had preceded the Coronavirus pandemic's impact in this country and district.

Councillor Newton agreed that now was not the time to consider recommendations to increase Members' allowances.

Councillor Redfern agreed that it would be unconscionable to consider increased allowances when others were struggling financially. She also thanked the Panel, and expressed thanks to the Executive for their exceptional work in dealing with the Coronavirus situation.

Councillor Ward-Booth said he supported the alteration of the Leader to the recommendations, and hoped that the Panel would have the opportunity to meet again before making further recommendations to Council.

Councillor Bell echoed the support for the approach being taken, and said she was particularly keen to endorse acceptance, in due course, of the increased dependants' carers' allowance. This measure was important in ensuring Members or potential Councillors were not deterred from representing their community through having carer responsibilities.

The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that Council (A) defers consideration of the Independent Remuneration

Panel's review of allowances and recommendations as set out at (a) to (d); and

(B) the current scheme of Members' Allowances be continued either until 13 May 2021, or until such time as the Council adopts a revised scheme of allowances, whichever is earlier.

12 MANDATING SUBSCRIPTION TO THE DBS UPDATE SERVICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Councillor Boylan presented a report on a proposal recommended by the Licensing Committee that all Hackney Carriage and Private Hire drivers licensed by the council be required to register with the Disclosure and Barring Service Update Service and maintain that registration for the duration of holding that licence. He proposed a motion supporting the recommendation.

Councillor Andrews seconded the motion.

The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that from 1 June 2020 the Council adopt the policy of requiring all Hackney Carriage and Private Hire drivers licensing by East Herts Council to register to the Disclosure and Barring Update Service and maintain that registration for the life of their dual driver or private hire driver's licence.

13 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Councillor Goodeve presented a report outlining the results of the public consultation on the draft Affordable Housing Supplementary Planning Document (SPD), and seeking Members' consent to adopt a revised document. She said the statutory consultees had made no comment on the Strategic Environmental Assessment (SEA), so advised a SEA was not required. She proposed a motion that the recommendations in the report be supported.

Councillor Bolton seconded the motion.

Councillor Crystall said he recognised the National Planning Policy Framework limited what could be proposed in the SPD. However he was concerned that it would, despite best efforts ultimately benefit developers, at the expense of those who needed affordable homes.

Councillor Redfern said the requirements on developers which had been stated in the original SPD had now been watered down, and she queried how East Herts Council would meet its provision for affordable housing and social rent. She asked how the Council would guard against inadequate provision by developers, particularly if Covid - 19 had an impact on housing development. She also questioned, in relation to phasing of a site into separate parts what safeguards the Council could put in place to ensure developers did provide affordable housing near to the original site. Finally, she asked why this district did not

have a target for social rents, as other authorities such as Three Rivers did.

Councillor Goldspink said she supported the aspirations but could not support this SPD. She called for a recorded vote.

Councillor Ward-Booth said the document had been the subject of consultation earlier this year, and that timely submission of comments would have been helpful.

Councillor Beckett said, as a Member of the Development Management Committee, that the Committee was almost toothless in some cases due to lack of robust wording in the Local Plan, and this SPD would similarly lack robustness.

Councillor Symonds asked whether there was any key worker accommodation in the District, and if not, whether it could be reinstated.

Councillor Corpe said the SPD had been put out to consultation twice. The Liberal Democrat Group had responded during those consultations with similar comments, but those had been ignored. He questioned why there could not be a link to local salaries, as was the case at a number of other councils, such as West Midlands.

The Principal Planning Officer responded to a number of points, stating that it was necessary to follow national policy.

Councillor Boylan reminded Members that he had, at the December Council meeting, agreed to commission a piece of work on social housing and social tenures. Having drafted it, he had written to the Chief Executive and Head of Housing and Health to request for an officer to be recruited to carry out this work. He was glad to report that although recruitment had been slow, an appointment was shortly to be made. A more detailed proposal would be issued later in the year.

Five Members having confirmed a request for a recorded vote, a recorded vote was taken, the result being:

FOR

Councillors Alder, Andrews, Bolton, Boylan, E Buckmaster, R Buckmaster, Bull, Burmicz, Crofton, Cutting, Deering, Devonshire, Drake, Fernando, Goodeve, Hall, Haysey, Hollebon, Huggins, Jones, Kemp, McAndrew, McMullen, Newton, Page, Pope, Reed, Rowley, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson and Wyllie.

AGAINST

Councillors Beckett, Bell, Brady, Corpe, Crystall, Dumont, Frecknall, Goldspink, Redfern and Wilson.

ABSTAIN

Councillors Curtis, Kaye, Ranger and Stevenson.

For: 36

Against: 10

Abstain: 4

RESOLVED – that (A) the responses of the consultation be noted and the officer responses and proposed changes to the Affordable Housing Supplementary Planning Document (SPD) be supported;

(B) the Affordable Housing SPD, as detailed in Appendix C of 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 Affordable Housing SPD is not required as it is unlikely to have significant environmental effects.

14 HARLOW AND GILSTON GARDEN TOWN EMPLOYMENT COMMISSION

The Leader presented a report on the findings of the Harlow and Gilston Garden Town Employment Commission report, which recommended that the report be treated as a material consideration in the assessment of the planning applications relating to the Gilston area.

Councillor Haysey referred to the sustainability requirements of the Harlow and Gilston Garden Town

in terms of employment and land use. It was important to have a robust position in relation to securing employment related development. This report had been commissioned, to address the employment requirements of the Garden Town. She proposed a motion to support the recommendations.

Councillor Ward-Booth seconded the proposal.

Councillor Page said he had concerns about the democratic process. The Executive had considered the report by emailed circulation rather than at a meeting, which reduced opportunities for engagement. He questioned why Executive meetings were not being held.

Councillor Goldspink said the majority of her Group felt this was a good report despite the limitations. She understood the reason why Councillor Page had expressed concern, but overall supported the principles of the recommendation.

Councillor E Buckmaster said he understood some of the points Councillor Page had raised. However these were changing times, and adjustments to process were necessary. Council itself had the ultimate scrutiny role, however, and Members had the opportunity to ask questions and debate this report now.

Councillor Buckmaster said the report referred to changing patterns of employment. Due to the Covid-19 crisis there were likely to be further changes, and appropriate flexibility was required so that a planned approach could be taken.

Councillor Haysey responded to the point Councillor Page had raised regarding the April meeting of the Executive. She said at that time, the way in which public meetings would be held virtually was still being considered, and that as this report would be submitted in any event to the full Council, the view was taken that the opportunity for Members to discuss it would take place at this meeting.

Councillor Curtis thanked officers for the report and said it was necessary to retain employment land.

The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED - that (A) The 'draft final' Harlow and Gilston Garden Town Employment Commission Report, as detailed at Appendix A to this report, be agreed as a material consideration for Development Management purposes; and

(B) Authority be delegated to the Head of Communications, Strategy and Policy to agree the final version of the Harlow and Gilston Garden Town Employment Commission Report, in consultation with the Leader, following any further changes made to the Report.

15 PLANNING OBLIGATIONS FOR OPEN SPACE, SPORT AND RECREATION SUPPLEMENTARY PLANNING DOCUMENT

Councillor E Buckmaster presented a report on the Planning Obligations for Open Space, Sport and

Recreation Supplementary Planning Document (SPD). He thanked the Leader and the Executive Member for Planning and Growth for the opportunity to do so.

Councillor Buckmaster proceeded to introduce the report. He said that never more than now had open spaces been so important to people's wellbeing, and were now literally vital in helping them to stay safe and well.

Councillor Buckmaster outlined the amendments made to the SPD as a result of the consultation. He said the SPD added detail to the policies of the Local Plan. Originally, the SPD would have been considered at the Executive meeting on 21 April 2020, which had been cancelled, due to the Coronavirus crisis. It was now brought to this meeting of Council for Members' approval. He proposed a motion to support the recommendations.

Councillor Stowe seconded the motion.

Councillor Brady said some of the background papers were dated 2011, and the actions appeared not to have been followed up. She went on to make a number of points, and questioned why East Herts spending appeared to be less on sports and leisure than the average for other local authorities in this region. She asked what the impact of the Coronavirus situation would be on planning and provision for open spaces and sports provision.

Councillor Buckmaster said he could not respond on the historic recommendations, but could provide

information on investment, as this was clear from the Council's investments made during the last few months. Through masterplanning, provision of more opportunities for provision of sport and leisure would be explored fully. The Council did want to encourage walking and cycling, and was assessing how to enable extra cycling routes to be provided, in compliance with social distancing measures. Information on funding was clearly set out, for Members to read in detail.

The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that (A) the responses of the consultation be noted and the officer responses and proposed changes to the Open Space, Sport and Recreation Supplementary Planning Document (SPD) be supported;

(B) the Open Space Sport and Recreation Supplementary Planning Document (SPD), as detailed at Appendix A to this report, be approved for adoption;

(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 Open Space, Sport and Recreation Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects; and

(D) the Head of planning and Building Control, in

consultation with the Executive Member for Planning and Growth, be authorized to make any further minor changes to the document which may be necessary.

16 DECISIONS TO BE REPORTED TO COUNCIL

Councillors Burmicz and Ranger left the virtual meeting room during the consideration of the item.

The Head of Legal and Democratic Services presented a report on a decision taken under delegated authority by the Chief Executive. The decision was to approve a dispensation from attendance at Council meetings of Councillors Burmicz and Ranger, for six months, as due to the Coronavirus crisis a number of qualifying meetings which these Members would potentially have attended, had been cancelled. At the time of the decision, the way in which virtual meetings would take place was being considered. In order to prevent inadvertent vacation of office for these Members, if opportunities to attend qualifying meetings remained limited, dispensation from attendance was approved. Under the Council's Constitution, the decision was required to be reported to the Council, to be noted.

Councillor Haysey proposed, and Councillor Williamson seconded, a motion to support the recommendation to note the report.

The motion being put to the meeting and a vote taken, it was declared CARRIED.

RESOLVED – to note the decision taken by the

Chief Executive under delegated powers on 15 April 2020.

17 MOTIONS ON NOTICE

Councillor Haysey presented the motion on notice she had submitted. She said this was an opportunity to say thankyou to key workers. The community clapping on Thursday last week had been to show support for the volunteers who had kept communities going. The Chairman had referred to community spirit. She recognised what the Council's staff had accomplished in the last two months, and the commitment they had shown to the tasks they had undertaken, mostly through working from home.

Councillor Goldspink said it gave her great pleasure to second the motion. She agreed that all the people mentioned in the motion had worked incredibly hard to serve their community. She would like to add another group of people who deserved recognition, and proposed an amendment to add wording to the motion as follows:

“to thank all Members of the Executive and the Leader of the Council”.

Councillor Redfern seconded the amendment, and thanked the Executive.

Councillor Andrews added that he wished to place on record an acknowledgement of the great work of the postal service.

Other Members spoke to voice their appreciation of other

workers, including the recycling teams, those officers who had arranged for grants to be given, the planning team and planning enforcement, and the District's many voluntary groups.

Councillor Haysey thanked Councillor Goldspink for her amendment.

The amendment "to thank all Members of the Executive and the Leader of the Council" was put to the meeting. A vote being taken, it was declared CARRIED.

The substantive motion, as amended, was then put to the meeting. A vote being taken, it was declared CARRIED.

RESOLVED – (A) to thank all members of staff of East Herts Council who have worked hard to respond to the challenges faced by this Council due to coronavirus and maintain the vital services needed by local residents;

(B) to thank all local volunteers who have given their time and effort to the local community response to the coronavirus pandemic;

(C) to thank all the NHS workers and care staff who are working on the front line to keep our community safe during these difficult times; and

(D) to thank all Members of the Executive and the Leader of the Council.

The meeting closed at 9.04 pm

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PUBLIC QUESTIONS

Question 1

A representative of Bishop's Stortford Climate Group to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability:

The County Council declared a Climate Emergency on 16 July last year. On 24 July, this Council passed a climate change motion and committed to 'do everything...to reduce its impact on the climate and moreover do everything ... in supporting the whole of East Herts District to become carbon neutral by 2030'. This is only 9 years and six months away. What is the timescale for an action plan to meet this commitment, what progress has been made to date, and what will be the process of consultation on its final form?

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MEMBERS' QUESTIONS

Question 1

Cllr Ben Crystall to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability:

According to the final report from the Climate Change Task and Finish Group, received by Council on 5th March 2019, EHDC should consider looking to procure 100% "green" energy (i.e zero carbon) in terms of corporate electricity supply contracts. How far has the Council got with this process? Is he aware that Green Energy UK, one of the UK's only wholly green energy suppliers which is offering 100% renewable electricity and 100% non-fossil fuel derived gas, is based in Ware, at the heart of our district?

Question 2

Cllr Ben Crystall to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability:

The final report from the Climate Change Task and Finish Group, received by Council on 5th March 2019, recommended that the Council should investigate energy investment options that have potential to produce ongoing revenue return for the Council, along with carbon saving opportunities, e.g. electrical battery storage technology, renewables etc. on Council land. It was also recommended that an audit was conducted of Council owned sites which may be suitable for such projects. Apart from existing projects

at the theatre, the hydro-scheme in Hertford and the two new leisure centres, has the Council made any progress in investigating investment options in renewables and how far has it progressed with the audit of Council owned sites?

Question 3

Cllr Andrew Huggins to ask Cllr George Cutting, the Executive Member for Corporate Services:

What measures are being implemented to support officers' and Members' wellbeing during this period of remote working, with particular focus on their mental health?

Question 4

Cllr Joseph Dumont to ask Cllr Graham McAndrew, the Executive Member for Environmental Sustainability:

Residents in my Ward are very concerned about the levels of litter they see in public spaces and I receive regular emails from concerned individuals. I am sure this will be familiar to other Members. Is the Executive Member aware of our Contractor's performance in relation to meeting the cleaning schedules for public spaces and what is he doing to hold them to account?

Question 5

Cllr Alexander Curtis to ask Cllr Jan Goodeve, the Executive Member for Planning and Growth:

What measures will be implemented by the Council, other than those related to land use/spatial planning or involving the direct provision of financial support to local businesses, in the coming months and years to maintain and enhance the prosperity and vitality of East Hertfordshire's town centres?

Question 6

Cllr Louie Corpe to ask Cllr George Cutting, the Executive Member for Corporate Services, and Cllr Suzanne Rutland-Barsby, the Executive Member for Communities:

Name-blind recruitment is a process which involves removing the candidate's name and other personal information to ensure that people will be judged on merit and not on their background, race or gender.

In an effort to build a more diverse, inclusive workforce that better reflects the community we serve, will this Council commit to follow the example of numerous public sector organisations, such as TfL and the Civil Service, and implement this recruitment technique?

Question 7

Cllr Mione Goldspink to ask Cllr Peter Boylan, the Executive Member for Neighbourhoods:

Is the Executive Member for Neighbourhoods aware of the plans being made by Manchester City Council to build 500 Affordable and Social Houses? Would he be willing to look at these plans as part of his current research into all the different methods of providing Social Housing?

East Herts Council Report

Council

Date of Meeting: 22 July 2020

Report by: Leader of the Council

Report title: Executive report 02.06.20

Ward(s) affected: All

Summary

This report details the recommendations to Council made by the Executive at its meeting on 2 June 2020. A separate report on this agenda relates to the Executive meeting held on 7 July.

1.0 Item considered and recommended to Council

1.1 Since the last Council meeting, the Executive met on 2 June 2020. At that meeting the Executive considered and supported a number of recommendations on the following item:

1.1.1 the Gilston Area Charter SPD

1.2 This report sets out the recommendations for the above item, which was referred with no change. The full report, including all appendices, may be viewed at [Executive 02.06.20](#). The Minutes of the meeting are attached as Appendix A.

2.0 Gilston Area Charter Supplementary Planning Document (SPD)

2.1 The Executive considered the Gilston Area Charter SPD and supported the recommendations as outlined below.

RECOMMENDATIONS TO COUNCIL:

- (a) The responses of the consultation be noted and the officer responses and proposed changes to the Gilston Area Charter Supplementary Planning Document be supported;**
- (b) The Gilston Area Charter Supplementary Planning Document, as detailed at Appendix B to this Executive report, be approved for adoption;**
- (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 Gilston Area Charter Supplementary Planning Document is not required, as it is unlikely to have significant environmental effects; and**
- (d) That the Head of Planning and Building Control, in consultation with the Executive Member for Planning and Growth, be authorised to make any further minor changes to the document which may be necessary.**

3.0 Executive Decisions

- 3.1 Other matters determined by the Executive are detailed in the Minutes of the meeting, included for information at Appendix A to this report.

4.0 Background papers, appendices and other relevant material

- 4.1 Appendix A - Minutes of the Executive on 2 June 2020

- 4.2 Appendix B – Gilston Area Charter SPD
- 4.3 Full reports - at [Executive Agenda 2 June 2020](#).

Contact Member

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APPENDIX A

MINUTES OF A MEETING OF THE
EXECUTIVE HELD AS A VIRTUAL MEETING
ON TUESDAY 2 JUNE 2020, AT 7.00 PM

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

ALSO PRESENT:

Councillors C Redfern, R Bolton, S Bull,
J Frecknall, M Goldspink, A Hall,
D Hollebon, J Jones, T Page, M Pope,
P Ruffles and A Ward-Booth.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Helen Standen	- Deputy Chief Executive
Rebecca Dobson	- Democratic Services Manager
James Ellis	- Head of Legal and Democratic Services
Bob Palmer	- Head of Strategic Finance and Property
Sara Saunders	- Head of Planning and Building Control
Su Tarran	- Head of Revenues

	and Benefits Shared Service
Jess Khanom- Metaman	- Head of Operations
Steven King	- Finance Management Trainee
John Williams	- Electoral Services Manager

30 LEADER'S ANNOUNCEMENTS

The Leader of the Council welcomed those present in the virtual meeting, and those watching the livestreamed meeting. She explained the protocol which would be followed for the conduct of the meeting.

Councillor Haysey referred to the way in which the District's communities were taking measures to maintain social distancing, in particular in the three main towns of Hertford, Bishop's Stortford and Ware. The measures had been put in place to keep people safe, and it was important that all respected the social distancing requirements.

31 MINUTES – 11 FEBRUARY 2020

Councillor Haysey proposed, and Councillor E Buckmaster seconded, a motion that the Minutes of the meeting held on 11 February 2020 be approved as a correct record. The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 11 February 2020 be approved as a correct record, and signed by the Leader.

32 DECLARATIONS OF INTEREST

There were no declarations of interest.

33 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

Councillor Wyllie said the Overview and Scrutiny Committee had not met since before the last Executive meeting, as due to the Covid-19 crisis, the Committee's March meeting had been cancelled. However, it would be meeting on 16 June, and areas of the Committee's work would shortly, therefore, be back on track.

34 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

Councillor Pope said the Audit and Governance Committee had met remotely on 19 May 2020. It had had a full agenda, which had included a presentation on the audit plan for the forthcoming audit by the Council's external auditors, EY. The Committee had also received a presentation from the Shared Internal Audit Service (SIAS) and from the Shared Internal Fraud Service. In relation to the latter, it had been noted that there were a number of outstanding recommendations relating to cyber security matters, so the Committee had asked that the relevant Officer attend the next meeting to give an update. In relation to the SIAS report, the Committee had noted that the number of internal audit days being purchased by the Council had decreased from 400 to 300 since 2017/18, and would monitor this level, as it would not wish to

see that figure decrease further.

Councillor Pope said the Committee had also received the financial update for Quarter 3, and a more recent verbal update on the financial position. Finally, updates on the risk management strategy and the strategic risk register had been received.

35 GILSTON AREA SUPPLEMENTARY PLANNING DOCUMENT -
FINAL FOR ADOPTION

Councillor Haysey submitted a report outlining the results of the public consultation on the draft Gilston Area Charter Supplementary Planning Document (SPD). The report sought agreement to adopt a revised document. The report also stated that the three statutory consultees had no comment on the Strategic Environmental Assessment Screening Report.

Councillor Haysey said this SPD would establish the principles of masterplanning for the Gilston area. During the next 10 to 15 years, 10,000 homes would be developed. She was adamant that the quality of design of these homes would be exemplary. The SPD would set standards for developers. The SPD had been out for consultation and a number of comments to improve the document had been incorporated. She invited Councillor E Buckmaster to speak.

Councillor E Buckmaster said he wished to speak both as the Ward Member for the area, and the Executive Member for Wellbeing. He had been involved in a group which had helped to develop the SPD. He referred to the key words in the report regarding adopting the SPD, through a comprehensive and

consistent manner. It was very important that the development would knit together with the existing landscape and communities. He referred to the importance of treating this as one strategic site as part of the masterplan. Modifications had been incorporated from responses to the consultation, including the site promoters, and the paper had been shared with the neighbourhood plan group, from whom no comments had been received.

Councillor Haysey proposed a motion to support the recommendations. Councillor Buckmaster seconded the motion.

Councillor Page said the Council's masterplans were commendable, and he recognised that much work had gone into producing the report. He expressed concern in respect of one aspect, affordable housing. He asked that a way of strengthening the affordable housing programme be identified, to demand a robust financial viability assessment, particularly in view of the current Covid-19 impact on house prices.

Councillor Haysey agreed it was a major concern. It was important to recognise the extremely valuable role played by key workers during the Covid-19 crisis, who were not necessarily able to afford the house prices in the district's area. This concern would be the subject of careful and ongoing consideration.

Councillor Boylan said he was anticipating the report on the future of affordable housing for the district would be published by the early Autumn. He said in terms of planning policy frameworks, the Council had already adopted the Affordable Housing SPD.

Councillor Buckmaster said the largest site promoter in respect of the Gilston Area had made clear their intention to have provision of affordable homes.

The motion being put to the meeting, and a vote taken, 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 Gilston Area Charter Supplementary Planning Document (SPD) be supported;

(B) The Gilston Area Charter Supplementary Planning Document (SPD), as detailed in Appendix C of this report, be approved for adoption;

(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 Gilston Area Charter Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects; and

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

Councillor Williamson submitted a report on the impact of Covid 19 on the Council's finances.

Councillor Williamson said he was bringing this report before the Executive, in view of the severe impact of the measures needed to combat the virus. The report set out the position as at the end of April, and addressed the short and medium term range of impacts.

Councillor Williamson said the report addressed the budget for 2020/21, the medium term financial plan and the Council's cash position and level of reserves.

He set out the position regarding the fall in the Council's income in relation to the 2020/21 budget. The budget relied on income from fees and charges. The shortfall against budget for income in April was approximately £800,000. There were concerns about some items which could cause higher losses, such as loss of income from the trade waste service, a reduction in interest rates on investments and reduced income from Millstream investments.

Councillor Williamson went on to describe some costs savings, although these were limited. He referred to measures which had been taken such as a short term loan made to Everyone Active to cover their payroll while the Government furlough scheme was established; and amendments to the waste service. Arrangements had been made to defer rent from commercial tenants, for either the current quarter or the next quarter. In summary, the range of income losses for the 2020/21 budget could be between £2.9

million and £4.5 million, although as grant funding of approximately £1.5 million had been provided by the Government, the net increase of use of reserves would be between £1.4 million and £3 million.

Councillor Williamson then referred to the medium term financial plan. He said that when setting the 2020/21 budget, the saving proposals and additional income generation plans had closed the budget gap for this year but there was still a budget gap for 2021/22 of £420,000. Additional income generation plans from improved recycling rates and additional trade waste customers were unlikely to be realised in the short term. One of the key plans for income generation had been for pay and display, and officers were now re-mapping the timings for a decision on the parking strategy.

Councillor Williamson drew Members' attention to the impact of Covid 19 on council tax. Government support had been received for working age claimants receiving a council tax reduction, which was welcomed, but the prospect of increased unemployment was a concern. Any increase in council tax support cases would reduce the taxbase. The report set out the assumptions made regarding the council tax income which would be needed in the MTFP for 2021/22.

Councillor Williamson referred to the conclusion in the report, in that it was not possible to give credible overall estimates of the impact of the Covid-19 situation on the MTFP, and that new ideas to reduce net expenditure would be needed to replace or supplement existing plans.

Councillor Williamson referred to the cash and reserves position. He said in conclusion that although the Council would suffer short to medium term difficulties, it was able to face its worst case scenario. In recognition of the fact that some businesses were struggling, the report included a recommendation that Heads of Service be authorised to agree deferment of fees and charges to allay hardship.

Councillor Williamson proposed a motion that the recommendations in the report be supported. Councillor McAndrew seconded the motion.

Councillor Pope said that as Chairman of the Audit and Governance Committee, he had noted a drop in income from the Council's two property investment vehicles. He asked for more specific details and an estimate of how long the losses were expected to last.

Councillor Williamson responded that the reasons for the reduction were that there had been reductions in both funds and direct investments.

Councillor Haysey said that the overall context was that the Council was in a sound position, which was not the case for some neighbouring authorities. It was however important to keep reserves for the benefit of residents. It would be necessary to build up income streams. She thanked the Head of Strategic Finance and Property and officers for this excellent analysis of the council's financial position.

The motion, being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – that (A) the potential impacts of Covid 19 on the budget for 2020/21 and the Medium Term Financial Plan be noted; and

(B) authority be given to Heads of Service to agree the deferment of any business related fees and charges where a business can demonstrate that payment would cause immediate financial hardship.

37 NOTING THE DECISION OF THE CHIEF EXECUTIVE TO APPROVE A SCHEME FOR THE LOCAL AUTHORITY DISCRETIONARY GRANT FUND TAKEN UNDER URGENCY PROVISIONS (TO FOLLOW)

Councillor Williamson submitted a report on a decision taken by the Chief Executive on 26 May 2020, to approve the local authority discretionary grant funding scheme under urgency provisions. He said the government had, as part of its response to Coronavirus, announced this funding, to be given to local authorities, to provide support for local businesses which were not eligible for the current Small Business Grant or Extended Retail Relief Grant Fund. East Herts Council had been awarded £1.57m to distribute to eligible businesses. The government had set national criteria. The report set out the aspects where local authorities had some limited discretion. In order to ensure that this money was distributed to businesses as soon as possible, the decision was approved by the Chief Executive, in consultation with the Leader, on 26 May 2020, setting a deadline of two weeks within which applications could be submitted.

Councillor Williamson proposed a motion that the

recommendations in the report be supported.
Councillor Rutland-Barsby seconded the motion.

Councillor Wyllie declared a disclosable pecuniary interest (DPI), in that he was the owner of a small business in the district. He said he had not appreciated at the start of the meeting that he would need to have declared this interest before the item was considered.

Advice was sought from the Democratic Services Manager as to the procedure to be followed where a declaration of interest had not been made at the start of the meeting. The Democratic Services Manager advised that it would be necessary that a Member declaring a DPI had to leave the meeting for the duration of any debate and voting on the item in question. Accordingly, Councillor Wyllie left the virtual meeting for the duration of consideration of the item.

The motion, being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED - that (A) the decision to approve the local authority discretionary grant funding scheme, taken by the Chief Executive in consultation with the Leader, be noted; and

(B) delegated authority is granted to the Head of Revenues and Benefit Service, in consultation with the Executive Member for Financial Sustainability, to revise the scheme if all the available funds are not allocated under the proposed scheme criteria.

38 LOAN TO SLM - REPORT OF DECISION TAKEN BY CHIEF EXECUTIVE

Councillor Haysey reminded Members that this item included information at appendices B and C which was exempt from publication.

The Monitoring Officer advised that if Members wished to discuss those papers, the meeting would move to part 2, and exclude the press and public by means of stopping the livestream of the meeting.

Councillor Williamson presented a report requesting that the decision of the Chief Executive taken on 16 April 2020, to approve an emergency loan to the leisure contractor, Sport and Leisure Management Ltd (SLM), be noted. The decision had been taken under delegated authority, to enable an expedited response, in the context of the coronavirus outbreak. The first part of the loan had already been repaid in full, and repayment terms were set out in relation to the further funding to support the cost of a core team of staff carrying out essential maintenance of the East Herts leisure centres.

Councillor Williamson proposed a motion that the recommendation in the report be supported.
Councillor Cutting seconded the motion.

The motion, being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – that the decision of the Chief Executive, taken under delegated authority, be noted, to (A) approve a loan to SLM of the sum

set out in the exempt from publication Appendix B to this report, to support the cost of SLM's payroll costs for furloughed staff for April 2020 only; and

(B) to approve funding for a further loan of £16,171 in April, £12,391 in May and £10,578 in June 2020 (subject to a monthly review of Government instructions) to support the cost of a core team of staff carrying out essential maintenance of East Herts leisure centres.

The meeting closed at 7.38 pm

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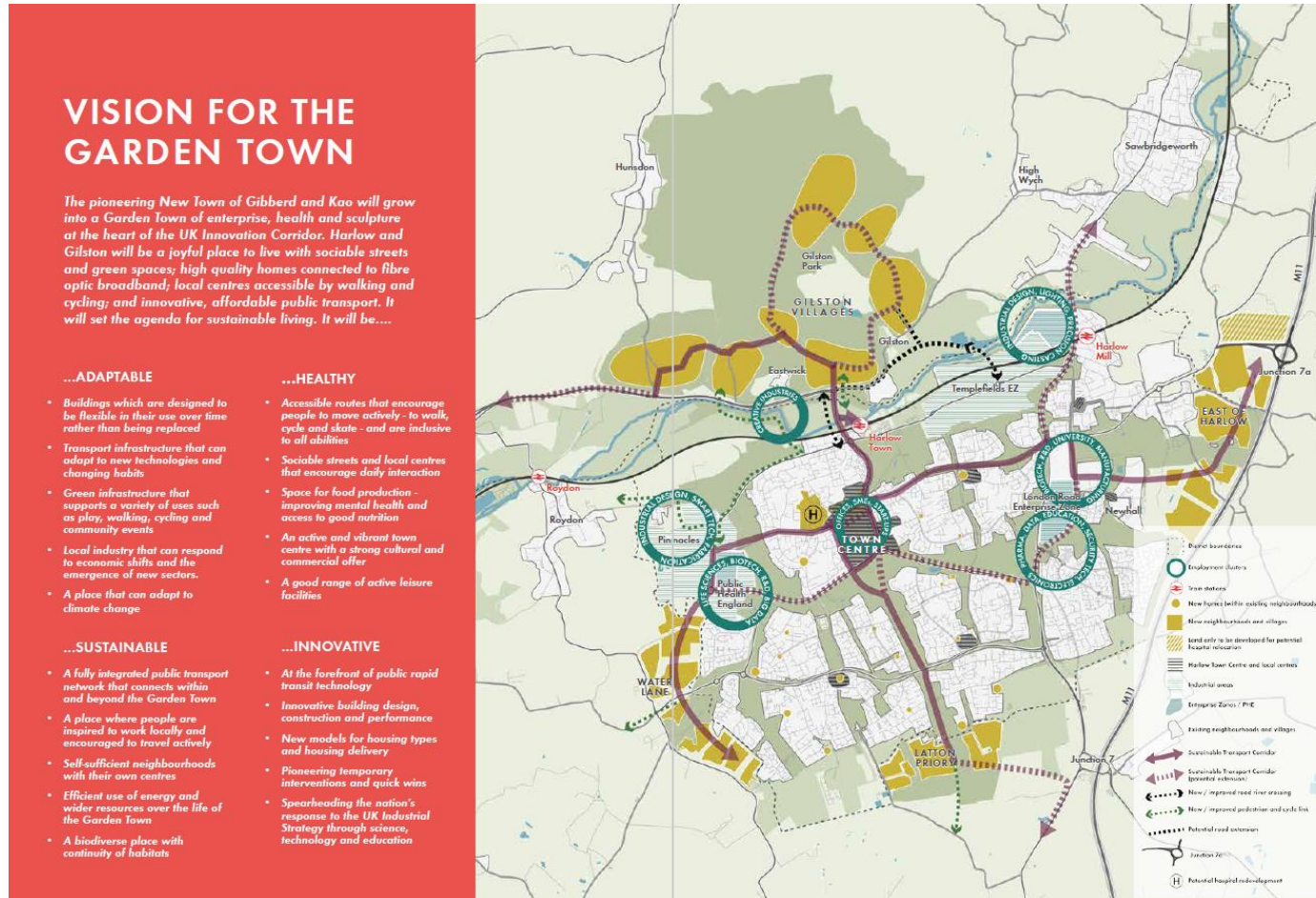
Gilston Area Charter Supplementary Planning Document - Draft version for adoption

1. Introduction

- 1.1 East Herts District Council (“East Herts”) is committed through its District Plan to supporting the delivery of 10,000 homes and associated infrastructure in the Gilston Area. The development will be delivered as several separate and distinct villages set within substantive rural landscaping, managed open space and parklands.
- 1.2 The Gilston Area forms part of the Harlow and Gilston Garden Town (“the Garden Town”), which was designated a Garden Town by the Ministry for Homes, Communities and Local Government in January 2017, comprising 23,000 new homes across Harlow Town together with 23,000 new homes across new neighbourhoods to the east, west, and south of Harlow, and new villages in the Gilston Area to the north. The Garden Town is located within the local authority areas of East Herts, Epping Forest and Harlow, and also includes Hertfordshire and Essex County Councils (collectively the “Garden Town Authorities”) (see Figure 1).
- 1.3 This Gilston Area Charter (the “Charter”) has been produced by East Herts through engagement with landowners, key stakeholders and representatives from the local community to help guide the planning and delivery of high quality and coordinated development and infrastructure within the Gilston Area, informed by the Garden City Principles and the Vision for the Garden Town (see Figures 1 and 2).

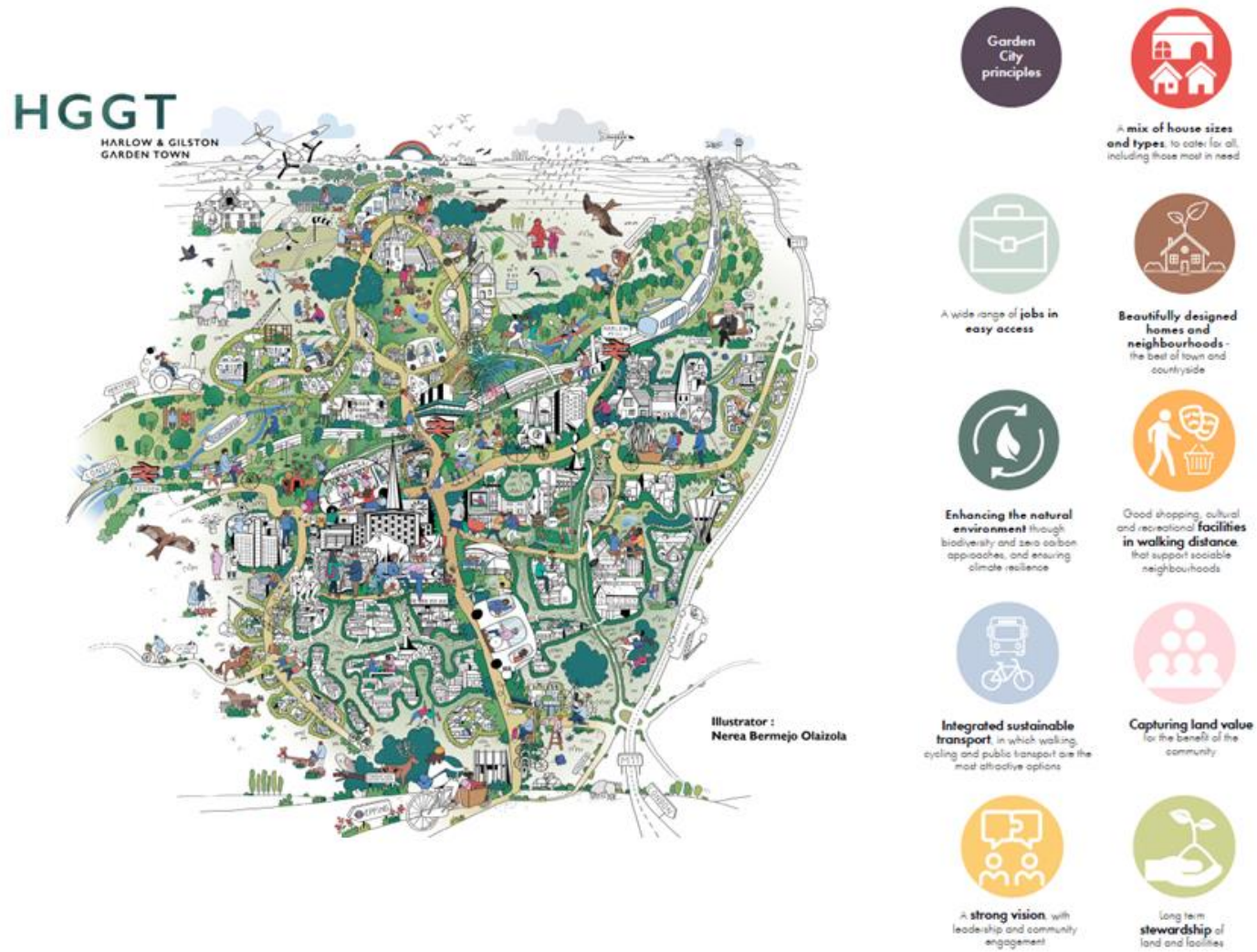
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Figure 1. Vision for the Garden Town and location of the Gilston Area



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Figure 2. Artists illustration of the Garden Town and the Garden City Principles



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2. Planning policy and guidance relevant to this document

- 2.1 In October 2018, East Herts adopted its District Plan which sets out the Council's planning framework for the district, identifying how it will grow and develop over the plan period up to 2033. Part 1 of the Plan establishes the Council's vision and strategic objectives for the district, including a development strategy with settlement/site specific policies.
- 2.2 District Plan policy GA1 (see Figure 3) identifies the Gilston Area for significant growth, including the delivery of 10,000 homes and associated infrastructure, comprising but not limited to community facilities, employment, retail, education, sports, open space and strategic transport improvements including additional/enhanced crossings over the River Stort. The new homes will be delivered within distinct villages set within substantive landscaping and parkland, each based on Garden City Principles and forming a key part of the Garden Town.
- 2.3 A Concept Framework was produced in parallel to the District Plan by landowners Places for People and City and Provincial Properties in collaboration with East Herts District Council and following intensive collective input by the local communities. The framework identifies potential design principles, land uses, infrastructure requirements and phasing, and used surveys, assessments, conceptual Masterplans and consultation input from key stakeholders and the community to support and demonstrate the deliverability of Policy GA1 as seven distinct villages separated by meaningful landscape with shared infrastructure and a clear collective identity. It also established key principles to underpin and shape the content of any future Masterplanning work undertaken, including strong vision, leadership and community engagement in accordance with Garden City principles.
- 2.4 A Garden Town Vision and Garden Town Design Guide have been produced by the joint Garden Town Authorities which set out expectations and aspirations for the delivery of high quality and sustainable development across the Garden Town. The Design Guide states that;
- “East Herts Council will work with landowners, stakeholders and the community to prepare a Charter for the Gilston Area to demonstrate how it will be delivered in accordance with the village concept and the Garden Town Vision.”*
- 2.5 District Plan policy DES1 (see Figure 3) requires all 'significant' development proposals to include the preparation of a Masterplan. Given the scale of development in the Gilston Area, individual Masterplans will be required for each of the Gilston Area villages, together with an overarching Strategic Landscape Masterplan that will address the strategic elements of the development and the important network of green spaces that will knit the villages together and integrate the area into its wider context. Chapter 17 of the District Plan identifies the use of Design Codes in helping to deliver high quality outcomes on particular sites/areas and supports the use of Design Reviews to provide assessment and support to ensure high standards of design.

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- 2.6 The Gilston Area Neighbourhood Plan (GANP) is currently being produced by the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group and is expected to be in place later in 2020. The GANP is being prepared in close collaboration with the HGGT and with the landowners. It includes policies to guide landscape development, village structure and design, infrastructure delivery and the relationship of new development with existing villages. On adoption, the Neighbourhood Plan will form part of the statutory Development Plan against which relevant planning applications will be determined, including the Gilston Area masterplans.

Figure 3: Policy GA1 ‘The Gilston Area’ and DES1 ‘Masterplanning’ of the East Herts District Plan

Policy GA1 The Gilston Area

I. In accordance with Policy DPS3 (Housing Supply 2011-2033), land at the Gilston Area is allocated for development to accommodate 10,000 homes, to be delivered within this Plan period and beyond. It is anticipated that at least 3,000 homes will be delivered by 2033.

II. A Concept Framework is being jointly prepared by the landowners, the Council and the local community. The Concept Framework identifies design principles, potential land uses, infrastructure requirements and phasing, and will be used as a benchmark in reviewing proposals for development. Prior to the submission of any planning application(s) further design work through the pre-application engagement process will be required in order to agree, among other things, the quantum and distribution of land uses, access and layout principles.

III. The Gilston Area will provide for 10,000 homes across distinct villages, each based on Garden City principles respecting the following:

- strong vision, leadership and community engagement;
- land value capture to deliver the social and physical infrastructure for the benefit of the community;
- long-term community ownership of land and stewardship of assets;
- mixed-tenure homes and housing types including those that are genuinely affordable;
- a wide range of local jobs within easy commuting distance of homes;
- beautifully and imaginatively designed homes with access to open space, combining the best of town and country to create healthy communities, and including opportunities to grow food;
- development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses energy-positive technology to ensure climate resilience; strong cultural, recreational and shopping facilities in walkable, vibrant, sociable communities; and
- integrated and accessible sustainable transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport for new residents to travel within the Gilston Area and to key local destinations.

IV. A community engagement strategy will be prepared, working with the two local parishes, which will include consideration of managing the effects on local residents, and opportunities for them to participate in the emerging new community. Engagement with the local communities and other relevant stakeholders shall take place through the planning application process and through the development of village Masterplans.

V. The development is expected to address the following provisions and issues:

- (a) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of Housing);
- (b) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);
- (c) a care home/ flexi-care or sheltered properties in accordance with the provisions of Policy HOU6 (Homes for Older and Vulnerable People);
- (d) Self-Build and Custom Build Housing in accordance with Policy HOU8 (Self-Build and Custom Build Housing);
- (e) the provision of a serviced site for Gypsy and Travellers, in accordance with Policy HOU9 (Gypsies and Travellers and Travelling Showpeople) which should deliver 15 pitches for longer term needs beyond the Plan period;

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- (f) the provision of a serviced site for Travelling Showpeople in accordance with Policy HOU9 (Gypsies and Travellers and Travelling Showpeople) which should deliver 8 plots for longer term needs beyond the Plan period; (each of sufficient size to allow for the provision of accommodation and equipment plus storage/maintenance);
- (g) quality local green infrastructure throughout the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhancing biodiversity. This will include the protection of Local Wildlife Sites and other assets of environmental value;
- (h) the provision of significant managed open space and parklands, and a limited number of buildings associated with that use, on the northern section of the site as identified in Figure 11.2, the ownership of which will be transferred to a community trust or other mechanism that ensures long term stewardship and governance for the benefit of the community;
- (i) a variety of public green spaces across the site, including the provision of play areas and opportunities for outdoor health and fitness activities, as well as space for wildlife;
- (j) access arrangements and local highways measures and commensurate financial contributions to addressing impacts on the wider strategic highways network, including the provision of additional crossings to the River Stort;
- (k) land for twenty forms of entry for both primary and secondary education, including Early Years facilities, subject to more detailed modelling. All schools should provide for the dual use of facilities for community purposes;
- (l) sustainable transport measures which encourage walking, cycling and the use of public transport including:
- the provision of cycleways and footways that provide links throughout the site and into Harlow;
 - enhancement of existing bridleways and footpaths; enhanced passenger transport services including the creation of a sustainable transport route through the site which will link into a sustainable transport corridor which links the Gilston Area to the urban area of Harlow; and
 - the setting of objectives and targets for the use of sustainable transport modes.
- (m) consideration of the potential of the site to facilitate the delivery of a re-located Princess Alexandra Hospital;
- (n) the use of appropriate landscape buffers in order to protect the individual character and integrity of Eastwick and Gilston villages within the context of the development;
- (o) the protection and enhancement of heritage assets and their settings, both on-site and in the wider area through appropriate mitigation measures, having regard to the Heritage Impact Assessment. Gilston Church and the Johnston Monument (both grade I listed), the moated site Scheduled Monuments at Eastwick, the Mount Scheduled Monument, and Gilston Park house (grade II*) are of particular significance and sensitivity and any planning application should seek to ensure that these assets and their settings are conserved and, where appropriate, enhanced, through careful design; landscaping; open space; buffer zones; protection of key views; and, better management and interpretation of assets, where appropriate;
- (p) neighbourhood centres in accessible locations, providing local retail and community uses, including healthcare facilities to meet the day-to-day retail and health needs of new residents;
- (q) employment area/s (of around 5ha), within visible and accessible location/s, which provides appropriate opportunities to promote self-containment and sustainability;
- (r) consideration of opportunities for local supply chains as well as opportunities for local employment and training including apprenticeships and improving skills base for local people;
- (s) indoor and outdoor sports facilities (which may be shared use) taking into account the Council's evidence on sports and open space needs;
- (t) consideration of need for cemetery provision;
- (u) landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate, and a defined recognisable boundary to the Green Belt;
- (v) assisting the delivery of all other necessary on-site and appropriate off-site infrastructure;
- (w) necessary new utilities, including integrated communications infrastructure to facilitate home working;
- (x) satisfactory water supply, including acceptable water pressure for occupants;
- (y) sustainable drainage and provision for flood mitigation;
- (z) other policy provisions of the District Plan and relevant matters, as appropriate.

VI. Any application for development will include an indicative phasing plan for the delivery of infrastructure and utilities across the villages.

VII. The delivery of the Gilston Area will include a mechanism for:

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- securing the long term stewardship, protection and maintenance of the parkland, open spaces, play areas and community assets;
- managing the construction process to address potential impacts on existing and future communities;
- encouraging a successful and active community, including an innovative approach to create the conditions for local resident participation in the design and stewardship of their new communities.

VIII. Proposals for the Gilston Area should complement, and have regard to, ongoing work in relation to the Harlow and Gilston Garden Town

Policy DES1 Masterplanning

I. All 'significant' development proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses; access; sustainable high quality design and layout principles; necessary infrastructure; the relationship between the site and other adjacent and nearby land uses; landscape and heritage assets; and other relevant matters.

II. The Masterplan will be collaboratively prepared, involving site promoters, land owners, East Herts Council, town and parish councils and other relevant key stakeholders. The Masterplan will be further informed by public participation.

III. In order to ensure that sites are planned and delivered comprehensively, any application for development on part of the site will be assessed against its contribution to the Masterplan as a whole.

3. The role of this Charter

3.1 This Charter is a Supplementary Planning Document (SPD) which seeks to support the implementation of District Plan Policy DES1 in producing robust Masterplans that deliver the overarching ambitions and aspirations for the Gilston Area as set out in District Plan policy GA1 and other relevant policy/guidance. As an SPD, the Charter is a Local Development Document that builds upon and provides more detailed advice or guidance on the policies in the District Plan and has weight as a material consideration in planning decision making.¹

3.2 The guidance contained within this document establishes a consistent approach to the production of Masterplans in the Gilston Area to ensure that development comes forward in a comprehensive and cohesive manner that contributes to the creation of successful and sustainable places that embody the Garden City Principles. This is particularly important to the Gilston Area because of the strategic scale of development and the multiple parties with an interest in its delivery.

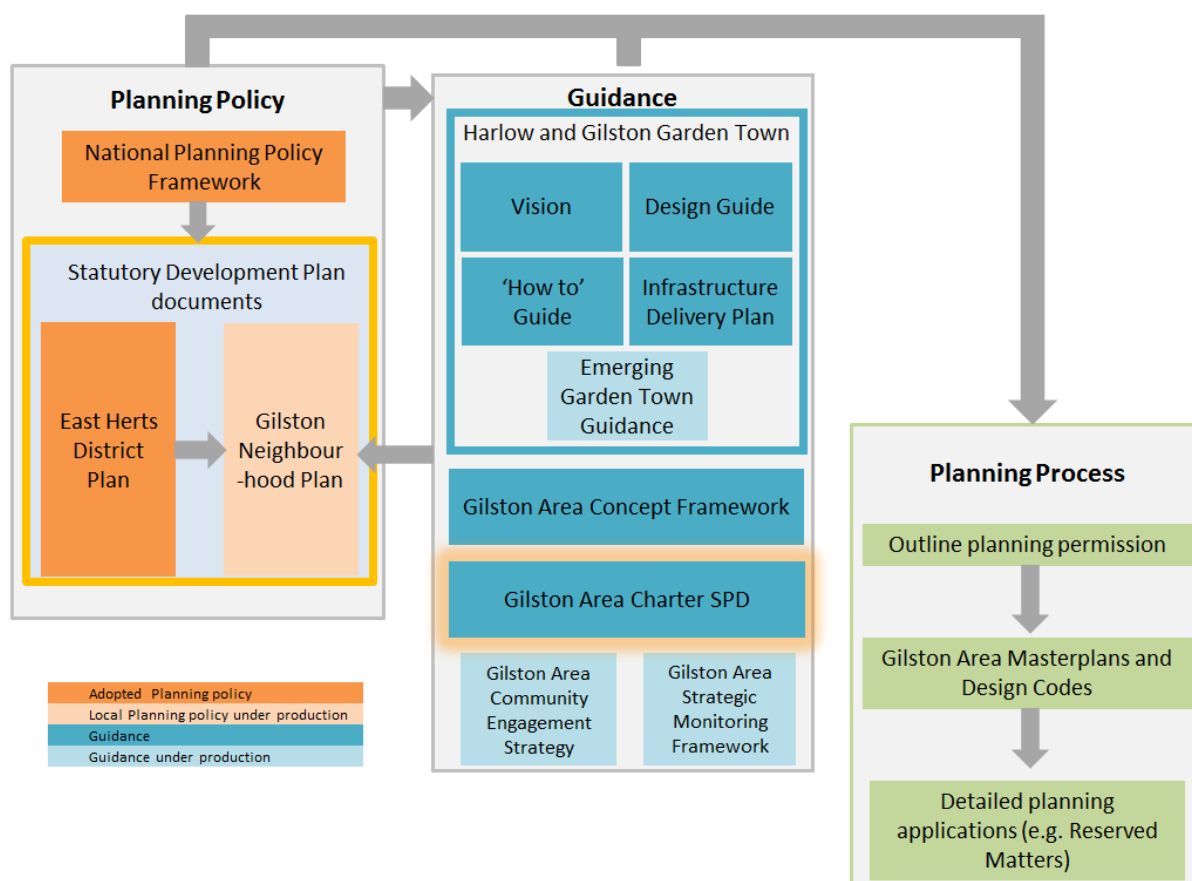
3.3 In addition it requires the masterplanning process to appropriately consider how development in the Gilston Area will sensitively respond to its setting including for example protecting and enhancing ecological and heritage assets of the site, the wider landscape and Stort Valley and the relationship with existing settlements, Harlow and the wider Garden Town.

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

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- 3.4 Finally the Charter also seeks to embed the important role of collaborative engagement between the applicant and the Council, key stakeholders and statutory bodies in the preparation of the Masterplans, as well as the local community in accordance with the emerging Gilston Area Community Engagement Strategy.
- 3.5 The guidance contained within this document has been informed by existing and emerging policy and guidance and a case study review of a broad range of existing design documents, including Design Strategies, Design Codes and Masterplans; these are summarised in the Appendix to this document.

Figure 4: The Gilston Area Charter in the context of relevant policy/guidance and the planning process for the Gilston Area



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4. The role of Masterplans and Design Codes in shaping the development of the Gilston Area

- 4.1 East Herts expects a high standard of design quality for all new development proposed in the district and identifies Masterplans and Design Codes as means of helping to achieve this. They are particularly useful for large multi-phased developments such as that coming forward in the Gilston Area, acting as a mechanism to assist in the delivery of comprehensive and coordinated development and high quality design outcomes.
- 4.2 Masterplanning is about place making. A good masterplan should tell a ‘story’ about the place as it is now and how it will be in the future as it is developed. Incorporating masterplanning into the planning process enables issues to be addressed collaboratively and in a coordinated and comprehensive way before the detailed elements of a development are established. This helps to enable the overarching development objectives for the site to be realised and reduces the potential for design quality compromises and delays at the detailed planning application stage.
- 4.3 Design Codes are a set of illustrated rules or requirements that guide how the physical elements of a development should be designed, such as streets, buildings and landscaping. They often include mandatory design requirements but also make recommendations where flexible design solutions are most appropriate.
- 4.4 The graphic and written components of Design Codes build upon the matters established at the outline application and masterplanning stages and aim to provide clarity as to what constitutes acceptable design quality at the detailed application stages, thereby providing a level of certainty for developers, the Council and the local community alike.
- 4.5 Planning policy guidance² advises that Design Codes are best prepared in partnership to secure agreed design outcomes and should be tested and reviewed as development proceeds.

The Gilston Area Masterplans

- 4.6 As set out earlier in this document, Village Masterplans will be required for each of the Gilston Area villages, together with an overarching Strategic Landscape Masterplan that will address the appropriate strategic elements of the development and the important network of green spaces that will play a key role in knitting the area together and integrating it into the wider context.
- 4.7 Each Gilston Area Masterplan will be supported by a Design Code and together they will provide an added layer of detail to the evolving plans for the Gilston Area, building on the parameters and commitments secured at the outline planning application stage and the work already undertaken in the Gilston Area Concept Framework which underpins these applications. The requirement for their

² <https://www.gov.uk/guidance/design#para008>

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production will be secured by this Charter and planning conditions secured at the outline planning application stage in accordance with District Plan Policy DES1.

- 4.8 Once approved the Masterplans and their associated Design Codes will form a framework to guide Reserved Matters applications (and any relevant detailed planning applications) for development plots or buildings that follow. A summary of how the Masterplans fit into the planning process for the Gilston Area is provided in Figure 6.
- 4.9 The content of each Masterplan must align with any parameters established through the outline applications, the statutory Development Plan documents and take account of relevant guidance including the Gilston Area Concept Framework and the Garden Town Vision and Design Guide. The current relevant policy and guidance documents are summarised in Appendix 1. They will also be supported and informed by up to date technical work such as topographical and habitat surveys, and transport, heritage and flood risk assessments. This could include existing technical information used to support the outline planning applications, but also new and supplementary information where required, given the duration of the project and likely changes to policy/guidance.

The Gilston Area Strategic Landscape Masterplan

- 4.10 A Strategic Landscape Masterplan will be produced and approved before the first Village Masterplan. This will establish a spatial strategy for comprehensive development of the entire Gilston Area site allocation in one overarching plan that draws together and expands upon the principles established in the parameter plans approved at the outline application stage, and the work already undertaken in the Gilston Area Concept Framework.
- 4.11 It will focus on establishing the key components and Character Areas that will form the comprehensive green infrastructure network across the site that will surround and sit alongside the new villages, existing settlements and the wider landscape. In establishing this, the Masterplan will look to address and plan for strategic matters including: how movement will be accommodated to prioritise active and sustainable modes of travel and the achievement of the 60% mode share target; how the development will successfully integrate with adjacent settlements and landscaping including the Stort Valley; how the new villages will have sufficient landscape buffers but function successfully together as one new settlement, making efficient use of the land through coordinating measures such the approach to drainage and flood risk and any potential net gains for biodiversity; and how the community open space land allocated in the Gilston Area will be planned and landscaped to help facilitate its long term maintenance.

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The Gilston Area Village Masterplans

- 4.12 A Masterplan will also be produced for each Gilston Area village. These will provide a framework within which designers and developers can bring forward more detailed proposals for individual development plots in a planned and comprehensive way, whilst still allowing for design flexibility and innovation at the detailed design stage.
- 4.13 Each Village Masterplan will establish a spatial strategy for the key components that will comprise the village, such as the village centre, access points and key routes, residential development plots, recreation and open spaces, and key supporting infrastructure such as education and health facilities. In establishing this, each masterplan will be required to compliment the Strategic Landscape Masterplan and plan for a village that: has distinct character; integrates sensitively with its surrounding landscape setting taking account of existing ecological and heritage assets; ensures movement is accommodated to prioritise active and sustainable modes of travel and the achievement of the 60% mode share target; delivers sustainable homes and places that commit to tackling climate change; connects successfully into the wider sustainable drainage network and reduces flood risk; will be a place to live that is safe and secure, promotes healthy lifestyles and fosters a strong sense of community. Finally it shall demonstrate how the village can adapt over time to meet the changing needs of the community.
- 4.14 Each Village Masterplan will establish its own Character Areas, informed by special/memorable places such as heritage or ecological assets, key views, the location of proposed key buildings and features, nodal points, and green spaces.

Gilston Area Design Codes

- 4.15 Each Masterplan including the Strategic Landscape Masterplan will be supported by a Design Code. The Design Code will establish elements that are considered to contribute to the creation high quality place making, starting from the most strategic elements working through to more focused detailed elements.
- 4.16 A Regulatory Plan will be produced in support of each Design Code to illustrate how it relates to development plots, land parcels or different character areas on a single scalable drawing. This will enable users to navigate where the provisions of the code will apply.
- 4.17 Each Design Code will need to be tested to determine whether it is fit-for-purpose before it is finalised and submitted for approval. Testing should consider how user friendly the code is, its market viability, likely capacity to deliver quality and its efficiency as an administrative tool that can help streamline the planning process. The testing process should be evidenced as part of the Design Code submission.
- 4.18 To ensure that Design Codes are effectively implemented, a ‘Compliance Checklist’ shall also be produced as part of the Design Code submission, this will set out the mandatory elements of the code in a Compliance Checklist table. Applicants submitting detailed/Reserved Matters applications will be expected to complete the

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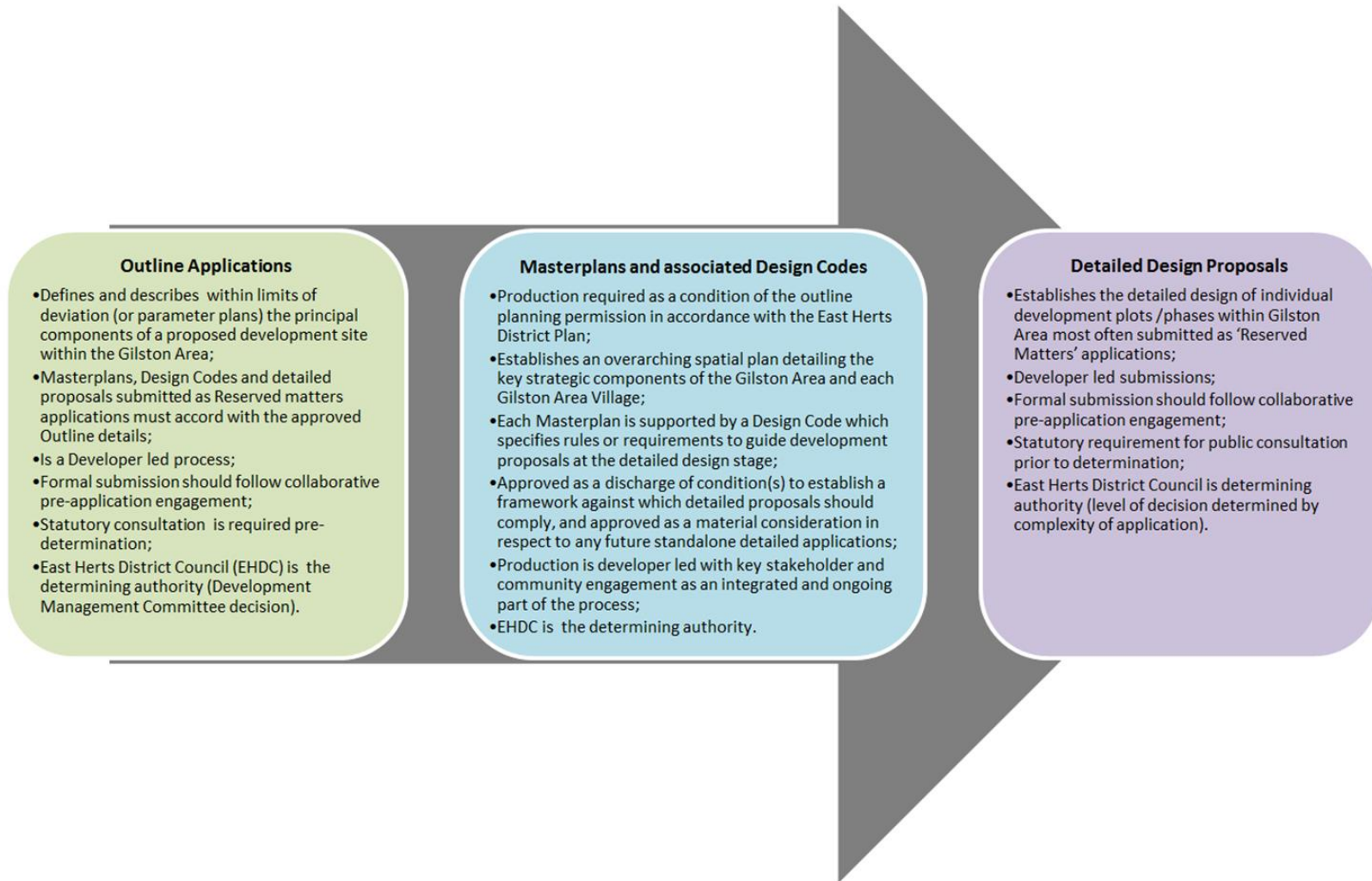
table as part of their submission to confirm their proposals accord with the Design Code.

- 4.19 It is likely given the duration of the Gilston Area development that the circumstances within which the code will operate will change over time. The Compliance Checklist should also make provision for applicants to acknowledge where a code may no longer be fit for purpose and provide design justification for any proposed deviations. This may (depending on the extent of the changes proposed) necessitate amendments to Design Code details approved through the discharge of condition and would require the approval of the Local Planning Authority following consultation with the local community. An example of the format a Compliance Checklist might take is provided in Figure 5 below.
- 4.20 The remainder of this Charter will set out the steps that should be undertaken in the production of the Gilston Area Masterplans and the associated submission and determination process. It also sets out the important process of community and stakeholder engagement in the masterplanning process.

Figure 5. Example of the format a Compliance Checklist might take

REF.	Design Principle	YES	PARTIALY with design justification provided	NO with design justification provided	Not applicable
2.1	Does the design take account of the principles set out for the Eastern Access Key Grouping?				
5.4	Has the Village Centre been designed to ensure a clear definition between public and private spaces?				

Figure 6. Planning process for the Gilston Area



5. The process steps that should be taken in the production of Gilston Area Masterplans and Design Codes

5.1 The production of each Masterplan for the Gilston Area shall follow the process steps identified below. It shall be led by an applicant team of professionals with suitable experience of collaborative landscape led masterplanning who will work together with the Council, key stakeholders and the community. It will also be necessary to seek a review of the Masterplan proposals as they evolve by the Harlow and Gilston Garden Town Quality Review Panel (QRP). Further detail on the role of the QRP and how collaboration should be undertaken is set out later in this document.

5.2 *Strategic Landscape Masterplan*

STEP 1 Confirm the parameters and commitments secured at the outline application stage and through adopted policy and guidance that are relevant to the Masterplan. This should include an initial definition of the Masterplan boundary.

STEP 2 Establish an agreed brief for the Masterplan and its objectives.

STEP 3 Drawing on conversant technical and supporting information, assess considerations and opportunities for development taking account of the setting of heritage assets, key views, geographical/topographical features, ecological habitats (including trees/hedgerows), utilities infrastructure (retained and future provision), relationship to existing/emerging settlements/development; and any influences arising from the phasing and timing of infrastructure delivery.

STEP 4 Establish the extent of the Masterplan having regard to how and where it will interface and respond to the Gilston Area Villages and the wider landscaping/development beyond the site allocation boundary.

STEP 5 Establish and determine the location and extent of key features, building in flexibility where required. As a minimum this should include;

- Defined areas for recreation such as community parks and fields;
- Key habitat areas (both natural/semi natural) such as woodland areas, ongoing agricultural uses and green corridors including identification of where public access is allowed and where it is restricted to prioritise, protect and support ecology and biodiversity;
- Sustainable transport/movement corridors including the broad location of transport hubs, Public Rights of Way, bridleways, cycle paths and footpaths that permeate the green infrastructure;
- Key vehicular routes and access points that permeate the green infrastructure;

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- Settings of heritage assets and their enhancement and interpretation;
- Watercourse crossings, SUDS infrastructure such as a connected network of surface water attenuation features and outfalls and enhancements to existing watercourses;
- Areas of public lighting beyond village boundaries or dark zones to reduce impacts on ecology and night sky;
- Significant land level changes.

When establishing the above, the broad location of strategic infrastructure that will influence movement both within the Gilston Area villages and beyond the masterplan boundary, such as sustainable transport hubs, village centres, schools, public spaces and access points should also be considered and inform the Strategic Landscape Masterplan.

STEP 6 Identify Character Areas.

STEP 7 Establish a Design Code including Design Code Testing. This should include any site wide Design Codes that should also be reflected in the Village Design Codes in order to establish a consistent sense of place.

5.3 *Village Masterplans*

STEP 1 Confirm the relevant parameters and commitments secured under the outline planning permission and through adopted policy and guidance for the masterplan. This should include an initial definition of the Village Masterplan boundary that compliments the Strategic Landscape Masterplan.

STEP 2 Establish an agreed brief for the Masterplan and its objectives.

STEP 3 Drawing on conversant technical and supporting information, assess considerations and opportunities for development taking account of the setting of heritage assets, key views, geographical/topographical features, ecological habitats (including trees/hedgerows), utilities infrastructure (retained and future provision), relationship to existing/emerging settlements/development; and any influences arising from the phasing and timing of infrastructure delivery.

STEP 4 Establish the extent of the Village Masterplan having regard to how it will interface and respond to its immediate surrounding landscape in the context of the approved Strategic Landscape Masterplan.

STEP 5 Establish and determine the location and extent of key features, building in flexibility where required. As a minimum this should include;

- The Village Centre;
- Points of access;

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- Sustainable Transport HUB;
- Sustainable transport/movement routes including any Public Rights of Way, bridleways, cycle paths and footpaths;
- Vehicle routes;
- Development plots, including their orientation, maximum size and building heights and broad land uses;
- Community buildings such as schools and health care facilities;
- Provision of commercial and retail floorspace;
- Outdoor recreation areas such as playing fields and playgrounds;
- Green wedges and habitat corridors;
- SUDS infrastructure such as ponds and other surface water attenuation features;
- Formal and informal public spaces such as allotments, village buffers etc;
- Significant land level changes;
- Areas that will be publically lit including streets, recreation areas and other public spaces;
- Other physical development such as utilities infrastructure.

STEP 6 Identify Village Character Areas.

STEP 7 Establish a Design Code including Design Code Testing. This should take account of any site wide Design Codes established as part of the Strategic Landscape Masterplan.

6. The content of a Masterplan submission

6.1 Each Masterplan shall comprise written and visual material and applicants are encouraged to use physical models as well as interactive visualisations to support engagement and understanding of the Masterplan including where these can be adapted as development is delivered. Plans, drawings and photographs should also be included supported by various technical documents. The content of each masterplan should include the sections as set out below:

1. Description of the site:
For Village Masterplans this should include a plan showing the physical extent of the village in the context of the wider Gilston Area. For the Strategic Landscape Masterplan this should include a plan showing the entire site in the context of the wider area, denoting the areas that will be developed through the Village Masterplans, their supporting green infrastructure and the areas that will be safeguarded from development.
2. Relevant background information including:
 - Planning policy/guidance considered when establishing the Masterplan and associated Design Code.

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- Confirmation of the parameters and commitments approved at the outline application stage that have informed the Masterplan.
 - Summary of the main findings and issues identified in any supporting technical assessments.
3. Statement of Engagement: this should include how and who was engaged in the preparation of the Masterplan and associated Design Codes in accordance with the Gilston Area Community Engagement Strategy.
 4. Options testing: this should tell the story of how the final version of the Masterplan and Design Codes were arrived at using plans and narrative. It should include the options considered and ruled out and also how feedback from the Harlow and Gilston Garden Town Quality Review Panel and other key stakeholders informed the process.
 5. The Masterplan: this should be illustrated on a plan with supporting narrative and illustrative material.
 6. The Design Code: this should include a Regulatory Plan, illustrations and supporting narrative as set out in Section 4.
 7. Sustainability Statement: this should demonstrate how the Masterplan and associated Design Code have sought to achieve quality outcomes in response to the HGGT Design Quality Questions and the check markers as set out in Section 9 of the Charter.
 8. Framework for delivery including any agreed phasing plan for development and infrastructure.
 9. Appendix, this should comprise any supporting documents or technical studies used to inform and/or support the masterplan process covering matters such as heritage, ecology and flood risk for example.

This may draw on existing technical information such as that used to support the site allocation and outline applications, or approved through the discharge of conditions; and/or new technical information where updated or supplementary information is required given the duration of the project and likely changes to relevant Policy/guidance.

7. Submission and approval process

- 7.1 The following section sets out the process for formally submitting a Masterplan to East Herts for consideration and determination.

(1) Project Governance Arrangements

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- 7.2 A Planning Performance Agreement (PPA) will be prepared and agreed between the applicant and East Herts together with other relevant bodies such as HGGT partners before work of any significant extent on the Masterplan is undertaken.
- 7.3 A PPA is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. They can be particularly useful in setting out an efficient and transparent process for developing large and/or complex planning submissions such as Masterplans. They encourage joint working between the applicant, Local Planning Authority and other statutory bodies involved in the planning process. They also enable any issues to be addressed early and collaboratively which speeds up decision making and avoids development compromises later in the planning process.
- 7.4 A PPA programme will be established that is based on achieving the steps set out in Section 5 above and will establish the resources required for other signatories to the PPA to support the Masterplan production process.
- 7.5 A PPA Project Lead Group will be established comprising key representative(s) from of each of the parties that are signatory to the PPA. The group will lead on project managing the masterplanning process and any associated decision making.

(2) Masterplan Engagement

- 7.6 Prior to work commencing on the production of a Masterplan, an Engagement Plan will be prepared by the Core Project Group in accordance with the Gilston Area Community Engagement Strategy. The plan will seek to;
- 7.7 a) Identify any statutory parties, HGGT partners and other bodies that should inform the masterplanning process including how/when they should be engaged;
- 7.8 b) Establish a working group of community representatives to help inform the production of the masterplan.

(3) Quality Review

- 7.9 Each Masterplan and respective Design Code shall be reviewed by the Harlow and Gilston Town Quality Review Panel (QRP) at various stages of their production as agreed necessary by the PPA Project Lead Group. As a minimum this will include a QRP review at the options testing/drafting phase pre-submission. The QRP is an independent design panel made up of planning and design professionals which can review any emerging work relating to the Garden Town, including development proposals from landowners / developers. The Panel provides an independent critique in relation to matters presented to it and its recommendations and

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observations may then be considered by applicants or the local planning authority to inform the content of the Masterplans.

(4) Formal submission and decision making

- 7.10 Each Masterplan will be submitted by the applicant to East Herts as Local Planning Authority (LPA) as an Approval of Details application seeking to discharge the associated strategic condition secured at the outline application stage. The application will be accompanied by the supporting documents as set out in Section 6 above (unless otherwise agreed by the LPA) and the process for its production will have followed the steps set out in Section 5.
- 7.11 The LPA will assess the application in accordance with the programme specified in the PPA.
- 7.12 The Masterplan will be taken to East Herts Full Council for endorsement. Once endorsed, the Masterplan will be approved formally through discharge of the associated planning condition and form the framework for subsequent reserved matters applications and form a material planning consideration in the determination of any detailed planning applications that may come forward in the respective Masterplan area.

8. Engagement

- 8.1 All Masterplans and their associated Design Codes shall be prepared in liaison with statutory bodies, key stakeholders such as the HGGT partners and the local community from the pre-submission stage. As mentioned in Section 7 above, an Engagement Plan shall be produced prior to any work on the Masterplan commencing. This will establish who will be involved in the production process, how and when, and will inform the Statement of Engagement included within the formal masterplan submission as set out in Section 6.
- 8.2 The Engagement Plan shall also demonstrate how the measures within it have given due regard to the Gilston Area Community Engagement Strategy which sets out the required approach to stakeholder engagement and consultation for all planning matters associated with the Gilston Area, including the production of Masterplans.
- 8.3 Statutory bodies that shall be engaged will include the Environment Agency, Historic England and Natural England, as well as other bodies as required.

9. Quality outcomes

- 9.1 District Plan (Policy GA1) seeks to ensure that the development of the Gilston Area comes forward having regard to the Garden City Principles (see figure 2). The Garden Town Design Guide has translated the principles into a number of design quality questions which should be considered and responded to at the masterplanning stage

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(see Figure 7). This will help to embed high quality design solutions into the evolving plans for the Gilston Area and ensure that once completed it works as a successful, sustainable place where people will want to live, work and visit.

- 9.2 The masterplans should also consider and respond to any guidance or checklists established by East Herts or jointly by the Garden Town Authorities, as well as other best practice that looks to embed high quality, sustainable solutions through the planning process and build in consideration of measurable outcomes.
- 9.3 The Garden Town Authorities will seek to provide information on an ongoing basis to keep the public informed about the planning process for the Gilston Area and subsequent development as it comes forward. In accordance with the East Herts District Plan policy DEL4, East Herts will also provide monitoring for the Gilston Area through a Monitoring Framework to review progress and outcomes throughout the planning, construction and post construction stages by identifying a series of targets that can be measured. Opportunities to link these to indicators established through the Masterplans and Design Codes will be explored, as well as in relation to other approvals and any new policy/guidance relevant to the Gilston Area.
- 9.4 As set out in Section 6, a Sustainability Statement shall be included as part of each Masterplan submission to demonstrate how it has responded to the above considerations.

Figure 7 – Design Quality Questions (Harlow and Gilston Garden Town Design Guide)

- | | |
|---|---|
| 1 How will the proposals respond positively to the existing context, including heritage assets, and make a positive contribution to the character and quality of place? | 10 How will the proposals establish and contribute to an attractive walking and cycling network that people will want to use, including access to the Super Greenways? |
| 2 What steps have you taken to ensure high quality architecture and construction that achieves distinctive neighbourhoods and villages that contribute to a harmonious whole? | 11 How will the proposals encourage a behavioural change to facilitate the overall modal shift towards sustainable travel required across the Garden Town? |
| 3 How have the proposals incorporated different architectural typologies to support balanced, sustainable and diverse communities, in terms of the range of uses, spaces, housing types and tenures? | 12 How will the proposals integrate with and support the Bus Rapid Transit network across the Garden Town and beyond? This should appropriately balance both movement and placemaking? |
| 4 Demonstrate how the proposals will facilitate social interaction and help improve the physical and mental health of residents and visitors. | 13 Explain the measures taken to ensure the proposals support changing working patterns and future working needs? |
| 5 Explain how the proposed buildings and places could adapt to changes in lifestyles, climate change and future requirements? | 14 Explain in what ways your approach supports the success of Harlow Town Centre, and the network of existing or new local centres. |

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- 6** How will the proposals demonstrate a landscape-led approach that preserves hedgerows, mature trees, water ways and other existing natural landscape features?
- 7** How will the proposals extend and enhance the network of Green Wedges Green Fingers and open spaces? How do these vary in character and in what ways are they usable?
- 8** Demonstrate how proposals have been informed by stakeholders to contribute to a clear net biodiversity gain and climate resilience?
- 9** How have the proposals incorporated approaches to sustainable energy, water, waste, design and construction and other practices that will improve household sustainability?
- 15** How have proposals considered and taken account of feedback from local consultation? What changes have been made to demonstrate this? Have any community ‘quick-wins’ been identified and how will they be delivered?
- 16** What is the approach to phasing and how will proposals support early delivery of key infrastructure in conjunction with homes e.g. landscape, transport, digital, community?
- 17** Demonstrate how collaboration with the community has positively informed arrangements for the long-term stewardship of community assets within the proposals?

APPENDIX

Appendix 1 – Main policy and guidance documents that support the production of a Charter and the Gilston Area Masterplans/Design Codes

Document	Author	Status	Summary
East Herts District Plan https://www.eastherts.gov.uk/planning-building/planning-policy	East Herts Council	Adopted October 2018	<p>Adopted development plan for the District which sets out the Council’s planning framework for the district, identifying how it will grow and develop over the plan period up to 2033.</p> <p>Of particular relevance to the Charter are Chapter 11 - The Gilston Area (Policy GA1) and Chapter 17 - Design and Landscape.</p>
Hunsdon, Eastwick and Gilston Neighbourhood Plan	Hunsdon Eastwick and Gilston Neighbourhood Plan Group	Consultation draft, published September 2019 On adoption, Neighbourhood Plans form part of the Development Plan against which relevant planning applications will be determined.	<p>The Gilston Area Neighbourhood Plan (GANP) is currently being produced by the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group and is expected to be in place late 2020. The GANP is being prepared in close collaboration with the HGGT and with the landowners. It includes policies to guide landscape development, village structure and design, infrastructure delivery and the relationship of new development with the existing villages. On adoption, the Neighbourhood Plan will form part of the statutory Development Plan against which relevant planning applications will be determined, including the Gilston Area masterplans.</p>

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Document	Author	Status	Summary
<p>Gilston Area Concept Framework and Council Report</p>	<p>Places for People, in partnership with City and Provincial Properties and East Herts Council</p>	<p>Produced and approved as a material consideration in July 2018 and referenced in Policy GA1 of the East Herts District Plan.</p>	<p>Produced to demonstrate the deliverability of the proposed site allocation, establish key principles that should underpin the development of the Gilston Area and guide the preparation of future detailed proposals. The Framework presents a broad articulation of the delivery of the Gilston Area as a set of distinct villages, in advance of the formal pre-application or statutory planning application process.</p> <p>Of particular relevance are;</p> <ul style="list-style-type: none"> - P10, vision for the Gilston Area - P12, development objectives for the Gilston area. - P74-79, placemaking design principles. - P81-87, key landscape and physical characteristics that will shape the design of each of the 7 villages. - P90, the principles for protecting heritage assets. - P96, principles to minimise the impacts of the development of the Gilston Area on existing communities. - P96-101, recommendations of how to protect the character and appearance of existing settlements in the Gilston Area. - P102, principles for scale and massing of new development in the area. - P103, responding to surrounding landscape assets. - P104, principles for densities in the area. - P107, consideration of appropriate densities throughout the development area. - P114, key green infrastructure objectives for the area. - P119-121, recommendations for green infrastructure in the area. - P123, recommendations for SUDs systems. - P124, outline how the development of the Gilston area should support the Stort Valley. - P126, open space guidelines. - P128, recommendations for open space features and character.

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Document	Author	Status	Summary
			<ul style="list-style-type: none"> - P130, approach to considering ecological constraints. - P132, features of village centres and place making recommendations. - P134, recommendations for the layout of retail centres and commercial provision. - P135, recommendations for an 'Education and Leisure Zone' next to Home Wood in the centre of the Gilston area. - P137, proposed design criteria for housing. - P140, proposed governance arrangements. - P146, strategic access arrangements for the area. - P147, recommendations for street typologies. - P148-P152, principles and recommendations for sustainable modes of transport. - P154 and 155, proposals for strategic highways improvements. - P158 and p163 set out overarching principles for the development of the area.
Harlow and Gilston Garden Town Vision	Allies and Morrison Urban Practitioners working with the Garden Town Authorities	Produced November 2018. Approved as a material consideration in December 2018	<p>Document sets out the vision for the Garden Town and the principles which will inform its growth and management.</p> <p>Of particular relevance to the Charter are P4, the Vision for the Garden Town and P8, the principles and indicators which should shape and inform the development of the area.</p>
Harlow and Gilston Garden Town Design Guide	Allies and Morrison Urban Practitioners working with the Garden Town Authorities	Produced November 2018. Approved as a material consideration in December 2018	<p>Document sets out the expectations and aspirations for the delivery of high quality and sustainable developments.</p> <p>Of particular relevance are;</p> <ul style="list-style-type: none"> - P17, Density and typology considerations. - P20 onwards, consideration of important views and landmarks. - P24 onwards, recommendations for sustainable movement network extensions. - P39-41, design recommendations for the Gilston Area. - P50-51, design quality questions to be considered by new

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Document	Author	Status	Summary
			development proposals.
HGGT Infrastructure Delivery Plan	Arup working with the Garden Town Partner Authorities	Published April 2019 as a material planning consideration	<p>The IDP draws on previous work undertaken by the Councils – in particular, the District-level IDPs already produced to support the respective Local Plans – and compiles, aligns and updates it. The combined Infrastructure Schedule for the Garden Town covers a wide range of types of infrastructure.</p> <p>The IDP also identifies how expected developer contributions from various sites will be apportioned and what collection mechanisms can be utilised to assist in funding the infrastructure items which serve more than one site. Through the process of producing the IDP, a package of measures and broad estimates of the likely financial contribution for each of the Garden Town sites has been produced. The IDP has been produced concurrently with the Strategic Viability Assessment, to allow these costs to be included in the appraisal. The purpose of the Strategic Viability Assessment is to consider the wider deliverability of the Harlow and Gilston Garden Town, taking into account infrastructure requirements alongside other considerations.</p>
HGGT ‘How to’ Guide for Planning Obligations, Land Value Capture and Development Viability	Garden Town Authorities	Published April 2018 as a material planning consideration	This Guide sets out how the Councils intend to ensure that a consistent approach is adopted to support growth and deliver the necessary infrastructure to ensure the sustainability and long term stewardship of the Garden Town as a whole in line with the Garden City Principles and Harlow and Gilston Garden Town Vision. This will include the capture of development land value through the use of planning obligations.
HGGT Transport Strategy (draft)	Aecom working with the Garden Town Partner Authorities	Draft – Proposed to be approved as a material planning consideration.	The Transport Strategy will set out how HGGT will achieve the challenge of future travel demand linked to planned growth.
HGGT Sustainability Guidance and Checklist	Garden Town Authorities	Draft – Proposed to be approved	The document provides practical and technical guidance on how relevant sustainability indicators and policies (environmental, social

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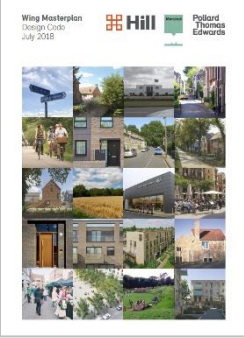

Document	Author	Status	Summary
		as a material planning consideration.	and economic) in the HGGT Vision and partner authorities plans will be applied to new major residential and non residential developments in the Garden Town.
East Herts Masterplanning Approach	East Herts District Council	Guidance	Document sets out the minimum steps the Council expects to be undertaken in the production of Master Plans.
Hertfordshire's Local Transport Plan, 2018 – 2031	Hertfordshire County Council	Adopted 2018 – material planning consideration.	<p>Hertfordshire's Local Transport Plan sets out how transport can help deliver a positive future vision for Hertfordshire by having a major input into wider policies such as economic growth, meeting housing needs, improving public health and reducing environmental damage whilst also providing for safe and efficient travel.</p> <p>The plan also considers how future planning decisions and emerging technology might affect the way that transport needs to be provided in the longer term.</p> <p>Of particular relevance to Gilson is Local Transport Plan 4.</p>

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Appendix 2 - Case study examples of design documents reviewed to inform the guidance in the Charter.

Case Study	Summary	Learning points and relevance to the Gilston Area
<p>Tottenham Hale Green and Open Space Strategy, London 2015</p> 	<p>Associated with a growth area in London for 5,000 new houses and 4,000 new jobs. The Strategy seeks to:</p> <ul style="list-style-type: none"> • Improve accessibility and links between urban areas and open spaces. • Increase planting and greenery within the urban area. • Merge the green spaces and urban areas. <p>The strategy guides improvements to the routes between the green and open spaces, extending and connecting open spaces from the Lee Valley Park into the Tottenham Hale area.</p>	<p>This is an Open Space Strategy, and therefore does not present design codes. The Strategy does however provide a good example of developing open space projects which link open space to surrounding urban areas.</p> <p>The Gilston Area could:</p> <ul style="list-style-type: none"> • Focus on accessibility to open spaces from developed areas. • Seek to merge green spaces and developed areas. • Consider creating set projects to bring together developed areas and open space areas.
<p>Queen Elizabeth Olympic Park Design Guide, London, 2018</p> 	<p>This relates to a 100ha area of open space on the site of the London 2012 Olympic Games Park, now managed by the London Legacy Development Corporation. The Guide sets out expected standards for ensuring good design and biodiversity across the park, and integrating place making principles. The Guide sets out overarching and detailed design principles to guide new development and projects in the Queen Elizabeth Park area.</p>	<p>The Guide is well presented and easy to understand. The use of examples is helpful in conveying the design features being sought. The Guide presents a large amount of detail on design preferences to guide decision making.</p> <p>The Guide is less detailed than Design Codes. This is less restrictive for development proposals but will require more assessment and review by the Council at the planning application stage.</p> <p>The Gilston Area could use a strategic design guide approach to outline strategic design principles and manage the layout of open space, green space and public areas throughout the Gilston Area and the surrounding area.</p>

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Case Study	Summary	Learning points and relevance to the Gilston Area
<p>Wing Masterplan, Cambridge, 2018</p> 	<p>Development of 1,300 new homes, a primary school, community hall, mixed use units, open space, allotments, clubhouse and sports pavilion. The Design Code aims to ensure quality and co-ordination across all phases of development.</p>	<p>The masterplan presents detailed and comprehensive Design Codes which are well presented and easy to understand.</p> <p>The masterplan clearly presents mandatory features and recommended features. The use of character areas throughout the development site assists in understanding the requirements across the area. The presentation of good and bad examples of design features is a helpful addition to the document, making the aims and objectives of the document easy to understand.</p> <p>The Gilston Area could use the approach of presenting Design Codes within the village masterplans and could consider creating character areas within and across the village masterplan areas. A similar approach to using landmark features throughout the village masterplan areas could be used to create a more interesting overall design. Masterplans and Design Codes associated with the Gilston Area could incorporate good and bad design examples to help peoples understanding of the aims and objectives of the documents.</p>
<p>Deptford Neighbourhood Plan Design Codes, 2019</p> 	<p>Relates to the Convoys Wharf development site in London, and connections to surrounding estates included within the emerging Neighbourhood Plan. The development site has outline planning permission for up to 3,500 homes, shops, restaurants, cafes and a hotel. The Design Codes provide strategic and detailed design guidance in relation to accessibility, heritage and well-being.</p>	<p>The Gilston Area could draw upon this approach to develop guidance for key connections into and out of villages, linked to protecting / enhancing heritage, providing access to green infrastructure, and promoting cultural integration. The approach to stakeholder engagement to inform Design Codes could also be beneficial for the Gilston Area.</p> <p>Design Codes associated with the Gilston Area should:</p> <ul style="list-style-type: none"> • Ensure that the status and role of the codes are clearly articulated. • Consider what level of detail is required to meet the aims and objectives of the area. • Consider what themes are required for codes in the area.

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Case Study	Summary	Learning points and relevance to the Gilston Area
<p>Alconbury Weald Design Code</p> 	<p>Development of 5,000 new homes, B1/B2 employment floorspace, open space, and community facilities. The Design Code relates to 108ha of the development site. The Code provides clear and comprehensive design fixes and guidance to inform the production of the reserved matters planning applications.</p>	<p>This Design Code demonstrates the importance of good presentation and clarity in creating a successful document which achieves its aims and objectives. This example can be used to consider the level of detail that is appropriate for the Gilston Area Design Codes. Establishing clear linkages with Reserved Matters applications is helpful in defining the scope, remit, role and status of design codes. The use of a Regulatory Plan is helpful in reviewing and understanding this Design Code.</p> <p>The Gilston Area could:</p> <ul style="list-style-type: none"> • Incorporate and adapt the structural and presentational elements of this Design Code. • Provide a similar level of clarity on design fixes and guidance. • Consider incorporating an overarching Regulatory Plan.
<p>Land South of Chesterton, Cirencester</p> 	<p>Relates to a site allocated in the Cotswold District Council Local Plan as a new strategic mixed-use neighbourhood that will deliver up to 2,350 homes, employment uses, education and community facilities, areas of public open space and allotments.</p>	<p>The Design Code focuses on design characteristics that are important to achieve, informed by stakeholder engagement. The Codes present clear mandatory and illustrative requirements. The document is well presented and clearly structured / articulated. The Codes include a Regulatory Plan, present detailed design elements, and include a compliance checklist which covers mandatory requirements to inform the reserved matters applications.</p> <p>The Gilston Area could:</p> <ul style="list-style-type: none"> • Draw upon the approach to presenting and structuring a Design Code. • Incorporate a Regulatory Plan. • Include a compliance checklist.
<p>Chilmington Green, 2016</p> 	<p>Relates to a new garden suburb in Ashford, Kent, for 5,750 new homes arranged in three distinct neighbourhoods. Through a collaborative approach including stakeholder meetings, the design code aims to deliver a high quality environment with a memorable sequence of</p>	<p>There are similarities in the scale and type of development to the Gilston Area. The Design Code covers the entirety of the development rather than distinct village areas. The structure of the document is clear and follows best practice by including a Regulatory Plan, a structured approach, and clearly demonstrating mandatory and illustrative components. Stakeholder engagement has informed the production of this document, and the Codes include a quality charter which helps to</p>

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Case Study	Summary	Learning points and relevance to the Gilston Area
	public spaces and a variety of character areas.	<p>provide an overarching series of commitments to guide individual developments.</p> <p>The Gilston Area could:</p> <ul style="list-style-type: none"> • Include a Regulatory Plan and should clearly demonstrate mandatory and illustrative features. • Draw upon the approach to stakeholder engagement. • Include a quality charter to outline a set of commitments to guide development.
Design Codes for Strategic Development Sites within the Cambridge Fringe Areas, Cambridge City Council and South Cambridgeshire District Council 2012	Produced to provide guidance to applicants on the preparation of Design Codes. The document builds on best practice and lessons learned and sets out a desirable process for the production of Design Codes.	<p>The Charter may draw on the guidance to incorporate requirements for the:</p> <ul style="list-style-type: none"> • Form and scope of design codes. • Identification of detailed elements to be agreed in negotiation with Council. • Design elements to be ‘fixed’ which are non-negotiable. • Process for producing, consulting, testing, reviewing, amending monitoring and enforcing design codes. • Approach to charging for design related support from Councils and seeking to recover costs. • Identification of appropriate governance arrangements.

East Herts Council Report

Council

Date of Meeting: 22 July 2020

Report by: Linda Haysey, Leader of the Council

Report title: Executive report 07.07.20

Ward(s) affected: All

Summary

This report details the recommendations to Council made by the Executive at its meeting on 7 July 2020. A separate report on this agenda relates to the Executive meeting held on 2 June.

1.0 Items considered and recommended to Council

- 1.1 Since the last Council meeting, the Executive met on 7 July 2020. At that meeting the Executive considered and supported a number of recommendations for Council on the following items.
 - 1.1.1 East Herts Local Development Scheme
 - 1.1.2 Capital Contingency
 - 1.1.3 Annual Report 2019 – 20
- 1.2 This report sets out the recommendations for the above items, which were referred with no change. The full reports, including all appendices, may be viewed at [Executive 07.07.20](#). The Minutes of the meeting are attached as Appendix A.
- 1.3 This report excludes items also considered by the Executive where those reports are separate agenda items on the Council agenda, due to changes required following their submission to the Executive.

2.0 East Herts Local Development Scheme

- 2.1 The Executive considered the updated Local Development Scheme (LDS), and supported the recommendation that it should take effect from July 2020.

RECOMMENDATION TO COUNCIL:

- (a) That the Local Development Scheme July 2020, at Appendix B to this Executive report, be agreed to take effect from July 2020.**

3.0 Capital Contingency

- 3.1 The Executive considered a report recommending that an additional general capital contingency be established and that expenditure under this provision being reported to Members. The Executive supported the recommendations, and agreed that the expenditure would also be reported to Members in the weekly bulletin.

RECOMMENDATIONS TO COUNCIL:

- (a) That a capital supplementary estimate of £2.5 million is established as a general capital contingency; and**
- (b) That use of the capital contingency be delegated to the Chief Executive in consultation with the Executive Member for Financial Sustainability and**

that use of the contingency be reported to the next meeting of the Executive.

4.0 Annual Report 2019-20

- 4.1 The Executive considered a report setting out a summary of key achievements for the year 2019-20, and an update giving detail on the key actions and performance indicators underpinning the Council's Corporate Strategic Plan. The Executive supported the recommendation that Council note the report.

RECOMMENDATION TO COUNCIL:

- (a) To note the content of the Annual Report 2019-20.**

5.0 Executive Decisions

- 5.1 Other matters determined by the Executive are detailed in the Minutes of the meeting, included for information at Appendix A to this report.

6.0 Background papers, appendices and other relevant material

- 6.1 Appendix A – Minutes of the Executive on 7 July 2020
6.2 Appendix B – Local Development Scheme July 2020

Contact Member

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Manager

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MINUTES OF A MEETING OF THE
EXECUTIVE HELD AS A VIRTUAL MEETING
ON TUESDAY 7 JULY 2020, AT 7.00 PM

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

ALSO PRESENT:

Councillors J Jones, Pope, C Redfern,
J Wyllie, D Hollebon, R Bolton, M Goldspink,
A Huggins, M McMullen, T Page and
P Ruffles.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Helen Standen	- Deputy Chief Executive
Emily Coulter	- Project Manager
Rebecca Dobson	- Democratic Services Manager
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Jess Khanom- Metaman	- Head of Operations
Bob Palmer	- Interim Head of

	Strategic Finance and Property
Sara Saunders	- Head of Planning and Building Control
Paul Thomas-Jones	- Environmental Health Service Manager
William Troop	- Democratic Services Officer

61 LEADER'S ANNOUNCEMENTS

The Leader welcomed all those who were present, and also those watching the proceedings online. She said that in the interests of ensuring transparency so that all those viewing were clear as to how Members voted, for the confirmation of approval of each item, she would ask each Executive Member in turn to confirm their assent.

62 MINUTES – 2 JUNE 2020

The Leader proposed and Councillor Williamson seconded, a motion that the Minutes of the meeting held on 2 June 2020 be approved as a correct record and signed by the Leader. The motion, on being put to the meeting and a vote taken, was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 2 June 2020, be approved as a correct record and signed by the Leader.

63 DECLARATIONS OF INTEREST

There were no declarations of interest.

64 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

Councillor Pope, the Chairman of the Audit and Governance Committee, confirmed that as the Committee had not met since the last meeting of the Executive, there were no matters to report. He said the Committee would meet next on 28 July 2020.

The Leader thanked Councillor Pope for attending the meeting.

65 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

Councillor Wyllie, the Chairman of the Overview and Scrutiny Committee, referred Members to the report he had submitted, setting out the items the Committee had considered at its meeting on 16 June 2020. Councillor Wyllie invited Executive Members to ask questions.

There being no questions, the Leader thanked Councillor Wyllie for his report.

66 CONTRACT WAIVER - ARCHAEOLOGICAL EXCAVATION

Councillor Buckmaster, the Executive Member for Wellbeing, submitted a report advising the Executive of the increased contract value of the contract exemption in place for archaeological works at Grange Paddocks Leisure Centre (GPLC).

Councillor Buckmaster said additional excavation work

had been necessary due to the discovery of a significant number of Roman artefacts, the volume of which had not been foreseen. In order to avoid delay and in the interests of achieving value for money, the additional work had been arranged outside the Council's usual tendering process. However, five quotations had been sought to ensure the cost represented good value for money.

Councillor Buckmaster said more time on site had been needed due to the discoveries, and therefore the price of the contract exception previously noted by the Executive had risen from £82,417 to £264,683. Whilst this was an increase, the excavation work had now concluded. He said that no further delays were foreseen and the cost was accounted for in the overall budget for GPLC. The original contract exemption had been noted at the Executive meeting of 8 October 2019. The costs were accounted for in the budget for this project, and there was no further impact. The report asked Members to note the further increase.

The Leader said the project was progressing well. It was encouraging to see that the excavation period had concluded and that construction had begun.

Councillor Goldspink said the increase in the contract exception was enormous. She asked whether it was correct that the Executive had previously given approval for the Chief Executive Officer of the Council to increase spending without first reporting back, as she could not recall this. She asked how the increased costs would affect the overall project.

Councillor Buckmaster said this process had been

discussed and approved by the Executive in October 2019. These costs would not impact the cost of the project overall, and the increase still fell within the total allotted budget. The work had now been completed in any case, and the report was solely for noting.

The report was noted by the Executive.

RESOLVED – that the report be noted.

67 EAST HERTS LOCAL DEVELOPMENT SCHEME - UPDATE JULY 2020

The Leader submitted a report presenting an updated Local Development Scheme (LDS). She said this document was the schedule and work programme that set out the timeline for preparation of any emerging Local Development Documents. It replaced the previous LDS dated March 2019.

There being no comments, Councillor Haysey proposed and Councillor Goodeve seconded, a motion to support the recommendations in the report. The motion, on being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – to recommend to Council that the Local Development Scheme July 2020, as detailed at Appendix A to the report, be approved to take effect from July 2020.

68 STREET TRADING CONSENT POLICY

Councillor Buckmaster, the Executive Member for Wellbeing, submitted a report on a revision to the

Council's Street Trading Consent Policy. He said the proposed changes had been considered by the Overview and Scrutiny Committee. The Committee had made a number of recommendations, including an extension to the list of prohibited goods to include sky lanterns, helium balloons and fireworks; that any existing traders affected by the new policy be treated with the maximum consideration to avoid any adverse impact on existing businesses; and that the new policy should discourage any street trading within an Air Quality Management Area.

In respect of the restriction on sale of the items identified by the Committee, Councillor Buckmaster said he had no objection, and it was the Council's aim to prohibit sale or use of these items on its land. However, it should be noted that these items could be bought elsewhere.

Councillor Haysey welcomed the comments of the Overview and Scrutiny Committee.

Councillor Wyllie said, in relation to sky lanterns, that their attractive appearance was outweighed by their disadvantages in terms of fire risk and danger caused by metal parts to wildlife. He thanked the Executive for taking account of the Committee's comments.

The Environmental Health Service Manager confirmed the additional recommendations of the Overview and Scrutiny Committee could be implemented.

RESOLVED – that (A) the Proposed Revised Street Trading Consent Policy be considered, and that suggested amendments, additions,

deletions and/or clarifications raised by the Executive be considered by the Executive Member for Wellbeing and the Head of Housing and Health prior to drafting the final proposed version, and accompanying report, for determination by Council; and

(B) the recommendations put forward by the Overview and Scrutiny Committee be considered by the Executive and any amendments to the policy be made before being determined by Council.

69 REVISED REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY AND USE OF SOCIAL MEDIA IN INVESTIGATIONS POLICY

Councillor Cutting, the Executive Member for Corporate Services, submitted a report proposing that the council's existing Regulation of Investigatory Powers Act (RIPA) Policy, which had not been reviewed since 2010, be revised and that a new Use of Social Media in Investigations Policy be adopted.

Councillor Cutting referred to the inspection of the Council's policies and procedures which the Investigatory Powers Commissioner's Officer had undertaken in November 2019. The Council's policy document under the relevant legislation had not been updated since 2010, and did not therefore reflect more recent legislative changes.

In response to a question from the Leader, the Head of Legal and Democratic Services said he would review the policies annually and report to Members quarterly

on their use.

RESOLVED – (A) the revised Regulation of Investigatory Powers Act Policy at Appendix A of the report be adopted; and

(B) the new Use of Social Media in Investigations Policy at Appendix B be adopted.

70 REVENUE AND CAPITAL OUTTURN

Councillor Williamson, Deputy Leader and the Executive Member for Financial Sustainability, submitted a report on the underspend of £16K on General Fund revenue outturn, and on financing arrangements for the 2019/20 Capital Outturn.

Councillor Williamson said the General Fund underspend was a good indication that the Council's financial management throughout the year had been strong, and in this report he proposed that the £16K underspend be transferred to the General Reserve.

Councillor Williamson drew Members' attention to the main areas of variance, which were an underspend in the total net cost of services; additional income achieved in corporate budgets; and a significant contribution to reserves.

In relation to the funding sources, he referred Members to the breakdown provided in the report. He drew Members' attention in particular to the Non-Domestic Rating Section 31 income, which was a major contributor to additional funding, due to timing differences between when the council set its budget

and statutory returns submitted to government, which determined funding for the year. He said there had also been growth in business rates income due to the fact that the Council was part of a 75% Business Rate Retention pilot, for which the predicted budget was for no gain since other participating authorities' performance could not be predicted with confidence. This was a one-off situation, as East Herts was not in the pool for 2020/21.

In terms of Capital Outturn, there had been a significant degree of slippage in progressing projects in line with initial expectations, resulting in an underspend of £30.91m. The majority of this amount, £19.03m, related to the construction of the new Northgate End Car Park, which had commenced in 2020/21.

Councillor Williamson said the recommendation he proposed in the report was that £30.898m of budgets be carried forward to the 2020/21 capital programme in relation to schemes that had either been re-timetabled for that year, or schemes which were started during 2019/20 but could not be completed at March 2020. He thanked the Interim Head of Strategic Finance and Property Services for the excellent work he and his team had done.

Councillor Pope asked how the Executive could be sure the money would be spent on the projects for which it had been earmarked.

Councillor Williamson said the money would be used for the purposes for which it had been intended.

Councillor Pope referred to the use of the priority reserve and asked what the money had been spent on. The Interim Head of Strategic Finance and Property Services said whilst he did not have details of the expenditure to hand, he would provide a full analysis to be circulated to Members in the next Bulletin.

Councillor Williamson proposed and Councillor McAndrew seconded, a motion to support the recommendations in the report. The motion was put to the meeting, and a vote taken. It was declared CARRIED.

RESOLVED – that (A) the transfer of the General Fund revenue outturn of £16k underspend to the General Reserve be approved; and

(B) capital budgets of £30.898m be carried forward to 2020/21 to fund ongoing capital schemes.

71 CAPITAL CONTINGENCY

Councillor Williamson, Deputy Leader and the Executive Member for Financial Sustainability, submitted a report on a recommendation to Council that an additional general capital contingency be established. He referred to the main points detailed in the report, and said that this measure would assist the completion of capital schemes which could otherwise be delayed for reasons which could not have been anticipated, and in particular as a result of the impact of Covid 19. The Council's four year capital programme was over £122 million, and the capital contingency amount proposed was £2.5 million.

Councillor Pope said this sum, representing 2% of the capital programme, was a prudent provision. He asked whether there might be a need to make further provisions in future.

Councillor Williamson said a contingency of 2% seemed reasonable, considering this amount would apply across the whole capital programme. If any further contingency were needed, a report would be brought to Council.

Councillor Redfern said the report referred not only to the impact of Covid 19 on costs, but also to Brexit. There was risk of increased construction costs for Old River Lane and other projects as a result of Brexit. She asked whether a risk assessment on the impact on projects of increased costs due to Brexit should be carried out.

Councillor Williamson said the aim of this recommendation was to cover risks affecting the projects which were already underway, such as Old River Lane and the Grange Paddocks Leisure Centre.

Councillor Redfern questioned whether approval for spending could be a matter for the Executive as a whole, and not only the Chief Executive.

Councillor Williamson said it was necessary to avoid delays leading to works stopping on a project in order to seek approval at a meeting for use of the capital contingency.

Councillor Redfern said it was better that the decisions

were taken by the Executive as a group, rather than by an individual.

The Leader said there was a need to react quickly, so the delegation provided for the expenditure to be authorised by the Chief Executive in consultation with the Executive Member. She asked the Section 151 Officer to give assurance on the validity of these arrangements.

The Interim Head of Strategic Finance and Property Services, as Section 151 Officer, confirmed that the control process was appropriate. He said expenditure would be reported back to the Executive.

Councillor Goldspink said she supported the establishing of this contingency fund. She asked that Members be informed immediately, perhaps via the Members' Information Bulletin, of any expenditure authorised under these arrangements.

The Leader thanked Councillor Goldspink for her suggestion, and agreed that the information on such expenditure under delegation would be provided in this way.

Councillor Williamson proposed, and Councillor Rutland-Barsby seconded, a motion to support the recommendations in the report. The motion being put to the meeting, and a vote taken, it was declared CARRIED.

RESOLVED – to recommend that (A) Council approve a capital supplementary estimate of £2.5 million is established as a general capital

contingency; and

(B) the use of the capital contingency be delegated to the Chief Executive in consultation with the Executive Member for Financial Sustainability and that use of the contingency be reported to the next meeting of the Executive.

72 ANNUAL REPORT 2019 - 20

The Leader submitted the Council's annual report for 2019/20. She said the report set out a summary of key achievements for the year, and an update giving more detail on the key actions and performance indicators underpinning the Council's Corporate Strategic Plan.

Councillor Haysey said the report next year would refer to "SEED", the concept chosen by the Council to represent its priorities for sustainability, enabling communities, encouraging economic growth, and being digital by design. She said that even in the context of global pandemics, place shaping would continue. This report was a timely reminder that the council was delivering a broad range of services. She applauded the increase in various interactions via social media.

Councillor Cutting said that the increase in various interactions by social media channels was to be applauded.

Councillor Buckmaster said one of the projects delayed by the Covid 19 situation was Hartham Common Play Area. He was delighted to say that the Playground

Alliance had raised £28,500 through crowdfunding. He commended this achievement.

Councillor Rutland-Barsby said Covid-19 had led to one good outcome, in that there was increased community spirit. She reminded Members of the new small grants for fledgling organisations.

Councillor McAndrew said this was also the opportunity to mention the work of the Environmental and Climate Change Forum held in January 2020. He trusted it would be possible to hold a further meeting of the Forum in the not too distant future, subject to the Covid 19 situation.

Councillor Goodeve highlighted the resource of the Launchpad facilities in Bishop's Stortford and Ware. The facilities enabled use of desk space for enterprises, such as those which had been forced to downsize due to the Covid 19 situation, or where working from home was impractical.

Councillor Boylan said that in relation to domestic abuse, the council had agreed a new enhanced service to help victims, Survivors Against Domestic Abuse. He thanked all those involved in helping to make a real difference to people's lives.

The Leader proposed, and Councillor Buckmaster seconded, a motion to support the recommendation in the report. The motion, on being put to the meeting and a vote taken, was declared CARRIED.

RESOLVED - that the Executive notes the content of the Annual Report 2019-20.

73 URGENT KEY DECISION - PAVEMENT LICENCE POLICY AND PROCEDURE

The Leader said that in accordance with the urgency notice circulated last week, with the consent of the Chairman of the Overview and Scrutiny Committee, an urgent key decision item would be considered. She invited the Executive Member for Neighbourhoods to present the report which was set out in the supplementary agenda pack on Pavement Licence Policy and Procedure.

Councillor Boylan, the Executive Member for Neighbourhoods, submitted a report seeking approval of a policy and procedure for determining pavement licence applications received by East Herts Council using new powers to be conferred on the council by the anticipated Business and Planning Act 2020. The report contained a number of recommendations which set out the main elements of the policy and procedures, including duration of licences and fees, and which also provided for delegated authority to be given to the Head of Housing and Health to establish standard conditions to licences.

Councillor Haysey said she was grateful to the Chairman of the Overview and Scrutiny Committee for allowing this item to be dealt with in an expedited manner, as clearly it was important that the council should implement the measures as soon as possible.

Councillor Wyllie said he welcomed the legislation and this report, which would help smaller businesses. He thanked officers for acting quickly and for working

closely with the Police on how the new rules would be implemented, particularly in view of the important of keeping people safe from the Covid 19 virus.

In response from a question from Councillor Jones, Councillor Boylan confirmed that pavement licensing fell within the jurisdiction of the Licensing Committee, and that the Housing and Health Service would be responsible for enforcement.

Councillor Boylan proposed and Councillor Cutting seconded, a motion to support the recommendations in the report. The motion, on being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – that (A) the approach to determining applications for pavement licences, laid out in section 3 of the report, be approved;

(B) the duration for a pavement licence shall be seven months;

(C) authority to establish a schedule of standard conditions to attach to licences be delegated to the Head of Housing and Health;

(D) responsibility for determining and, if required, revoking, pavement licences be delegated to the Head of Housing and Health;

(E) fees be set at the maximum permitted level of £100 in order to, at least in part, recover the cost of issuing licences; and

(F) the making of any minor amendments to the

policy and procedure be delegated to the Head of Housing and Health acting in consultation with the Executive Member for Neighbourhoods.

The meeting closed at 7.52 pm

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East Herts LDS 2020

Local Development Scheme



 @Eastherts

 EastHertsDC

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www.eastherts.gov.uk



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1. Introduction:

- 1.1 The preparation of a Local Development Scheme (LDS) is a statutory requirement under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The LDS aims to explain and specify planning in East Hertfordshire by setting out the documents that make up the statutory Development Plan, and identifying all future planning documents that the Council wishes to produce and the timeframe for their preparation.
- 1.2 The LDS includes the timeline for preparation of any Local Development Documents (LDD's) the Council is preparing. LDD's include Development Plan Documents (DPD's), Supplementary Planning Document's (SPD's) and the Council's Statement of Community Involvement (SCI).
- 1.3 This LDS supersedes the previous version dated March 2019.

2. The Development Plan:

2.1 Development Plan Documents (DPDs) are planning strategies that contain policies for the use, protection and/or development of land, typically including the allocation of land for development. DPDs must be in general conformity with government guidance, in particular the National Planning Policy Framework 2019. Below is a list of the current DPDs that form the Statutory Development Plan in East Herts.

The East Herts District Plan:

2.2 Adopted in October 2018 and replaced the East Herts Local Plan 2007.

2.3 The District Plan sets out the framework for guiding development in East Herts. It describes the Council's spatial vision for the District and includes strategic policies to deliver the homes, jobs and infrastructure that is required.

2.4 The District Plan also contains development management policies that address the following topic areas:

- Housing
- Economy
- Design and Landscape
- Transport
- Community Facilities, Leisure and Recreation
- Retail and Town Centres
- Natural Environment
- Heritage Assets
- Climate Change
- Water
- Environmental Quality

- 2.5 The District Plan can be accessed [here](#) either as the whole document or chapter-by-chapter.
- 2.6 The Policies Map illustrates geographically how and where the policies in the District Plan apply across the district. An updated Policies Map has been published alongside the District Plan: maps.eastherts.gov.uk/districtplan

Minerals and Waste Local Plans:

- 2.7 Hertfordshire County Council is responsible for minerals and waste planning across the county. There are three documents that together form the Minerals and Waste Local Plans and contribute to the statutory Development Plan in East Hertfordshire.
- **Minerals Local Plan Review 2002-2016**
 - **Waste Core Strategy and Development Management Policies (2011-2026)**
 - **Waste Site Allocations Document (2011-2026)**

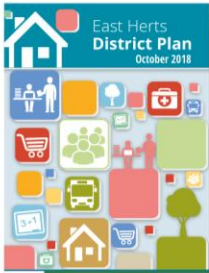
Neighbourhood Development Plans:

2.8 Neighbourhood Plans (NDP) form part of the statutory development plan when adopted. East Herts currently has six adopted Neighbourhood Plans:

- **Bishop's Stortford Silverleys and Meads**
- **Bishop's Stortford All Saints, Central, South and part of Thorley**
- **Braughing Parish**
- **Buntingford Community Area**
- **Standon NP**
- **Walkern NP**

The East Herts Development Plan

Local Plan

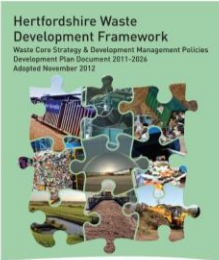


East Herts District Plan

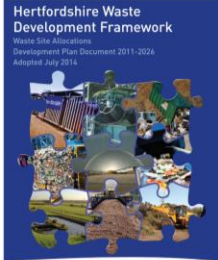
Minerals and Waste Local Plans

HERTFORDSHIRE MINERALS
LOCAL PLAN REVIEW
2002-2016
Adopted March 2007

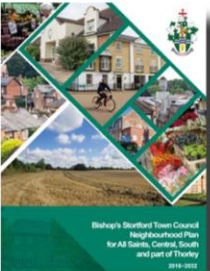
HCC Minerals Local Plan Review 2002-2016



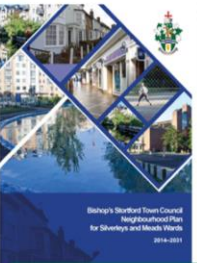
HCC Minerals Local Plan Review 2002-2016



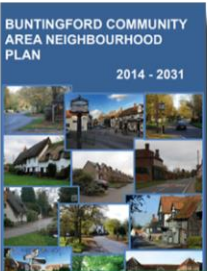
HCC Minerals Local Plan Review 2002-2016



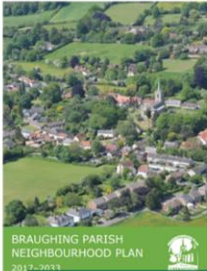
Bishop's Stortford - All Saints, Central and part of Thorley



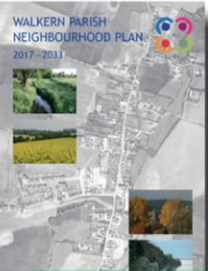
Bishop's Stortford - Silverleys and Meads



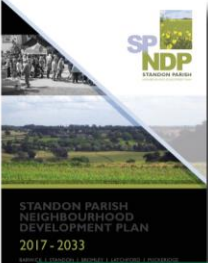
Buntingford Community Area



Braughing



Walkern



Standon

Neighbourhood Development Plans

3. Supporting Documents

3.1 The East Herts District Plan also has several supporting documents which are publicly available on the council's website. These include:

- **Supplementary Planning Documents** (SPDs)
- **Statement of Community Involvement** (SCI)
- **Authority's Monitoring Report** (published annually)
- **Local Development Scheme** (this document)

Supplementary Planning Documents:

3.2 Supplementary Planning Documents (SPD) are not part of the statutory Development Plan but provide additional guidance on matters covered in DPDs and are capable of being a material consideration in planning applications. The Council currently has a suite of SPDs that can viewed here:

<https://www.eastherts.gov.uk/spd>

3.3 As well as those existing SPDs a number of updates and new documents are being proposed as well. Timelines for these emerging SPDs can be found in Section 4 of this LDS.

Statement of Community Involvement:

3.4 The Statement of Community Involvement (SCI) sets out how East Herts Council will involve the community in the preparation, alteration and review of planning policies, plans and decisions. Community engagement is a key part of the planning system as it ensures that the Council is able to listen to the views of

stakeholders and the community to inform the outcome of planning decisions. This helps local people to become directly involved in place shaping in the district. The Council wishes to involve all sectors of the community in the planning process and is committed to maximising publicity of its planning documents.

- 3.5 The Council adopted an updated SCI in October 2019 which replaced the previous version. The SCI can be found here: <https://www.eastherts.gov.uk/sci>
- 3.6 The webpage also provides a separate update to the SCI (May 2020) relating to matters exclusively concerning the Coronavirus (Covid-19) Pandemic.

Authority Monitoring Report:

- 3.7 The Authority Monitoring Report (AMR) is published annually by the Council and seeks to assess the effectiveness of Local Plan policies, present monitoring information and monitor the progress of the development plan against the LDS.
- 3.8 The Council will seek to publish its latest AMR covering the period 1st April 2019 – 31st March 2020 in the Autumn of 2020. Publishing the AMR in the Autumn immediately following the end of the monitoring year enables the Council to provide more up-to-date data and more reasonably inform and monitor progress of the LDS.
- 3.8 The current (and any future) AMR can be viewed at:
<https://www.eastherts.gov.uk/amr>

4. Preparation of Further Local Development Documents

East Herts Development Plan Documents:

- 4.1 East Herts District Council does not anticipate bringing forward any new DPDs in 2020. See below for information regarding a review of the District Plan.

East Herts District Plan – Review:

- 4.2 To be effective the District Plan needs to be kept up-to-date. The National Planning Policy Framework states that policies in local plans, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary.
- 4.3 In order to determine whether the Plan needs updating or the policies within it, the Council will need to undertake an assessment and in that consider some of following issues:
- Conformity with national planning policy;
 - Changes to local circumstances; such as a change in Local Housing Need, Housing Delivery Test performance; and 5 year land supply.
 - Whether issues have arisen that may impact on the deliverability of key site allocations; including economic changes that impact on viability.
 - Success of current policies in the Development Plan and whether any new priorities have arisen.

4.4 The assessment will begin in Autumn 2020 and will help the Council understand the extent to which a review will be required prior to the end of the five-year period. To supplement this assessment, we will need to commence a number of evidence gathering exercises and this will likely include a Call for Sites process towards the end of 2020.

Neighbourhood Plans:

4.5 Neighbourhood Plans (NP) are being prepared across the district, they are prepared at a timescale set by the Parish Council or qualifying body and therefore the timetable for their preparation is not contained in the LDS.

4.6 The Council updates its NP webpage regularly and so the best place to follow the production of all Neighbourhood Plans that are currently in preparation is here: <https://www.eastherts.gov.uk/article/35287/Neighbourhood-Planning-Activity-in-East-Herts>

4.7 Also, on the website is information on the geographical area covered by each individual Neighbourhood Plan as well as access to the policies and supporting evidence.

4.8 Currently East Herts has a number of non-adopted Neighbourhood Plans that have reached the statutory stages, these Neighbourhood Plans are listed below, alongside their current stage of preparation:

- **Thundridge** – Examination
- **Hertford Sele Ward** – Regulation 16

- **Hertford Bengoe Ward** – Regulation 16
- **The Gilston Area** – Regulation 15
- **Much Hadham** – Regulation 14

Supplementary Planning Documents:

- 4.9 Supplementary Planning Documents are used to add further detail and guidance on the policies in the development plan. SPD's are capable of being a material consideration in planning decisions but are not part of the development plan.
- 4.10 The Council has adopted four new SPD's since the previous LDS was published in March 2019. These documents, alongside their adoption date, are listed below:
- **Retail Frontages** – October 2019
 - **Affordable Housing** – May 2020
 - **Open Space, Sport and Recreation** – May 2020
 - **Gilston Area Charter** – July 2020
- 4.11 The table on page 13 sets out a detailed timetable for the production of various SPDs against key milestones. The timeline for the production of SPD's is dependent upon a number of factors and so certain risks to the timeline have been identified in a Risk Assessment in **Appendix A**.
- 4.12 As well as the detailed timelines for the SPD's listed in the table below, the Council is also assessing the feasibility of undertaking further SPD's on the following subjects:

- **Custom and Self-Build Housing**
- **Governance and Stewardship**
- **Birchall Garden Suburb**

4.13 At the time of writing, the SPD's above either rely on the completion of another project where the timeline for completion is not yet clear; or, the resources of the Council are currently being directed towards other priorities and as such when a clear timeline is determined for these SPD's they will be included in an updated LDS.

Supplementary Planning Document

	2020						2021							
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Sustainability	Blue	Blue	Blue	Green	Green					Yellow				
Vehicle Parking at New Developments	Blue	Blue	Blue	Blue	Blue	Green	Green			Yellow				
Old River Lane	Blue	Blue	Blue	Blue	Blue	Green	Green			Yellow				
			Orange	Orange	Orange	Orange	Orange	Orange	Orange					

Timeline Key	
Evidence Gathering and Early Engagement	Blue
Consultation	Green
Adoption	Yellow

Strategic Environmental Assessment	Orange
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Appendix A: Risk Assessment for SPD Production:

	Risk	Likelihood	Impact	Comment	Mitigation Measures
1	Change in National Policy or Legislation	High	Medium	Changes to the statutory process or new substantive policy which affects the content and direction of SPD preparation and decisions may cause delays to the programme.	The Council carefully monitors new policy and legislation and will prioritise managing any key impacts.
2	Council fail to agree SPD for consultation / adoption	Low	High	SPDs are detailed documents with a number of issues being difficult to resolve without compromise.	Ensuring Member engagement throughout the preparation process so that Members understand and agree to both the preparation process and proposals.
3	Planning Policy team resource diverted from SPD work.	Medium	High	The Council has a team that share responsibility in other areas, there could be pressure to undertake other activities which are non-critical to success of the SPD.	Agree priorities and staff resourcing.

	Last-minute adjustments and uncertainty due to late challenges to the evidence base.	Medium	High	This could result in the plan being found unsound at examination in public.	The timing of the consultation has been put back in order to enable frontloading of the evidence work and communication with key stakeholders.
7	Legal Challenge to SPD mounted	Low	Medium	Financial cost and delays to SPD adoption.	Ensure SPD produced in accordance with regulations and based on objective analysis of planning issues.
8	Legal Challenge to SPD Successful	Low	High		

East Herts Council Report

Meetings

Council

Date of Meeting: 22 July 2020

Report by: Executive Member for Planning and Growth

Report title: Patmore Heath Conservation Area Appraisal and Management Plan

Ward affected: Little Hadham

Summary: To enable Members to consider the Patmore Heath Conservation Area Appraisal (CAA) and Management Plan following public consultation.

RECOMMENDATIONS TO COUNCIL that:

- (a) The responses to the public consultation be noted and the Officer responses and proposed changes to the Patmore Heath 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 Patmore Heath Conservation Area Appraisal and Management Plan be adopted.**

1.0 Proposals

- 1.1 The purpose of this report is to enable Members to consider the Patmore Heath Conservation Area Appraisal (CAA) and Management Plan. The Patmore Heath Conservation Area was first designated following adoption in 1990. The CAA considers the Patmore Heath conservation area boundaries and proposes a number of alterations. Of particular significance is the proposal to extend the conservation area to include part of Gravesend. Another small but important proposed inclusion relates to the former Mission Hall, now in a poor condition.
- 1.2 Elsewhere, Heath House and parts of the wider landscape to its rear and to the rear of The Hunting Box and extending north are proposed for exclusion as they are considered to be part of the wider landscape whose inclusion would be contrary to current Historic England advice. These areas are located within The Rural Area Beyond the Green Belt and thus protected by Adopted District Plan Policy GBR2. Additional paragraphs drawing attention to this fact are now proposed which should satisfy objectors concerned about their proposed exclusion.
- 1.3 The central heathland is a most important feature. Its management, particularly in relation to the future of mature trees, has been discussed between the Herts and Middlesex Wildlife Trust, others and the Council. The Heath is grazed as Common Land and is a Site of Special Scientific Interest and a Nature Reserve; it is an outstanding example of grass heathland. The agreed management (plan) for the heath will protect its important acid grassland. This will involve the loss of some trees and the retention of others. A brief explanatory note has been added to the Appraisal Plans and keys.
- 1.4 A number of non-listed buildings have been identified for retention and protection where an Article 4 Direction to protect selected features is an option for future consideration.
- 1.5 Other distinctive features such as walls worthy of protection have been identified.
- 1.6 Several enhancements are also proposed including restoration/

appropriate reuse of the former Mission Hall and the potential for selective improvements to overhead services, the latter being an option the Parish Council may wish to consider. Another suggestion relates to improving property boundaries but this would be entirely on a voluntary basis by property owners. Other features identified include listed buildings and any associated important curtilage listed buildings which are protected by their own legislation; important trees and hedgerows and important water features and selected views.

- 1.7 A copy of the Patmore Heath Conservation Area Appraisal and Management Plan, together with accompanying plans and keys is included at **Appendix C**, presented as appearing at the consultation draft stage with any subsequent track changes to text and necessary hand written modifications to plans and keys. Additional paragraphs are now also proposed underlining the protection afforded by the adopted District Plan. Further minor changes will be incorporated reflecting the status of the final document once Members have considered it for adoption.

2.0 Background

- 2.1 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.
- 2.2 The review of the Patmore Heath Conservation Area is the last of the existing reviews being undertaken and this is now presented for consideration.
- 2.3 Once Members have considered the document and it has been adopted by the Council, it will become a 'material consideration'¹ in the process of determining planning applications.
- 2.4 The Local Member and Chair of the Parish Council (at their request) met with Officers on 17 February 2020. This meeting and discussion was useful, providing all parties an opportunity

¹ 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.

to better understand the concerns that were raised in response to the consultation.

3.0 Reason (why recommendation of report is sought).

- 3.1 The report is sought to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that conservation areas should be reviewed and that proposals for their preservation and enhancement (Sections 69 and 71) should be published.

4.0 Options

- 4.1 There are no alternatives because the legislation referred to above is a requirement on local planning authorities.

5.0 Risks

- 5.1 As set out above legislation places an obligation on local planning authorities to undertake such reviews. If not undertaken the risk could be reputational/political. Some proposals (e.g. removing areas of the wider countryside) from a conservation area may be unpopular and occasionally create political involvement at local level.

6.0 Implications/consultations

- 6.1 The Appraisal document was completed in 2019 and went through a period of public consultation from 22 October 2019 to 3 December 2019. Leaflets were distributed to properties advising of the public meeting held on 22 October 2019 at which over 20 persons attended.
- 6.2 A summary of representations with officer comments are included at **Appendix A: Summary of representations and Officer Comments**. **Appendix B** provides copies of submitted representations, redacted to omit personal details.

Community Safety

Not applicable

Data Protection

Representations have been redacted to omit personal details

Equalities

Not applicable

Environmental Sustainability

The District Plan seeks to deliver sustainable development and the CAA document seeks to protect and secure the character of the area.

Financial

The cost associated in preparing this Appraisal is met from within existing staffing and operational budgets. The Appraisal suggests enhancement works which generally will be the responsibility of others. Any grant assistance for historic buildings may be sought from existing EHDC resources. Other actions such as the possible introduction of an Article 4 Direction might result in additional cost.

Health and Safety

Not applicable

Human Resources

Not applicable

Human Rights

Not applicable

Legal

Preparation of the Appraisal fulfils statutory requirements.

Specific Wards

Little Hadham

7.0 Background papers, appendices and other relevant material

- 7.1 **Appendix A:** Summary of representations and Officer Comments
- 7.2 **Appendix B:** Submitted representations, redacted to omit personal details
- 7.3 **Appendix C:** Patmore Heath Conservation Area Appraisal and Management Plan document with track changes; Historic Plan; Revised Character Analysis Plan; Revised Character Analysis Key; Revised Management Plan; Revised Management Plan Key

Contact Member

Councillor Jan Goodeve - Executive Member for Planning and Growth

jan.goodeve@eastherts.gov.uk

Contact Officer

Sara Saunders Head of Planning and Building Control Contact Tel No. 01992 531656

sara.saunders@eastherts.gov.uk

Report Author

John Bosworth Conservation Officer

john.bosworth@eastherts.gov.uk

Appendix A - Summary of Representations and Officer Comments

Issue	Representations made	Officer comment
<p>General comment by the Parish Council (PC)</p>	<p>The PC considered the logic of the proposed changes was not compelling, particularly from the residents perspective. They saw the proposed inclusion of Gravesend and the heavy traffic this area experienced to be in conflict with the aim of preserving a fragile historic environment.</p>	<p>Officers indeed consider Gravesend and the proposed extension to Patmore Heath to be a <i>fragile historic environment</i>. Within the proposed extension are a couple of listed buildings, a number of non- listed buildings which make an important architectural or historic contribution, other buildings, and a visually important village approach which links Patmore Heath and Gravesend. Officers accept the presence of traffic and HGV's to be problematic to residents but consider this factor to be insufficient reason for not proposing a conservation area (CA) in this location. Parts of many other CA's are subject to similar adverse traffic considerations. The simple question set down in legislation is - <i>is the area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance</i>. The community is advised to make representations to the Highway Authority.</p>



Picture 1 Pasture land to rear of and north of The Hunting Box which is considered to be part of the wider landscape.



Picture 2 Land to south of Heath House, proposed to be excluded. Appears as part of the wider landscape.

The PC questioned the inclusion of some modern properties which may not be of sufficient quality.

The PC queried the exclusion of land rear of The Hunting Box (pic. 1) and land to the south of Heath House (pic. 2) and whilst understanding Historic England's (HE) advice relating to excluding agricultural land questioned whether this was sufficient reason for these exclusions from the Patmore Heath CA.

With regard to the proposal concerning improvements to selective utility services, the PC wanted time to evaluate as this would be a significant task.


These properties were not identified by the PC (but see individual owner's comments below).

Noted: Historic England (HE) current advice as set out in their 2019 Advice Note *Conservation Area Appraisal, Designation and Management* is that *Conservation area designation is not generally an appropriate means of protecting the wider landscape.*

The principal planning control relating to the location of new development at Patmore Heath is the recently adopted District Plan. The areas identified and indeed the entirety of Patmore Heath is now subject to adopted District Plan policy GBR2 which recognises such areas as *a valued countryside resource.* Additional references to this effect have been included at paragraphs 5.40, 5.41 and 7.14.

It is understood this may be an issue for the PC to consider further.

<p>Change for the sake of change/ subjective/no appeal process</p>	<p>These comments have been raised.</p>	<p>The council is required by legislation to review its conservation areas and this has been done in compliance with current advice and good practice by an experienced officer. Full consideration has been given to comments raised.</p> <p>Whilst there is no appeal process similar to that relating to refusal of a planning application, there is an option of pursuing a Judicial Review to challenge the lawfulness of a Councils decision.</p>
<p>Proposed exclusion of land from the CA - additional comments</p>	<p>Land rear of The Hunting Box (Picture 1) and pasture land to the south of Heath House (Picture 3), see above. Various representations received, most being opposed; one owner not objecting. Objections refer to the protective value provided and proximity of excluded areas to the heath; their removal being viewed with some suspicion; land would provide an outer zone of protection; suggestion of a buffer zone of some 500m to defend the natural habitat of Heath from noise and light pollution; include all the fields around the Heath in the CA; its retention within the CA might afford more protection in the future</p>	<p>The designation of land as a conservation area does not in itself prevent development. Whilst the concerns are understood reference is made to the officer response to the Parish Council comments as set out above; namely Historic England's (HE) current advice and the fact that protection is afforded by the adopted District Plan. However and as set out above additional paragraphs have been added to the Appraisal document which should satisfy objectors concerns. Any fear that significant development might occur during the current plan period in this remote rural area is</p>

	against future development.	considered unlikely and as such concerns about a significant increase in light pollution is similarly considered to be most unlikely. District Plan policies EQ2 and EQ3 control Noise and Light Pollution respectively.
<p>Proposed exclusion of Heath House from the CA</p>  <p>Picture 3 Heath House set back from Heath and barely visible.</p>	Owner agrees with proposal and accepts the proposal. Others view exclusion as being inconsistent and view the proposal with 'suspicion'.	A combination of Heath House being largely hidden when viewed from the Heath itself (Picture 3) and being of no architectural or historic value and associated with land to its south as forming part of the wider landscape (Picture 2) has led to this recommendation which the field officer continues to support. No information has been provided as to why some view the proposal with 'suspicion' and as such further comment is not possible. The additional references in the Appraisal document at paragraphs 5.40, 5.41 and 7.14 should assist.
<p>Proposed inclusion of Gravesend – general</p>	Various comments received. Include surprise as Gravesend is separate to and independent of Patmore Heath and properties are listed; conflicting view/properties being of little historic or architectural merit; presence of heavy traffic; object to additional	Most points are covered above in officer response to Parish Council comments (see above). It is true conservation area status does result in additional restrictions principally relating to demolition of most buildings, undertaking works to trees (but not

	<p>restrictions imposed by CA status which one representation viewed as being onerous and would have a negative effect.</p> <p>This negative effect led to discussion and scepticism relating to officer comment about property prices in CA's, a view repeated in one response.</p>	<p>domestic hedges), and different Permitted Development Rights. Owners of one property cited the onerous nature of having to obtain consent to pollard trees. In response to the latter the Council can and does enter into agreements relating to the repeat of annual maintenance works such as removing regrowth from established pollards over time periods greater than the normal 24 months.</p> <p>Officers have no detailed local knowledge of local property prices but simply refer to the generality of an HE associated quote which is set out in italics for information viz: <i>Research by the London School of Economics has found that people value living in conservation areas. This is evidenced by properties in conservation areas having higher prices and greater price appreciation, even after adjusting for location and other factors that affect prices.</i></p>
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Proposed inclusion of Chestnuts, Gravesend



Picture 4 Chestnuts – a modern property of pleasing appearance.

The owners of Chestnuts object to the inclusion of this property which they describe as modern-look house of no architectural interest with UPVC windows (Picture 4).

The Appraisal document advises this is one of two properties on the edge of the proposed new area which are *well designed and attractive*. Whilst it is accepted this property is modern with UPVC windows, its traditional design including the use of tiled roof and render provides a pleasing front elevation. It is visible when approaching the proposed extension from the north and across from the site of a listed building forming the proposed boundary on the opposite side of Albury Road. It is considered appropriate for Chestnuts to remain in the proposed extended conservation area.

Also objected to phrase implying Gravesend as being within the extended CA *as though it is already a done deal*.

The phraseology used in the track changed document being considered has been amended to accommodate the comment made.

Proposed inclusion of the Mission Hall



Picture 5 The Mission Hall – a unique historical

The owners of the Mission Hall supports its inclusion within the CA and advises its *long term retention will require an alternative viable use ...*

The building is an unusual historic asset but in a state of decline and advancing dereliction (Picture 5). A previous application for residential use was refused in 2016. A report accompanying the application advised the building, despite the loss of weather boarding, was generally sound at that time.

asset but one in a state of decline and advancing dereliction.



Picture 6 The Mission Hall – retention of some features associated with the original use could readily be achieved.

Any appropriate restoration solution must result in the retention of its simple exterior form and retention of key features of its previous use (Picture 6). Any solution resulting in inappropriate change of character would not be acceptable. In the meantime the owner may wish to consider interim measures to arrest ongoing deterioration by replacing lost weather boarding and secure the building. In this respect officers would welcome the opportunity to engage in further discussions. Perhaps some grant assistance is worthy of consideration.

<p>Management of the heathland</p>	<p>Herts and Middlesex Wildlife Trust (HMWT) submitted a detailed assessment. Essentially they seek added recognition of the high importance of the open acid grass heathland and acknowledgement of the detrimental impact caused by trees.</p> <p>HMWT suggest a number of detailed wording additions and other suggestions.</p> <p>Another representation from</p>	<p>For the avoidance of doubt, the Council recognises the high ecological importance of the heathland.</p> <p>In relation to conservation area legislation and trees, meetings have taken place between EHDC and HMWT and others. The retention of some tree groups as woodland pasture on the main area has now been agreed. A phased removal of other trees has similarly been agreed. The two triangles of woodland to the north of the access road and between the latter and Heath Cottage and Patmore Lodge are to be retained with some thinning.</p> <p>A number of changes have been made to the Appraisal document as track changes in red. Maps have also been annotated thus: <i>'Agreed Management Plan will protect the important acid grassland. This will involve the loss of some trees and the retention of others'</i>.</p> <p>The Council would support</p>
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	another source reflected that HMWT should take a more robust management regime regarding the increasing encroachment of saplings.	this as part of the comprehensive programme to restore the heathland SSSI.
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Importance of footpaths and views



Picture 7 Footpath 19 heading west clearly part of open countryside



Picture 8 Footpath 5 looking towards Patmore Heath across open countryside.

A representation considers local footpaths and public views from them are an integral part of the settlement and should be assessed by a qualified landscape consultant. The representation considers the fields proposed for exclusion are adjacent to public footpaths partially visible during the winter months.

The general overview included in the document advises Patmore Heath is a *combination of historic and modern properties enclosing a large heath*. One of the principal objectives of each CA review is to consider the extent of the designated area within which the extra controls afforded by CA designation should properly apply. The designated area is required to be an area of *special architectural or historic interest...*

The HE document, *Conservation Area Appraisal, Designation and Management* identifies the need to describe settings and views. Some of the latter identified by the Appraisal (at Gravesend and along the link road between Gravesend and Patmore Heath) support the proposal to extend the CA. As previously set out the HE document importantly advises that *conservation area designation is not generally an appropriate means of protecting the wider landscape*. HE also advises to consider whether or not the immediate setting is sufficiently protected by policies in the Local Plan. Several footpaths and a Bridleway link the Heath and



Picture 9 Fields to the west of the CA are protected from inappropriate development being considered *as a valued countryside resource*.

Representations are interpreted that fields to the west of the settlement (pic.9) are important in terms of the landscape setting of nearby houses and as well as providing the historic setting to the Catherine Wheel PH.

traverse the open countryside beyond.

These fields between Arbury Road and the edge of the CA are open pastureland. Whilst it is accepted they provide a setting to this part of the CA they are protected by policies of the adopted plan (see above).

Taking into account HE advice it is considered unnecessary to undertake further assessment of land forming part of the wider landscape which in any event is protected from inappropriate development by the recently adopted District Plan.

<p>Front boundaries</p>	<p>Several respondents considered the various types of existing front boundaries (hedges, fences etc.) represented individuality which is appropriate to the varied nature of the properties fronting the Heath.</p>	<p>The Appraisal considers that a more common boundary solution of replacing some boundaries with hedging would represent a more rural solution in sympathy with the qualities of the heath itself. The report concluded by advising <i>In the first instance the views of the Parish Council are sought to ascertain the possible level of support for such an idea</i>, The PC did not respond. However to reflect the personal views expressed a much abbreviated reference remains in the document which may trigger action from any future owners sympathetic to the idea.</p>
<p>Improvement of selective utility poles</p>	<p>One respondent's view that this might 'not be undesirable' nevertheless considered most residents did not notice them and the cost of their removal would be prohibitive.</p>	<p>See above in response to PC view. It is appropriate for this matter to be identified as some selective remedial action would bring positive benefit.</p>

Patmore Heath Conservation Area

Draft Conservation Area Appraisal and Management Plan Comment Form

Your comments are sought on the Draft Patmore Heath Conservation Area Appraisal and Management Plan. These should be made in writing and either sent or emailed to the address below by 3 December 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: After attending the meeting on 22 October 2019 my first comment is that that the whole procedure is very subjective! The fields to the east should not be taken out of the conservation area due to their protective value and proximity to the Heath. I find it extraordinary that Heath House on Patmore Heath has been singled out to be the only house to be removed from the conservation area. Why is this?

After your officer accepting that the properties on Patmore Heath are all very individual, I fail to understand why your officer puts forward that the frontage of all property boundaries should be changed to the same hedging.

Good luck with the idea of removing the telegraph poles and having the wires put underground.

The suggestion of expanding the conservation area to include Gravesend is surprising as it is a separate area and the properties of interest there are already listed.

Our Contact Details:

Website: www.eastherts.gov.uk
Email: 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

Patmore Heath Conservation Area

Draft Conservation Area Appraisal and Management Plan Comment Form

Your comments are sought on the Draft Patmore Heath Conservation Area Appraisal and Management Plan. These should be made in writing and either sent or emailed to the address below by 3 December 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: After careful consideration and after attending the public meeting on 22 October 2019, I have the following comments to make: Firstly: I find it extraordinary that Heath House with its garden and fields have been singled out to be removed from the conservation area. As the name suggest Heath House is very much a part of Patmore Heath and can be seen from the heath and yet is the only dwelling in the entire conservation area to be singled out to be removed, while others have been added. I find this to be without any logical reasoning and view with some suspicion.

Secondly: The fields to the east of the heath were included within the conversation area for the valid reason of providing an outer zone to protect the SSS1/NR status of Patmore Heath Nature Reserve with all its rare natural features. This situation has not changed and therefore these boundaries of conservation area should not be changed either.

Thirdly: I can see no necessity to include some of the houses in Gravesend along the Albury road. It is well known that this narrow lane is used as a busy thoroughfare for heavy lorries going to and from the recycling plant in Furneux Pelham which constantly damage the banks on either side of the road. The houses in this proposed conservation area extension have no historic value and very little architectural interest and bear no association with Patmore Heath Nature Reserve.

My final point is to remind those involved that a conservation area evolves over many years and although it has to be reviewed from time to time it does not necessarily have to be altered merely for the sake of change.

Our Contact Details:

Website: www.eastherts.gov.uk
Email: 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: 19 November 2019 18:29
To: John Bosworth
Subject: [External] Fwd: Conservation - PATMORE HEATH

THE PATMORE HEATH CONSERVATION APPRAISAL

Dear Mr. Bosworth,

Thank you for the opportunity to have sight of, and comment upon the draft East Herts Management Plan for Patmore Heath, which we have read with great interest. Whilst it is fair to say that we are in general agreement with much of the document, we do have certain areas of concern.

People have lived on Patmore Heath for centuries and the hamlet existed for the vast proportion of that time as an agrarian based community, with most residents seeking employment locally. Whilst agriculture still dominates land usage, modern farming practices and mechanisation have reduced to near zero the farmers' local human resource requirements. In parallel better communications and transport systems have opened the Parish of Albury (of which Patmore Heath is part) to commuter access.

Today some 90% of families occupying the 42 dwellings in the Hamlet of

Patmore Heath have at least one member who travels away from the Parish for work. The change has accelerated since the end of WW2. Also, on the Heath most dwellings have, overtime, been demolished and rebuilt or considerably extended, while mains water, sewage and power have been provided.

The Heath inhabitants have changed to professionally led families who have been drawn to the attractiveness of the area. We see cars in every household, while the use of the Heath as grazing land and vegetable gardens has changed to one of recreation. Rural communities must change to adapt to these external pressures. If they are not permitted so to do, they risk falling into disrepair.

We are of the opinion that Conservation policies must incorporate these diverse drivers, otherwise they will become little more than Preservation dictats.

Of particular note regarding the draft plan:

1. We would like to see a control or buffer zone extending for a distance (say 500 meters) beyond the existing SSSI boundary to defend the natural habitat of the Heath from excessive noise and light pollution
2. We view with some surprise and concern the removal of Heath House from the Conservation Area.
3. The street scene is what it is - telegraph poles are now part of today's scene - as is car parking. We are more concerned with light pollution on nocturnal wildlife than with telegraph poles.

4. Boundary fencing and walls have been in use on the Heath for many years, mainly as a means of restraining grazing animals and wild animals from encroaching upon gardens. They are part of the “street scene” of the Heath

5. The conservation work on the Heath led by The Herts and Middlesex Trust requires a more robust approach in order to maintain the nature of the Heath; particularly regarding the increasing encroachment of tree saplings .

Kind Regards,

Sent from my iPad

John Bosworth

From:
Sent: 02 December 2019 12:55
To: John Bosworth
Cc:
Subject: [External] Comments on Patmore Heath Draft CA MP

Hi John,

Please see our comments below on the Draft Conservation Area Appraisal and Management Plan for Patmore Heath.

If you have any questions, please don't hesitate to ask.

Best regards,

HMWT comments on the Patmore Heath Conservation Area Appraisal and Management Plan.

Paragraph 1.8 states *"This Conservation Appraisal will identify the special character of the conservation area"*. In relation to this paragraph, section 3.8 identifies that a 19th century map, as included in the plan, shows the heath with no trees.

The open nature of the heath is a fundamental part of the historic character of the conservation area, and this should be fully reflected in the management plan. Patmore Heath is also a SSSI notified for the rare grass heathland habitat that it contains, the condition of which is currently assessed to be "unfavourable recovering" due to the large amount of tree cover that is currently present. In order to retain its SSSI status the number of these trees must be reduced.

The Patmore Heath Conservation Area Management Plan should illustrate the vital importance of the open acid grass heath to wildlife and landscape heritage. HMWT recognise and are very supportive of the general public's love of trees. However, in this instance the critically rare open habitats that the heath supports are a greater priority than the trees, which threaten the special character of the Heath. To avoid misunderstandings, we think that it is very important that people understand this management requirement. This should be clearly set out in his plan.

Comments/suggestions:

- On the front cover of the consultation document, the photograph of trees should be replaced with one of the open heath.

- Paragraph 4.6:

"Important trees and hedgerows are identified by this appraisal."

The term "important" must be defined here. None of the trees identified in the management plan and character analysis maps contribute to the true historic character of Patmore Heath as an open grass heathland habitat, nor do the basic criteria listed for identifying these trees.

The presence of so many trees is very detrimental to the open grass heathland habitat due to the shading and nutrification caused by their canopies and leaf drop. Identifying such a large number of trees (over 100) as "important" contradicts with management objectives for Patmore Heath and actively threatens its SSSI status. In order to restore and preserve the true historic character of Patmore Heath, as well as the rare and threatened habitat it contains, many of these trees must be removed.

- Paragraph 4.11:

"Important views are identified."

Again the term "important" must be defined. On the heath itself, views that are deemed worthy of protection under the Conservation Area designation should be those that reflect the open nature of the heath.

- Paragraph 5.3: "Positive attributes."

Trees should not be actively listed as a positive attribute due to the above reasons.

Suggestion for replacement:

5.3. Positive attributes. The Heath itself is extensive and contains a number of ponds. As set out previously it is an extremely significant dry grass heathland habitat. There are two concentrations of listed buildings, one on the northern edge of the Heath and one to the south east of it. There is also a scatter of historic properties at Gravesend which is now proposed for inclusion within the conservation area. About 50% of the listed properties have thatched roofs.

5.4. Negative attributes. The grass heathland habitat and historic character is threatened by the excessive growth of trees. Whilst trees are welcome in most situations, they are considered a negative attribute to the conservation of this habitat. The conservation area's historic character is also compromised by 20th century developments principally on the western and north eastern boundaries. Types of front boundary treatments vary and include some various fencing detailing which could be improved.

- Paragraph 5.35: "Site of Special Scientific Interest"

This paragraph should define why the site was designated as a SSSI.

Suggestion for replacement:

Patmore Heath (including associated areas to the north) is described in its SSSI citation as "the finest example in Hertfordshire of dry grass heathland on the strongly acidic Reading Beds sand". To conserve this special habitat there are some 24 restrictions to works and operations which require Natural England's consent. Some operations such as tree works may also require other permission or notification (e.g. Forestry Commission and EHDC respectively).

- Paragraph 5.36 "Nature Reserve."

Suggestion for replacement:

Patmore Heath is a nature reserve and is owned by Albury Parish Council and managed by HMWT under a tenancy agreement. It is an outstanding example of grass heathland, now a scarce habitat in the South East of England. An array of specialist plants and wildflowers indicative of open heathland can be found, including southern marsh orchid and the locally rare heath rush. Seasonal highlights include various insects, amphibians reptiles and birds.

- Paragraph 5.37

Suggestion for replacement:

Patmore Heath is Common Land with sporadic grazing rights which declined after WW2. This led to the encroachment of trees and the consequent decline in the quality of the heath. Grazing has been reintroduced by HMWT and a local commoner to recreate the management that the heath requires to survive.

- Paragraph 5.38

Suggestion for replacement:

The site/s contains a number of ponds and many trees. Up until the mid 20th century, when Patmore Heath was more actively grazed, the site was open and without tree cover.

HMWT are currently drafting a new management plan which involves the retention of some of the most mature trees and the removal of others, in order to preserve the historic character of Patmore Heath, the rare and threatened habitat it contains, and to restore the SSSI to favourable condition.

Restoration of open grass heathland is to be prioritised to the East and Western areas of the heath, with some trees retained as a wood pasture strip running from North to South down the centre of the heath, so as to retain some areas of tree cover to which local residents have become accustomed.

- Paragraph 5.40: "Particularly important trees and hedgerows."

As per the comment on paragraph 4.6, the trees shown diagrammatically are in fact detrimental to the rare habitat and historic character of the heath, and therefore should not be described as "important". Although this paragraph acknowledges proposed tree removal by stating that "As selected management continues and further trees on the

heath are removed the information shown on the plans will progressively become outdated”, this is contradictory to their identification as “important”.

Suggestion for replacement:

The trees on the heath are shown diagrammatically on the accompanying plans, interpreted in part from satellite information. As previously advised, HMWT’s management plan for the heath will involve the removal of selected trees in the interest of proper management of the rare grass heathland. As selected management continues and further trees on the heath are removed the information shown on the plans will progressively become outdated.

Further suggestion for inclusion:

In order to preserve the true historic character of Patmore Heath, as well as the rare and threatened habitat it contains, Natural England and HMWT ask that residents refrain from parking their cars on the heath, other than in the designated parking area to the North as defined by HMWT.

Monday-Thursday 8am-5pm, Friday 8.30am-12pm

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John Bosworth

From:
Sent: 03 December 2019 18:29
To: John Bosworth
Cc:
Subject: [External] DRAFT PATMORE HEATH CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN - comments

Dear Mr Bosworth,

Thank you for arranging the meeting on 22nd October in Albury Village Hall regarding the Patmore Heath Conservation Area Appraisal and Management Plan. Please find my comments below. I have also cc'd Joshua Wells from the HMWT and Councillor Geoffrey Robinson

The Settlement of Patmore Heath surrounds and fronts onto the Heath. The existing houses are laid out in a ring on the elevated crest of a south facing promontory that slopes down to the River Ash to the west and towards a tributary valley and stream to the south-east. The setting of the settlement therefore includes the Heath itself, the houses forming a ring around the crest of the promontory and the valley sides of the promontory as well (with some long views towards the settlement from public footpaths on the opposite valley sides).

There are a number of public footpaths and permissive footpaths around the edge of the settlement which are much used and enjoyed by residents and visitors alike. In particular, the long distance Hertfordshire Way Public Footpath approached the settlement from the south-east and then crosses the Heath before exiting from the western end of the settlement where it crosses the river Ash.

Users of these local public and permissive footpaths (which combine to create some circular routes around and through the settlement) experience the settlement and its surrounding landscape through these walks. **These public and permissive footpaths therefore are an integral part of the experiential setting of the settlement, the heritage assets within it, the heath and the conservation area and yet they are not shown on the current Conservation Area Appraisal and public views from them do not seem to have been considered at all.**

I understand that the Landscape Institute's Guidance on Landscape & Visual Appraisals suggest that users of public footpaths (and especially long distance public footpaths) are highly susceptible to changes in views. Some of the fields on the promontory's valley sides shown to be removed from the Management Plan are adjacent to public footpaths (and the long distance Hertfordshire Way public footpath) or would be partially visible during the winter months from the permissive footpath that follows the stream at the bottom of the valley to the south-east.

The four fields to the west of the settlement on the valley side are also important in terms of the landscape setting for the houses on the eastern edge of the settlement (seen from the road and from a number of public footpaths on the opposite valley side (as well as providing the historic setting to the Catherine Wheel Public House).

I appreciate the good work the Council is doing in revisiting the Management Plan for Patmore Heath, but would ask that the 'significance' of the existing views from public footpaths and roads towards the settlement and towards the surrounding fields on the promontory valley sides is properly assessed by a qualified landscape consultant to determine the role that they play in the wider experiential setting of the

conservation area before any further decisions are made. Without this critical component of background survey information, I don't believe the current DRAFT PATMORE HEATH CONSERVATION AREA APPRAISAL & MANAGEMENT PLAN can be considered to be either complete or sound.

Yours Sincerely,

John Bosworth

From:
Sent: 25 November 2019 09:39
To: John Bosworth
Cc:
Subject: [External] Patmore Heath Conservation area appraisal and management plan - draft

Dear Mr Bosworth,

Further to the launch event of the Patmore Heath Conservation area appraisal and management plan - draft, Albury Parish Council (APC) have prepared summary comments for consideration by EHDC.

Albury Parish Council included the draft conservation plan as an agenda item in the November 5th meeting. We were joined by several local residents and a constructive and objective discussion took place. These residents each intend to submit their own specific feedback to EHDC.

The summary points that APC would like to submit are as follows:

As a general comment, the logic for the proposed changes as presented at the public meeting Oct 22nd 2019, does not appear particularly compelling, especially from the perspective of Albury residents.

Changes which are of concern include:

The extension to include Gravesend. There is considerable concern about the adverse impact of HGV traffic through the narrow road at Gravesend. The volume, speed and size of HGV's is in clear conflict with the aim of preserving a fragile historic environment. Residents report regular damage to buildings including walls and residential drive ways and the road surface.

Inclusion of properties that do not appear to have historic or architectural merit. The logic for including some relatively modern properties is not sufficiently clear.

Exclusion of pasture land to rear of The Hunting Box extending north to rear of Gamekeepers Cottage and pasture land to the south of Heath House.

It has been suggested by some residents that these fields were initially included in the Conservation area as some form of 'buffer' to protect or enhance the SSI status of Patmore Heath. Whilst it is understood that advice from Historic England advises against the inclusion of agricultural land forming part of the wider landscape in Conservation areas, is this sufficient reason to remove them from the Patmore Conservation area?

Utility poles. The draft report suggests the Parish Council might wish to consider possible improvements relating to selective utility poles. This would appear to be a significant task and APC will need time to evaluate this.

As a Parish Council we fully support the need to protect and where possible further enhance our historic built environment. We look forward to further discussions with EHDC before any final decision on the proposed boundary changes to the Patmore Conservation area. We will continue to encourage Albury residents to submit their own specific feedback on the proposed changes.

We appreciate the work being done by EHDC to consult with local residents.

Yours Sincerely,

Chair - Albury Parish Council

John Bosworth

From:
Sent: 02 December 2019 10:28
To: John Bosworth
Subject: [External] Patmore Heath Conservation Area

Dear Mr Bosworth

Re: PATMORE HEATH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN DRAFT CONSULTATION 2019 (22 October - 3 December 2019)

Following the public meeting in Albury Village Hall on Tuesday 22nd October, I am writing with my comments in relation to the proposed removal of Heath House and the surrounding paddocks from the Conservation Area. I confirm that this property is owned by me and my wife. My family moved to the house in the early 70's.

I am happy with your proposals to remove Heath House and the surrounding paddocks from the Conservation Area. Having listened to your explanation that conservation areas are supposed to deal with buildings and not open spaces (which are covered by different policies), and having looked at the existing boundaries of the conservation area which seem to include some paddocks and exclude others, on an apparently random basis, I can see that you are making the boundaries more consistent by excluding all open fields/paddocks and I am happy with this approach. As for the house itself, you described it as tucked away from Patmore Heath and not visible from it and so concluded that it doesn't affect the Conservation Area in that sense. You also described it as having no architectural merit which is accurate as it was originally constructed as a bungalow in the 1920's/30's and has since been extended several times over the last 40 years or so. I agree with these comments and on this basis I am happy to support your proposals to remove the property from the Conservation Area.

Kind regards

This email has been scanned for spam and malware by The Email Laundry.

John Bosworth

From:
Sent: 02 December 2019 09:59
To: John Bosworth
Subject: [External] Patmore Heath Conservation Area

Dear Mr Bosworth

Re: PATMORE HEATH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN DRAFT CONSULTATION 2019 (22 October - 3 December 2019)

Following the public meeting in Albury Village Hall on Tuesday 22nd October, I am writing with my comments in relation to the Mission Hall, which is owned by me and my wife, together with the fields around it.

I welcome the inclusion of the Mission Hall into the Patmore Heath Conservation Area and the recognition that it is a "non listed building that makes an important architectural or historic contribution". It's long term retention will require an alternative viable use for the building to be found and it is encouraging that officers have indicated their interest in discussing the future of this important local building. Hopefully an appropriate solution can be found.

I look forward to discussing this further in due course.

Kind regards

This email has been scanned for spam and malware by The Email Laundry.

John Bosworth

From:
Sent: 14 November 2019 09:57
To: John Bosworth
Cc:
Subject: [EXTERNAL] PATMORE HEATH CONSERVATION AREA APPRAISAL DRAFT

Dear Mr Bosworth,

We both refer to the Patmore Heath Conservation Area Appraisal and Management Plan and the public meeting we attended on October 22nd where you and Mike Brown were available to answer questions. We were unhappy with some of the answers you were able to give and with all due respect would ask you to reconsider some aspects of the review.

Albury consists of 5 hamlets, with Gravesend and Patmore Heath being totally separate in location and identity. Within your report you are already referring to parts of Gravesend as being in the extended Conservation Area as though it is already a done deal. Gravesend, in our view, should not be part of the Patmore Heath Appraisal, we are separated by the lane to which you also refer.

Within your assessment of Gravesend you have piecemeal included some properties and excluded others. Within the area you are now suggesting should be added to the Conservation Area you include 'two modern properties on the edges of the new area [which] are well designed and attractive with their use of traditional materials'. We disagree! One of these properties is our home, 'The Chestnuts' and we would urge you to remove this out of the extended area you are proposing, it being a modern-look house of no architectural interest' and which does not fulfil the Conservation Area criteria, the objective of which is to 'protect, conserve and enhance'.

We would first point out that our frontage has 9 windows and a front door with two further side windows, fairly newly installed, all UPVC windows, a type which Mike Brown, during a conversation at the meeting, referred to as awful/horrible. Furthermore our curtilage is frequently damaged by the excessive traffic passing through Gravesend and just within the last year we have had to repair our entrance wall three times due to destruction from inappropriately large passing vehicles. Our hedging is also damaged on a regular basis requiring large branches to be retrieved from the road due to destruction from passing heavy lorries. In our opinion we do not feel that our modern looking house, situated in a busy thoroughway and not consistent with conservational heritage is of sufficient quality and aspect to be worthy of a designated status, particularly when including it within the separate hamlet of Patmore Heath which, contrastingly, is an area of natural beauty.

Second, we feel your review is not only inconsistent in its variable inclusion of some but not other houses within Gravesend, but also on Patmore Heath. It seems totally illogical to remove just a single house from around Patmore Heath out of the Conservation Area. Whilst 'Heath House' itself is not directly abutting the Heath, neither are Walnut Tree Cottage, Holly Cottage, Penrose Cottage, Oxen End, Patmore Lodge, Heath Farm or Penrose House, the latter all being separated by areas of woodland and/or long driveways like Heath House. Whilst a few of the above are undoubtedly pretty, some are really not! Yet they have remained (rightly) within the Conservation Area. However Heath House has been removed. It is an integral residence of Patmore Heath and, also noting its name, we find it most disturbing that one residence should be thus excluded.

Finally, we understand that there is currently little difference in the protection offered by agricultural land and Conservation Area land in relation to the fields behind Heath House and the Hunting Box. However, we would argue that this land, as well as the fields behind West View, Rose Cottage, Lilac Tree Cottage, Marsden, Heathcote, Rambleside, Jaspers Cottage, Fir Tree Cottage and Garden House, should remain/become included within the Conservation Area. One aspect of the Conservation Area is the fields over which the houses look, and these fields are integral, heritage views of this unique area. Whilst we understand the definitions do not offer differing protection to future development right now, our understanding is that should they be categorised as agricultural land, it may be easier for this designation to move to a less protected designation in the future when the county plan is revisited in years to come. Retaining or gaining conservation land protection would be an additional safety layer to dissuade future development.

We would be grateful if you would confirm receipt of this email.

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Your sincerely,

John Bosworth

From:
Sent: 01 December 2019 19:37
To: John Bosworth
Cc:
Subject: [External] Patmore Heath Conservation Appraisal and Management Plan

December 1st 2019

Dear Mr Bosworth,

I refer to the forthcoming Patmore Heath Conservation Appraisal and Management Plan, along with the public meeting I attended on 22nd October 2019. As a resident on Patmore Heath, I felt compelled to write to you to highlight my concerns regarding the proposed changes that you outlined on the aforementioned evening.

Patmore Heath is a hamlet with its own community and unique identity. It has, quite rightly in my opinion, held conservation status for a long period of time, and as such, has been considered as an independently existing area of historic and scientific interest. Gravesend, on the other hand, is a tiny hamlet with a road running through it that over recent years has been increasingly used by high levels of traffic as well as it being frequently used inappropriately as a cut through for larger vehicles and lorries. The traffic is consistently heavy and repeatedly destroys the front hedgerows as well as dirtying the frontage of those houses abutting the road. I appreciate that traffic control is a different department to your own over which you have no influence. However I feel that the usage of this area in this way is detracting enough to mean it does not warrant the interest given to an area befitting conservation. Additionally, many of the houses, especially towards the north of Gravesend, are of modern character and I do not feel their appearance is in keeping with that of a conservation area, or on a par with that of the historic Patmore Heath to which you are suggesting they join. The isolated and few features of minimal interest in Gravesend, such as the old window of no 1 Gravesend Cottages, and the picturesque appearance of the thatched cottage 'Elm Cottage' are already listed in their own right and I fail to see how adding the majority of Gravesend onto Patmore Heath within the conservation area fits with what a Conservation area represents, or adds anything or any protection above that provided by their already listed status.

With regards to the amendment of the specific boundary of the conservation area around Patmore Heath, I still fail to understand the suggested removal of Heath House from the Conservation area. As a resident on the Heath, I am immensely proud of our conservation status and the focal community and independence of the area in it's own right, its historic importance sitting hand in hand with it being an area of special scientific interest. Whilst I hear your suggestion that Heath House is not directly abutting the Heath, and as such should be removed from the boundary, a number of other houses to the north of the Heath are also not abutting the heath and are actually situated further away. These would include Walnut Tree Cottage, Holly Cottage, Penrose Cottage, Oxen End, Patmore Lodge, Heath Farm and Penrose House. Indeed the latter two are separated from the Heath by large wooded areas and long driveways. They all share postcodes and address status of 'Patmore Heath'. The other suggestion that it is removed being 'not the prettiest of houses' sets a precedent for piecemeal removal and exclusion of dwellings within a historic area, and I feel removing this single dwelling using inconsistent criteria results in a disjointed representation of our

community - indeed, the house in question is the namesake of the Heath, and I am most confused and saddened you suggest it be excluded.

Lastly, I strongly feel that the area surrounding the Heath also warrants the protection afforded by Conservation status, and would ask that consideration be given to extending the current boundary to include all the fields around the Heath, rather than the current suggestion that this area is actually reduced in size. I understand that there is currently little difference in protection offered by agricultural land and Conservation, but I believe that a large part of a Conservation area (and associated planning consideration) involves the outward view from said area. As such, this directly involves the adjacent fields and I feel that the fields behind Heath House and the Hunting Box (under debate regarding removal), as well as the fields behind West View, Rose Cottage, Lilac Tree Cottage, Marsden, Heathcote, Rambleside, Jaspers Cottage, Fir Tree Cottage and Garden House, should remain/become included within our Conservation area. The fields and as such the aspect around our dwellings, are integral to our unique heritage, history and identity and, in my opinion, are integral to the special interest of our community. Whilst the local plan currently is clear on agricultural land protection, in current times of political and economic uncertainty, the additional safety layer of conservation may, in my opinion, dissuade future development, and if not, what harm is done by taking this additional precaution, particularly in light of the obvious public position in favour of protecting the Heath shown at the well attended community meeting mentioned above?

Thank you for taking the time to read and consider my opinions on the matter. I would be most grateful given the importance of the forthcoming review if you would confirm receipt of my above comments.

With kind regards,

East Herts Council,
Wallfields,
Pegs lane,
Hertford,
SG13 8EQ

11th November 2019

Re; Patmore Heath Conservation Area Appraisal

Dear Sir,

We would like to oppose the proposed changes to the Patmore Heath Conservation Area boundaries following the recent appraisal by East Herts Council.

Our main objection is the inclusion of Gravesend. By the proposer's own admission, there are one or two very attractive properties in Gravesend, but a broad bush seems to have been applied to include the whole area, in order to get this small number of properties encompassed within the conservation area. Our own property, Hillside Cottage, would change status to be included within the conservation area and we would prefer not to have the increased restrictions that this would bring. We spend a lot of time tending our garden, growing food and making it as wildlife friendly as possible. For example, we cut hedges and have been pollarding trees for many years, which prolongs their life, prevents them from getting to large and makes them of more use to wildlife. Having to get council permission, which the changes would bring, to carry out some of these tasks, seems onerous and to serve no useful purpose.

During the public meeting, the officers present were asked to highlight the implications (particularly the negatives) for houses that will subsequently be included in the conservation area. We do not feel that this was adequately answered and the main point that was emphasised was that these houses would increase by an average of thirteen percent according to a report that one of them referred to, although no specific details of this were given. I do not believe that my house will increase in value by going from being on the edge of a conservation area to being included within it. In fact, I think it more likely that the extra restrictions will have a negative impact. I asked if there was a compensation scheme, should this be the case and was told "no", but perhaps there should be and this might be something that could be given further consideration?

Traditionally, the conservation area included Patmore Heath and the properties around the heath that bordered on to it, with some additional pasture. Patmore Heath is a SSSI and the existing boundary appears to be far more appropriate than the new proposal. The inclusion of properties in Gravesend appears to be something of a lottery as there are plenty of other historic houses within the local area or other houses with greater aesthetic appeal that are not included. There was a strong representation at the public meeting that the council would win far more support if they could control or restrict traffic, especially heavy lorries which many residents felt were detrimental to the appeal and rural nature of the area, than changing the conservation area boundaries.

Many of the ideas within the 2019 Patmore Heath Conservation Area Appraisal seem to be subjective and "in the opinion of the author". For example, one of the main ideas is to "improve the character" of the area by suggesting that the front boundaries to properties around Patmore Heath, could all be made to have the same frontage. This was met with widespread dismay by the residents at the public meeting, who felt that the individuality of the properties, is part of the character and attraction of them. This would seem to indicate that the proponents are out of touch with the local community and not allowing for the impracticalities of the suggestions. Another example was that the author felt that we could eradicate telegraph poles in the area, by having the cables that they carry buried underground. Whilst this might not be undesirable, most of us do not notice the poles and the cost and practicalities of removing them would appear to be prohibitive.

The new appraisal also suggests removing a single house, Heath House from those currently included within the conservation area. There appears to be no logic to this other than it is slightly set back from other properties around Patmore Heath, which if this is the reason, would appear to be a contradiction to the inclusion of the properties at Gravesend, which are set much further away from Patmore Heath. The removal of this one property has aroused a lot of suspicion locally and we would like to oppose its exclusion. In addition, the proposed removal of various areas of pasture seems detrimental. Whilst this might be due to "current Historic England advice", we think the majority of people locally, would be more content and feel that the pastures are afforded greater protection, if these areas remain included within the conservation area and this was certainly the overriding view at the public meeting.

We would like to also highlight that there is no appeal process against any final decision which seems to be very unfair and we would ask that this is reviewed. We were told at the public meeting that this was because the decision is democratic, but planning decisions, for example, can go to appeal and we don't really see why a decision of this nature should be any different.

The high turnout of people, from Patmore Heath and the surrounding area, that attended the public meeting, shows how much we care for the area and the community. A lot of the ideas within the 2019 appraisal seem to be very subjective and at the whim of a small number of people and we hope the councillors will take

the comments and feedback seriously and support us by also opposing the proposed changes.

Clearly a lot of time has been spent, at significant cost, assessing the area and drafting the various documents involved. Many of us locally feel that there is no need for the appraisal and that the conservation area should have been left as it is. It seems a shame that the effort and resources involved, could not have been directed to more meaningful projects or purposes.


Yours faithfully,

Patmore Heath Conservation Area Appraisal and Management Plan


~~DRAFT FOR CONSULTATION 2019~~

~~Consultation period 22 October – 3 December 2019~~



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The Heath itself represents an unusual combination of high environmental qualities –
visual, traditional and ecological, traditional and visual

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Plan 1: Existing conservation area on historic map dating from 1874-1894

Plan 2: Character Analysis Plan

Plan 3: Management Plan

PATMORE HEATH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

DRAFT FOR CONSULTATION

2019

This document has been produced by officers of East Hertfordshire District Council to assess the current condition of the Patmore Heath 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 October 2018, changes to legislation, 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 previous Local Plan adopted in April 2007, recognised these facts and committed the Council to review its conservation areas and their boundaries, a process which is now nearing completion. The replacement District Plan which was adopted on 23 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. Also to the Herts and Middlesex Wildlife Trust who administer the heath which is a Nature Reserve and designated Site of Special Scientific Interest (SSSI).
- 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. Some operations on the heath administered by the Herts and Middlesex Wildlife Trust will also require permission from the Forestry Commission.
- 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 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 wellbeing 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.
- 2.15 The Council has prepared a planning policy document which has now replaced the 2007 Local Plan. This is the East Herts District Plan (DP) which was adopted on 23 October 2018 and which contains the relevant planning policies. Policy HA4 of the District Plan advises that development in conservation areas should, inter alia, have regard to the content of the Appraisals.
- 2.16 Patmore Heath Conservation Area was designated [following adoption](#) in 1990.

Part B – Appraisal

3. Origins and Historical Development

- 3.1 There are about 15 records within or close to the existing conservation area held by the County Historic Environment Records (HER). Some relate to Listed Buildings, with a selection of some such descriptions being included later in this document. Other interesting entries relate to:
- a) Patmore Heath being Common Land on the parish boundary surrounded by commoner's cottages on three sides. The entry advises that both the parishes of Albury and Furneux Pelham had commoners' rights.
 - b) A mid-19th century tower mill being successor to earlier mills in different position. One such earlier mill is recorded in 1370. The 19th century mill was pulled down in 1921.
 - c) Ponds on the Heath are described as being of at least 19th century date. The ponds may have included *an ancient pool* or alternatively may have been *the result of piecemeal gravel extraction*.
- 3.2 Prehistoric. Unknown but possible as HER records make oblique references to prehistoric enclosures nearby.
- 3.3 Roman settlement. Unknown to author.
- 3.4 The Domesday Book was a census commissioned by William I in 1086. In relation to Patmore Heath the author was unable to find any reliable information. *Source: Domesday Book a complete translation, Alecto Historical Editions Penguin Books 2002.*
- 3.5 Anglo Saxon. Unknown to author.
- 3.6 Medieval settlement. Likely but unknown to author.
- 3.7 The 19th century. Reference to the author's normal source, i.e. Kelly's Directory of 1874 is limited to the fact that Patmore Heath is a small hamlet in Albury Parish. At this time there was a brick maker, a miller and a hurdle maker at

Patmore Heath and a blacksmith and also a draper/grocer (?) at nearby Gravesend. These represent a wide range of local commercial activities, common even for small settlements at this time.

- 3.8 Mapping from 1874 -1894 (Plan 1) identifies an open heath with no trees but with ponds (probably seven in number); site of Corn Windmill on north east side of heath; the Old Catherine Wheel PH and a Primitive Methodist Chapel, both at Gravesend. The latter was on the east side of the road (is there any local knowledge concerning this building?).
- 3.9 The publication, Place Names of Hertfordshire, Cambridge University Press 1970 advises several names in relation to Patmore Hall being Patemere 1086 and Pattemera 1165. HER records advise Patemere from 1086 can be interpreted as meaning Patta's Pool.
- 3.10 Plan 1 shows the existing Conservation Area plotted on an 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.
- 4.2 Areas of Archaeological Significance. Designated locally by EHDC on advice from HCC. The identification and refinement of such areas is an ongoing process. See below.
- 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. 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.

d) In the case of Patmore Heath it is recognised that some trees of visual importance on the main part of the heath are detrimental to the open grass heathland of high importance and of SSSI status. Some trees will be

removed under appropriate management to foster proper management of this important habitat.

- 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 Patmore Heath, 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).

- 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. For information there are two locally designated sites which are adjacent to the conservation area and shown on the District Plan Policies Map.
- 4.14 Site of Special Scientific Interest/Nature Reserve. Patmore Heath is so designated. The designation consists of the main large triangle and two smaller northern areas located beyond the east/west access road.

5. 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 148, the Anstey and Pelhams Plateau and generally described as being *An organic, ancient landscape with frequent settlements containing a high proportion of vernacular properties*. Patmore Heath is described as *a scarce example of grass heath habitat with ponds*.
- 5.2 **General overview:** The essential character of the conservation area is that of a combination of historic and modern properties enclosing a large heath grazed in part by sheep. Adjacent Gravesend is also of historic interest. It is linked to the main part of the settlement by a short length of narrow lane enclosed by hedgerows and over-arching trees and sunken in parts.
- 5.3 Positive attributes. The Heath itself is extensive and contains a number of ponds and trees. It is accepted the presence of selected trees on the main part of the heath, which as set out previously is an important grass heath habitat, conflict with the objective of retaining the important heathland habitat. ~~As set out previously it is an important grass heath habitat.~~ There are two concentrations of listed buildings, one on the northern edge of the Heath and one to the south east of it. There is also a scatter of historic properties at Gravesend which is now proposed for inclusion within the conservation area. About 50% of the listed properties have thatched roofs.
- 5.4 Negative attributes. The conservation area's ~~historic~~ character is compromised by 20th century developments principally on the western and north eastern boundaries. However the continuous enclosure of the heath by development is a feature important to its layout and character. Types of front boundary

treatments vary and include some various fencing detailing which could be improved.

- 5.5 ***Individually Listed Buildings:*** There are 16 listed buildings/groups within the existing and proposed extension to the conservation area. The listed building descriptions provided by Historic England (HE) are very brief and one does not contain a date. There is therefore a case for asking HE to review these entries. It is also noted that EHDC mapping records need amending to accurately identify the location of walls that are specifically mentioned in a Listed Building description.
- 5.6 Of these 16 listed buildings, 7 (44%) date from the 17th century, 5 (31%) from the 18th century and 3 (19%) from the 19th century. One is undated.
- 5.7 All of the above buildings are listed grade II.
- 5.8 A selection of Listed Buildings with abbreviated descriptions based on the National list is provided below. Any comments by the fieldworker are in *italics*. The selection includes one description beyond the existing conservation area but now proposed for inclusion within it.
- 5.9 Heath End Cottage - Grade II. 18th century cottage, plastered, tiled half hipped roof. Two storeys, casement windows, eyebrow dormer, one central chimney stack, one gable stack. Formerly two cottages, and before that an old lock-up.



Picture 1: Heath End Cottage

- 5.10 Patmore Cottage - Grade II. 17th century, timber framed, plastered and thatched. One storey and attics, single storey outshuts at both east and west extremities of building. Modern casement windows, three dormers, axial chimney stack. Later extension to east of main range.



Picture 2: Patmore Cottage dating from the 17th century – one of a number of listed buildings in the settlement which are thatched

- 5.11 Elm Cottage - Grade II. *Now within proposed extended conservation area.* 17-18th century cottage, timber-framed, refaced in plaster on the front elevation and rear, weatherboarded on side elevation, one storey and attics. Four modern casements, doorcase with thatched weather porch, one gabled dormer, central brick chimney stack, hipped thatched roof sloping to outshut at rear.



Picture 3: Elm Cottage - now within the [proposed](#) extended conservation area

5.12 Hitch Lane Cottage – Grade II. 19th century cottage, weatherboarded with slate roof. Two storeys with later single storey lean-to extension to the east. Casement windows, central slated porch and brick chimney stack. Modern extension to the west.



Picture 4: Hitch Lane Cottage. Hidden away and dating from the 19th century

- 5.13 The Cottage and Thatched Cottage - Grade II. 18th century pair of cottages, timber-framed, plastered and weather boarded with a thatched roof. Two storeys with single storey lean-to extension to the east. Central brick chimney stack.



Picture 5: The Cottage and Thatched Cottage – thatched properties predominate amongst those buildings which are listed

- 5.14 Flintbury Cottage and flint and brick dressed wall on the western boundary - Grade II. 19th century cottage, flint with brick dressings to window and door surrounds and wall quoins. Two storey, slate roof, complete range of original metal casement windows. Two entrance doors, two gable and one central brick chimney stacks. Flint and brick boundary wall along frontage to the Heath. *Height of boundary wall varies, about 1.5m.*



Picture 6: Flintbury Cottage, a charming 19th century cottage of flint wall and slate roof construction. Boundary wall also included in listing

5.15 The Hunting Box, stable to the north and red brick walls on northern, southern and western boundaries - Grade II. 17th century or earlier, brick construction, plain tiled roof. Two storey main range with projecting gabled staircase enclosure to south, second and later projecting gabled wing to the north, main roof slopes down to outshut on northern elevation. Casement windows, central chimney stack. Interior has two small inglenook fire-places, one with bread oven, and good newel staircase. 18th century stable block to the north, brick with tiled roof, lead covered canopies over stable doors. ~~Check at consultation stage.~~ Good red brick boundary wall, partially rebuilt.

5.16 **Scheduled Ancient Monument:** There are none.

5.17 **Areas of Archaeological Significance:** Curiously only part of Gravesend is so designated and this matter has been raised with Hertfordshire County Council's Natural Historic and Built Environment Team.

- 5.18 ***Important buildings within the curtilages of Listed Building:*** This appraisal has identified two such buildings. One of these may potentially be considered thus but more detailed information and consideration at any future application stage may reveal otherwise.
- 5.19 Barn to north side of footpath 15. Single storey barn of brick construction with asbestos roof and rounded ridge tiles. Dates from 19th century. Of interest and worthy of note and retention. Appears to be used as storage. Its potential status as a curtilage listed building may need further consideration (See para. 1.7).



Picture 7: 19th century barn north side of footpath 15 which adds historical and architectural interest and diversity in this area. Should further information reveal this building not to be 'curtilage listed' then it should be regarded as a building worthy of retention within the parameters of the legislation.

- 5.20 Barn/s associated with Gravesend Farm. Probably dating from the 19th century/ Render and boarded. Later roof materials. Nevertheless its simple form is not compromised and it contributes to the diversity of the extended conservation area in this location.

5.21 ***Other non-listed buildings that make an important architectural or historic contribution:*** This Appraisal identifies several such buildings.

5.22 Former Mission Hall. This curious building lies within the extended conservation area and is located to the south west of Hitch Lane Cottage and dates from the late 19th century. Hertfordshire Churches in Photographs advises its building was instigated by a John Caton who was a local shopkeeper and Primitive Methodist. It is in a state of decline and dereliction and seems to have suffered from some vandalism. It is principally of wooden construction with roof covered with ~~of asbestos-~~metal sheeting. An application for change of use to residential was refused in 2016 in part because of harm to the rural character and appearance of the site. The building is an unusual historically important element of the community and its loss would be regretted. Officers would be interested to discuss the matter further with the owner.



Picture 8: The late 19th century Mission Hall building now in a state of decline
Officers would welcome discussion with the owner.

- 5.23 Mill Cottage. Probably late 19th century date. Ground floor render, first floor weather boarded; slate roof and chimney to rear which is visible from public view. Modern windows. A prominent building in the street scene. An Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.
- 5.24 Mill House. A prominent building in the street scene dating from the late 19th century. Pyramidal slate roof with prominent chimney and chimney stack to west elevation, the same elevation has a bay window with slate roof. An Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.



Picture 9: Mill House to right and Mill Cottage; two 19th century properties in a strategic location that add to the quality of the conservation area

- 5.25 Holly Cottage and Penrose Cottage. A pair of mid-20th century rendered properties with tiled roof and chimneys. Pyramidal porch detailing to front. Of simple design but worthy of retention. An Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.

5.26 Rose Cottage and Lilac Tree Cottage. A pair of two storey cottages probably dating from the late 19th/early 20th century. Rendered with slate roof and chimneys to front elevation. Despite later addition to Lilac Tree Cottage, the pair retain essential original form. An Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.

In the proposed extended conservation area

5.27 Gravesend Cottage and No. 2 Gravesend Cottages. Two storey rendered with tiled roof and prominent chimney stacks. Fine window detailing to Gravesend Cottage interpreted as formerly being a shop window. Lead canopy detailing above 'shop' window and entrance doors, probably contemporary with 19th century or earlier building. An Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.



Picture 10: Gravesend Cottage and No.2 Gravesend Cottages make a significant visual contribution in the proposed extended conservation area.

5.28 Nos. 1-4 Patmore Heath Cottages, No. 4 named Heathview. Two pairs of 20th century semi - detached dwellings which appear on mapping from 1920- 24. Render with hipped slate roofs, each with central chimney. No. 1 extended later to south. On balance an Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.



Picture 11: Despite later extension to No.1 these early 20th century properties add to the architectural and historic diversity of the proposed extension of the conservation area

5.29 Hillside Cottage and Ashvale Cottage. Probably of late 19th/early 20th century date. Rendered with slate roofs and chimneys. Despite alterations and additions these properties (combined with Nos. 1-4 above) are considered to have sufficient architectural and historic interest to be identified thus. On balance an Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.



Picture 12: Hillside Cottage and Ashvale Cottage – Despite modern window and later additions this group is considered to be of sufficient architectural and historic quality to be retained and if possible, enhanced

5.30 The Barn. Probably dates from 19th century. Assumed to originally have been an agricultural building. Now a single story dwelling with modern detailing. Old tiled roof, probably original elements. Contributes to the variety of historic buildings in the proposed extended conservation area. An Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.



Picture 13: The Barn assumed to originally have been an agricultural building.

Contributes to the variety of historic buildings in the proposed extended conservation area

- 5.31 Nos 1-2 Catherine Wheel Cottages and Elderberie Cottage. This contiguous group dates from the late 19th century. Rendered, tiled and slate roofs, prominent central chimney. Porch to front detracts. Other modern details. Nevertheless this group and its massing generally contributes positively to the street scene and on balance an Article 4 Direction to provide protection for selected features may be appropriate subject to further consideration and notification.



Picture 14: 1-2 Catherine Wheel Cottages and Elderberie Cottage generally make a positive contribution to the proposed extended conservation area

- 5.32 ***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.

- 5.33 As previously identified walls to the frontage of Flintbury Cottage and walls at The Hunting Box are included in the listed building description.

In proposed extended conservation area

- 5.34 Wall to front of listed building – Gravesend Farm. About 1m in height of flint construction. Would benefit from repairs and removal of ivy.



Picture 15: Wall at Gravesend Farm that would benefit from repair work and removal of ivy

- 5.35 **Site of Special Scientific Interest:** Patmore Heath (including associated areas to the north) is so designated and there are some 24 restrictions to works and operations which require Natural England's consent. Some operations such as tree works may also require other permission or notification (e.g. Forestry Commission and EHDC respectively). [Patmore Heath is described in its SSI citation as the finest example in Hertfordshire of dry grass heathland, now a scarce habitat....](#)

- 5.36 **Nature Reserve:** Patmore Heath is a Nature Reserve and is owned by Albury Parish Council and administered with Herts and Middlesex Wildlife Trust (HMWT). ~~The latter organisation describe is as *an outstanding example of grass heathland, now a scarce habitat in the South East of England.*~~ Rare grasses and orchids can be found and the several ponds support all three native newt species. Seasonal highlights include various insects, reptiles and birds. It is designated a Site of Special Scientific Interest (see above).
- 5.37 It is Common Land with sporadic grazing rights which declined after WW2 which HMWT advise led to the encroachment of trees and the consequent decline in the quality of the heath. The author is informed several residents retain commoner's grazing rights contribute to recreating an appropriate form of management. See illustration and sheep do indeed graze as illustrated below.



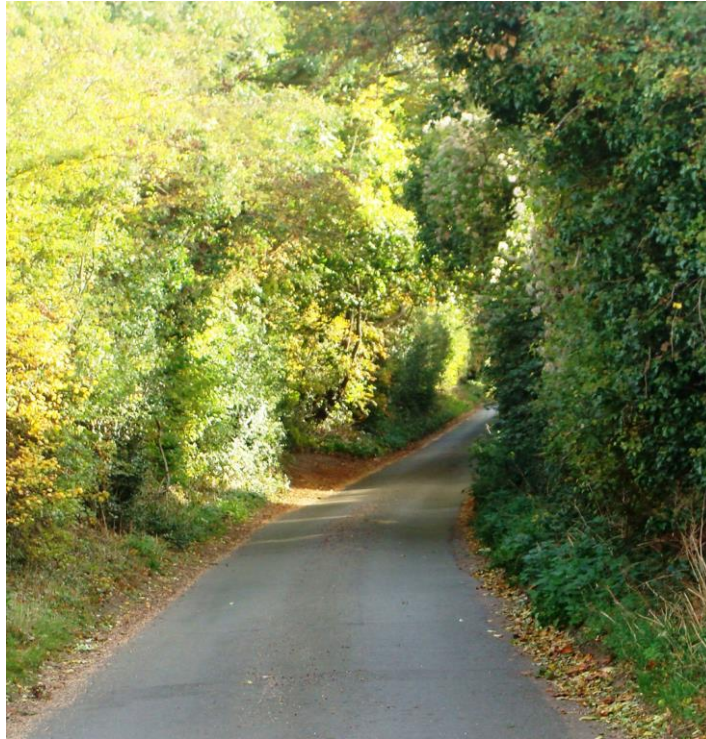
Picture 16: Sheep grazing on the Heath

- 5.38 The site/s contains a number of ponds and many trees. The author is advised that in the mid-20th century the site was open and without tree cover. HMWT are currently drafting a new management plan involving the retention of some of the most mature trees and the removal of others. Restoration of open grass heathland will be prioritised to the east and western areas of the heath. HMWT have been asked to draw up a management plan which involves the retention of some mature trees and the removal of others. The general principal under discussion is to remove selected areas of trees and vegetation to restore significant areas of open acid grassland whilst retaining other treed areas restored as woodland pasture. Whilst removal of selected trees may prove to be controversial in some quarters the author is advised such selected removal is necessary in the interest of good management and saving the scarce habitat. Previously and when the area was more actively grazed it is likely the area would have been open and without tree cover.
- 5.39 **Important Open Spaces:** Patmore Heath, in addition to the designations identified above, is also visually and historically important and most worthy of retention and appropriate management.
- 5.40 The open countryside and wider landscape to rear of Heath House and The Hunting Box, extending north. During the consultation process concern was raised relating to ensuring proper protection of these areas. Historic England advises that conservation area designation is *not generally an appropriate means of protecting the wider landscape*. It should be noted however that these areas form part of the 'Rural Area Beyond the Green Belt' and are 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.

5.41 This Appraisal therefore recognises the importance of maintaining the general openness of these wider landscapes (and indeed the entirety of Patmore Heath) from inappropriate development and as such these areas will be protected by Policy GBR2 as a valued countryside resource.

5.40~~2~~² **Particularly important trees and hedgerows:** Those trees that are most important are shown very diagrammatically on the accompanying plans. As previously advised HMWT's management plan for the heathland will involve the removal of selected trees in the interest of proper management of the important habitats. ~~The trees identified on the Heath have also been plotted very diagrammatically, interpreted in part from satellite information. As HMWT~~ continue selected management continues and remove further trees on the heath. ~~are removed the~~ any information shown on the plans will progressively become outdated.

5.41~~3~~³ **Village approach linking with Gravesend:** This narrow approach enclosed by trees and hedgerows and in part by steep banks, is attractive and an environmental feature of quality and note.



Picture 17: The approach road linking Patmore Heath with Gravesend is an attractive environmental feature worthy of note and retention

5.424 **Property boundaries surrounding the Heath:** The residential properties surrounding the large triangle of heathland alternatively add to it or detract from it, dependant on their qualities. Some have architectural and historic qualities whilst others are modern. However the essential historic quality of Patmore Heath is that of an extensive triangle of open space surrounded by properties. One consideration relates to front boundaries which vary in respect of materials, character and heights. Such treatments include hedging, walls (some listed), fencing and other means of enclosure. It is considered the visual quality and rural nature of the Heath ~~wc~~ could be enhanced significantly if selected boundary treatments could be were more co-ordinated, by replacing inappropriate boundaries, ideally with a common natural hedging solution. Although the Parish Council did not present a view it is recognized that following the public consultation exercise, there was some opposition to this

idea. the co-operation of the individual owners would be essential to implement such a proposal that could only be achieved piecemeal and over a long period of time. In the first instance the views of the Parish Council are sought to ascertain the possible level of support for such an idea. Nevertheless it is considered an abbreviated reference remains appropriate for the voluntary consideration of future owners.



Pictures 18-20: Front boundary fencing details to properties around the Heath vary considerably. Top typical picket type fencing; middle, very formally cut hedging; bottom, a hedging solution which combines various species including

~~native species. The author considers such native species to be most appropriate to the rural nature of the area.~~

5.42~~5~~ **Water features:** The ponds on the Heath are important for habitats as previously mentioned (Locations taken from OS mapping as areas dry at time of survey).

5.44~~6~~ **Important views:** A selection as shown on accompanying plans.

5.45~~7~~ **Elements out of character with the Conservation Area:** Various utility poles. The Parish Council may wish to contact the appropriate utility company and explore the potential of selective improvements.

5.46~~8~~ **Opportunities to secure improvements:** ~~As previously discussed above consider whether or not there is support for~~ The idea of replacing selected front boundaries with native hedging; would only be achievable with owners' co-operation and over a long period of time. Discuss future of Mission Hall with owner. Consider repairs to front wall at Gravesend Farm. Explore potential of selective improvements relating to utility poles.

5.79 **Other Actions:** Contact Historic England to consider reviewing the very brief existing listed building descriptions. Revise EHDC listed building mapping base relating to selected boundary wall (The Hunting Lodge Box). Contact Hertfordshire County Council's Natural Historic and Built Environment Team to ascertain if revisions to the Areas of Archaeological Significance need revision.

5.48~~50~~ **Suggested boundary changes:** It is proposed to amend the conservation area as follows:

- (a) Extend to include area at Gravesend. Includes land to both sides of connecting lane with Patmore Heath and the following properties: Elm Cottage; Longmead; Gravesend Cottage and No. 2 Gravesend Cottages; Patmore Heath Cottages Nos.1-4 (Heathview); Hillside Cottage; Ashvale

Cottage; Gravesend Farm; The Barn; 1/2 Catherine Wheel Cottages; Elderberrie Cottage; ~~The~~ Chestnuts; the Catherine Wheel PH.

Explanation for inclusion: This area contains several listed buildings and other unlisted properties worthy of retention and the protection afforded by conservation area designation. Two modern properties particularly on the edges of the new area are well designed and attractive with their use of traditional materials. The link road between Patmore Heath and Gravesend is lined with overhanging trees and hedgerows and is visually most attractive and its sunken characteristics in part have some historic importance.

- (b) Extend to include former Mission Hall (SW of Hitch Lane Cottage).
- (c) Minor extension/adjustments to include ~~whole of rear gardens~~ areas to Garden House; Fir Tree Cottage; Jaspers Cottage; Rambleside; Heathcote.
- (d) Minor extension/adjustment to include garden area associated with Ashleigh.
- (e) Minor extension/adjustment to include garden areas to rear of The Lane House, Pightle Cottage and The White Cottage.
- (f) Exclude Heath House and associated buildings and pasture land to the south.
- (g) Exclude pasture land to rear of The Hunting Box extending north to rear of Gamekeepers Cottage and readjusted to follow rear boundaries of The Birches and Mill Bungalow.
- (h) Minor adjustment to exclude land to the north-west of Penrose House.



Picture 2118: Part of pasture land to rear and north of The Hunting Box which is considered to be part of the wider landscape and thus inappropriately included in the conservation area, following local practice and Historic England advice

6. Overall Summary

6.1 Patmore Heath's conservation area is of high quality, whose rural and remote location is enhanced by its unique setting around heathland of ~~very high~~ visual and particularly high quality ecological importance. There are a number of listed buildings and other non-listed buildings of merit which warrant additional protection. Despite some more modern development which by necessity remains within the conservation area, the area is of sufficient high quality to be worthy of its designated status and be extended to include Gravesend subject to modifying the boundary as set out.

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) Extend to include area at Gravesend. Includes land to both sides of connecting lane with Patmore Heath and the following properties: Elm Cottage; Longmead; Gravesend Cottage and No. 2 Gravesend Cottages; Patmore Heath Cottages Nos.1-4 (Heathview); Hillside Cottage; Ashvale Cottage; Gravesend Farm; The Barn; 1/2 Catherine Wheel Cottages; Elderberrie Cottage; ~~The Chestnuts~~; the Catherine Wheel PH.
- b) Extend to include former Mission Hall (SW of Hitch Lane Cottage).
- c) Minor extension/adjustments to include ~~whole of rear gardens~~ areas to Garden House; Fir Tree Cottage; Jaspers Cottage; Rambleside; Heathcote.
- d) Minor extension/adjustment to include garden area associated with Ashleigh.
- e) Minor extension/adjustment to include garden areas to rear of The Lane House, Pightle Cottage and The White Cottage.
- f) Exclude Heath House and associated buildings and pasture land to the south.
- g) Exclude pasture land to rear of The Hunting Box extending north to rear of Gamekeepers Cottage and readjusted to follow rear boundaries of The Birches and Mill Bungalow.
- h) Minor adjustment to exclude land to the north-west of Penrose House.

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

Planning policies are contained in the East Herts District Plan adopted in October 2018. It is 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'~~ Specific guidance is available which advises on enhancing and conserving the historic environment. This guidance is available to view online: <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>. 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

Website: 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 Areas of Archaeological Significance, the contents of District Plan policies 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. District Plan Policy HA7 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:** 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. District Plan Policy HA2 and HA4 II particularly apply.
- 7.9 These buildings are: former Mission Hall, Mill Cottage, Mill House, Holly Cottage and Penrose Cottage, Rose Cottage and Lilac Tree Cottage, Gravesend Cottage and No. 2 Gravesend Cottages, Nos. 1-4 Patmore Heath Cottages (No. 4 named Heathview), Hillside Cottage, Ashvale Cottage, The Barn, Nos. 1-2 Catherine Wheel Cottages, Elderberrie Cottage.
- 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 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. District Plan 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 several walls 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 open land, open spaces and gaps:** This Appraisal has identified the following particularly important open spaces: the main large triangular shaped Heath and two adjacent areas to its north; District Plan Policy HA4 I(e) particularly applies.

7.13 **Planning Control – Site of Special Scientific Interest and Nature Reserve:** The Heathland areas represent a natural environment of high ecological importance and must be carefully protected in a manner that carefully balances all environmental considerations. [HMWT are currently drafting a new management plan involving the retention of some of the most mature trees and the removal of others.](#) District Plan Policy NE1 particularly applies.

7.14 Planning Control – The open countryside and wider landscape to rear of Heath House and The Hunting Box, extending north: This land will be protected as a valued countryside resource. District Plan Policy GBR2 particularly applies.

7.14⁵ **Planning Control – Water features:** The ponds associated with the Nature Reserve are particularly important to wildlife and need careful protection. District Plan Policy NE3 particularly applies.

7.15⁶ **Planning Control – Particularly important trees and hedgerows:** Only the most significant trees are shown very diagrammatically. 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. District Plan Policy NE3 III particularly applies. In relation to the health HMWT are currently drafting a new management plan involving the retention of some of the most mature trees and the removal of others.

7.167 **Village approach linking with Gravesend:** This narrow approach enclosed by trees, hedgerows and banks is attractive and is an environmental feature of considerable quality that should be protected. District Plan Policy NE3 III particularly applies.

7.178 **Planning Control - Important views:** A selection of general views is diagrammatically shown. District Plan Policy HA4 I(e) is particularly relevant.

7.189 **Enhancement Proposals:** The Appraisal has identified several elements 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
Derelict Mission Hall	SW of Hitch Lane Cottage	Discuss future with owner <u>and if appropriate, with others.</u>
Frontage wall	Gravesend Farm	Discuss repair works with owner. Without

		prejudice, grant assistance may be available.
Other actions, including opportunities to secure improvements		
<u>HMWT's representations request residents refrain from parking cars on the heath other than in the designated parking area.</u>		
PC may wish to discuss improvements relating to selective utility poles.		
Consider contacting Historic England with view of expanding/ reviewing the very limited and brief Listed Building descriptions.		
Check EHDC mapping data base references: walls at <u>The</u> Hunting Box. <u>check</u> reference to stable block north of Huntingbox (unclear to fieldworker as to which building this is check at consultation stage.		
Contact Hertfordshire County Council's Natural Historic and Built Environment Team to ascertain whether or not additional Areas of Archaeological Significance need identifying. <u>Update:</u> HCC have <u>has</u> advised they will review subject to availability of resources.		
Consider whether or not there is support for the idea of r Replacing selected 'hard' front boundaries with hedging. Only achievable with owners co-operation and over a long period of time. <u>Retain as idea to be considered perhaps with owners' future co-operation.</u>		

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EXISTING CONSERVATION AREA BOUNDARY



PROPOSED EXTENSIONS TO THE CONSERVATION AREA



PROPOSED REDUCTIONS OF THE CONSERVATION AREA



AREAS OF ARCHAEOLOGICAL SIGNIFICANCE



INDIVIDUALLY LISTED BUILDINGS/STRUCTURES



OTHER LISTED FEATURES

Walls (specifically referenced in general listed building descriptions)



IMPORTANT BUILDINGS IN THE CURTILAGES OF LISTED BUILDINGS



UNLISTED BUILDINGS THAT MAKE AN IMPORTANT ARCHITECTURAL OR HISTORIC CONTRIBUTION



OTHER DISTINCTIVE FEATURES THAT MAKE AN IMPORTANT ARCHITECTURAL OR HISTORIC CONTRIBUTION

Wall



AREA OF SPECIAL SCIENTIFIC INTEREST/NATURE RESERVE



IMPORTANT OPEN SPACES



IMPORTANT WATER FEATURES



GENERAL LOCATION OF IMPORTANT TREES/HEDGEROWS

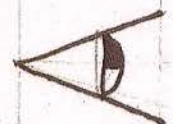
(See note on Plan for management of Heathland trees).



VILLAGE APPROACH



IMPORTANT VIEWS



ELEMENTS OUT OF CHARACTER WITH THE CONSERVATION AREA

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Revised following consultation (wooding re SSSI/Nature Reserve).

**PATMORE HEATH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.
Draft for Consultation 2019.**

PLAN 2 - Character Analysis.

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PATMORE HEATH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.
Draft for Consultation 2019

PLAN 1 - Historic Plan (1874-1894) with existing Conservation Area boundary approximately plotted. © Crown copyright and database right 2019. Ordnance Survey 100018528

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APPENDIX C

MANAGEMENT PLAN KEY

District Plan Policies (DP) and Government planning policies set out in the 'National Planning Policy Framework' (NPP) apply as appropriate.

REVISED CONSERVATION AREA BOUNDARY: DP Policies HA1, HA4, HA5 and HA6 particularly apply.

AREAS OF ARCHAEOLOGICAL SIGNIFICANCE: DP Policies HA1 and HA3 particularly apply

INDIVIDUALLY LISTED BUILDINGS/STRUCTURES: DP policy HA7 particularly applies.

OTHER INDIVIDUALLY LISTED FEATURES: DP policy HA7 applies.

OTHER INDIVIDUALLY LISTED FEATURES

Walls (specifically referenced in general listed building descriptions)

IMPORTANT BUILDINGS IN THE CURTILAGES OF LISTED BUILDINGS (preliminary assessment in ~~one~~ specific case): DP policy HA7 applies.

UNLISTED BUILDINGS TO BE PROTECTED FROM DEMOLITION: Policy HA2 and HA4 II particularly apply

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

Wall

SELECTED FEATURES ON UNLISTED BUILDINGS WHERE ADDITIONAL CONTROLS ARE PROPOSED SUBJECT TO FURTHER CONSIDERATION AND NOTIFICATION (by Article 4 Direction). DP Policy HA4 I(f) particularly applies.

IMPORTANT OPEN SPACES TO BE PROTECTED: DP policy HA4 I (e) particularly applies.

SITE OF : SPECIAL SCIENTIFIC INTEREST/NATURE RESERVE TO BE PROTECTED: DP policy NE 1 particularly applies.

IMPORTANT WATER FEATURES TO BE PROTECTED: DP Policy NE3 particularly applies.

GENERAL LOCATION OF IMPORTANT TREES/HEDGEROWS TO BE PROTECTED WITHIN PARAMETERS OF LEGISLATION: DP policy NE 3 III particularly applies. (see note on Plan re management of Heathland trees).

Village Approach DP Policy NE3 III particularly applies

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

PROPOSED ENHANCEMENTS



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East Herts Council Report

Council

Date of Meeting: 22 July 2020

Report by: The Executive Member for Wellbeing

Report title: Proposed Revised Street Trading Consent Policy

Ward(s) affected: All

Summary

RECOMMENDATIONS FOR COUNCIL THAT:

- (a) The proposed revised Street Trading Consent Policy be adopted by the Council.
- (b) The proposed revised fees and charges structure as detailed in the Policy be agreed by the Council.
- (c) Any minor amendments to the new Policy can be made by the Head of Housing and Health in consultation with the Executive Member for Wellbeing.

1.0 Proposal(s)

- 1.1 It is proposed that the council's existing Street Trading Consent Policy, which was drawn up in 1984, be revised and updated taking into account relevant case law and best practice and how the policy could further the council's latest priorities and objectives.
- 1.2 It is proposed that the Council utilises its power under the council's Constitution to adopt this revised Policy.

2.0 Background

- 2.1 The Local Government (Miscellaneous Provisions) Act

1982, "The Act", allows for the council to adopt 'streets' in which trading requires the consent of the council. This is a means of controlling street trading within the council's area.

- 2.2 On 30 May 1984, the council adopted a policy, which is still in force. This is presented at Appendix A. This policy named a number of streets within East Herts which had the general effect of rendering it an offence for any person to engage in street trading in one of the named streets unless they have first been authorised to trade in that street by the council.
- 2.3 The named streets consisted of, all streets within the designated urban areas of Bishop's Stortford, Hertford, Sawbridgeworth and Ware and a number of trunk roads in the district. The full list of streets is included in Appendix A.
- 2.4 The existing policy is now 36 years old and arguably overdue for review.

Proposed key changes to the existing policy

- 2.5 Appendix B presents a significantly revised policy which is now being proposed. The proposed changes reflect case law and best practice established over the near 40 years since the Act's introduction.
- 2.6 The revised policy proposes the following changes.

Policy area	Proposed change
Streets on which consent to trade is required	<ul style="list-style-type: none"> • extension from only certain streets being covered by the policy to trading on all streets within East Hertfordshire requiring the council's consent
Application requirements and procedures	<ul style="list-style-type: none"> • introduction of clear guidelines on what can be taken into account when considering a street trading consent application • an increase in the range of consultees when considering consent applications to include the Town and Parish Councils together with the District Council Ward Member • introduction of clear guidance on the level of refund applicable if the consent is surrendered part-way through the term of the consent • introduction of a right to appeal a decision where an applicant for street trading consent feels they have been treated unfairly • establishment of a public register of street traders
Street trading standards	<ul style="list-style-type: none"> • introduction of acceptable standards of appearance for any street trading vehicle or stall • introduction of acceptable standards of behaviour for street traders • specification of the level of food hygiene training for street traders together with a requirement for a minimum rating of three under the national Food Hygiene Rating Scheme (within the range of 0-5 stars)
Criteria for restricting consent to trade	<ul style="list-style-type: none"> • restriction of street trading in Air Quality Management Areas for those traders who require their vehicle engines to be running or the use of a petrol or diesel generator • adoption of national standards regarding an acceptable size of a layby in which to allow street trading • restriction on selling of food and confectionary near educational establishments, that is, within 100 metres

Anticipated potential impacts of the proposed changes

2.7 The council currently gives consent for three static and

eight peripatetic street traders. In addition, on the 23rd October 2018, Council approved a switch to the use of street trading consents for managing the markets in Hertford and Ware.

- 2.8 Work by the council's Environmental Health team suggests the following impacts should the proposed revised policy be approved by Council:
- 1.8.1 adopting national standards on what is deemed to be an acceptable size of a layby to allow street trading would negatively impact on one trader currently operating in a layby that would be deemed too small in which to safely operate. Without adding some discretionary measures within the new policy, this trader would have to cease operating at the current location because the council could no longer give consent at the time of consent renewal later this year
 - 1.8.2 moving to trading on all streets in the district requiring consent would mean those currently trading outside of the named streets would be brought within the consent regime. The Environmental Health team does not have a record of the exact numbers of such traders this would cover although from existing contact regarding food safety it is anticipated that the new duties could be accommodated within the existing staffing complement
 - 1.8.3 a restriction on consent in the Air Quality Management Areas (AQMAs) (broadly defined as Gascoyne Way, Hertford, Hockerill junction, Bishop's Stortford and London Road, Sawbridgeworth) for traders requiring their engines to keep running to power their stall/vehicle or the use of a petrol/diesel generator would impact traders currently relying on these power sources. There are not currently

any static traders within the AQMAs

- 1.8.4 restricting the sale of food and confectionary near educational establishments would adversely impact on traders wishing to do this. The Environmental Health team does not know of any static traders, who have a current street trading consent from the Council, operating in this way.

Proposed changes to fees

2.9 The Act allows local authorities to:

- charge fees as they consider 'reasonable' for granting or renewal of a street trading licence or a street trading consent
- determine different fees for different types of licence/consent according to:
 - duration of licence/consent
 - the street in which it authorises trading
 - description of articles in which the holder is authorised to trade.

2.10 It is appropriate when setting a fee to consider charging on a full cost recovery basis, incorporating costs for processing applications/renewals and any further costs of enforcement and officer training. The proposed fees in the revised draft policy reflect the current fees and would be reviewed each year as part of the council's budget setting process.

Consultation

2.11 Public consultation was conducted in February 2020 including publicising the proposals in the local press and directly e-mailing all street traders in the district, and market traders in Hertford and Ware, currently

requiring council consent to trade. Two responses were received. One respondent registered their approval of the proposed revisions. The other respondent raised a number of more detailed questions about the operation of any consents regime. Full details of the consultation responses are included in Appendix C. Neither response has led to any substantive amendments to the proposed revised policy.

- 2.12 The proposed updated Street Trading Consent Policy was considered by members of the Overview and Scrutiny Committee on the 16 June 2020. The Committee made a number of recommendations for the Executive to consider which are summarised below.
- That the list of prohibited goods at section 6.1 k) of the proposed new policy should be extended also to include Chinese Lanterns, Helium Balloons and Fireworks.
 - That any existing traders affected by the new policy should be treated with the maximum consideration to avoid any adverse impact on existing businesses
 - That the new policy should discourage any street trading within an Air Quality Management Area

3.0 Reason(s)

- 3.1 The Act requires that determination of a street trading consent policy is a matter for Council, this is reflected in the council's Constitution. Thus, in due course a final draft of the revised policy will be put to Council for consideration.
- 3.2 It is good practice to review policies on a regular basis; the existing policy is now 36 years old.
- 3.3 Since the adoption of the original policy, Council priorities, Codes of Practice and case law have all lead to changes in the way Street Trading should operate within

4.0 Options

- 4.1 In exercising its power the Executive has the option to:
- signal its contentment with the revised Street Trading Consents Policy as currently drafted. If this approach is taken, this will be relayed to Council when it considers the final draft version or
 - suggest amendments, additions, deletions and/or clarifications to the report. If this approach is taken, all such suggestions will be considered by the Executive Member for Wellbeing and the Head of Housing and Health and will either be incorporated into the final draft or brought to the Council's attention as being the views of the Executive in accompanying report to the final draft version put to Council in due course or
 - consider that there is an insufficient case for the revised policy, whether amended or not, to be put to Council for determination. If this approach is taken, the Executive should make their rationale for this approach explicit so that the Executive Member for Wellbeing and the Head of Housing and Health can assess whether to desist from putting the policy to Council in its current form or to proceed to determination by Council in which case the Executive's views would be included in the accompanying report

5.0 Risks

If the policy was not revised

- 5.1 There are no risks associated with not updating the current policy other than, arguably, the council

depriving itself of the opportunity to improve the standards of street trading in the district and utilising the policy to further air quality and healthy eating objectives, among others.

- 5.2 The current policy while dated is in keeping with the Act and thus there is no risk of challenge associated with not having updated it.

If the policy was revised

- 5.3 Should the proposed revised policy ultimately be approved by Council, there are possible reputational risks associated with adverse impacts on current and/or potential future traders as discussed in section 2 above.
- 5.4 As with all new policies, there is a risk of legal challenge from a person adversely impacted should they believe the council has acted contrary to the legislation. Any risk of a successful legal challenge is considered minimal as officers have ensured that the proposed revisions accord with the Act and subsequent case law and best practice.

6.0 Implications/Consultations

- 6.1 The outcome of the public consultation is discussed in section 2 above.
- 6.2 There are no adverse financial implications arising from either retention of the existing policy or ultimate adoption of the revised policy as the cost to administer the current policy is built into the existing budgets and the revised policy envisages the cost to process and monitor consents being recovered in full through the fees charged.

Community Safety

Yes – the proposed revised policy includes standards for traders and

restrictions on the granting of consents where laybys are unsuitable. Both amendments would arguably have a positive impact on community safety.

Data Protection

No

Equalities

Yes – an equalities assessment will be completed prior to finalisation of the version put to Council for determination. Work conducted to date does not indicate any detriment to anyone with a protected characteristic.

Environmental Sustainability

Yes – the proposed restriction on the continuous running of a vehicle's engine or the use of petrol/diesel generators in an AQMA would have a positive impact on air quality and environmental sustainability.

Financial

No – the proposed policy is predicated on full cost recovery of the council's costs through the fees charged. This is allowable under the Act.

Health and Safety

Yes – the setting of agreed standards for traders will maximise the health and safety of workers and customers.

Human Resources

No

Human Rights

No

Legal

No – the revised policy is compliant with Local Government (Miscellaneous Provisions) Act 1982.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – existing Street Trading Consent Policy.
- 7.2 Appendix B – proposed revised Street Trading Consent Policy.
- 7.3 Appendix C – summary of consultation responses
- 7.4 Appendix D – equalities impact assessment

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APPENDIX A

EAST HERTFORDSHIRE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

Notice is hereby given that at their meeting on 30th May, 1984, the East Hertfordshire District Council resolved, pursuant to the power vested in them by paragraph 2(1) Local Government (Miscellaneous Provisions) Act 1982, that the streets within East Hertfordshire, which are specified in the Schedule hereto, be designated consent streets for the purposes of Schedule 4 of the Act, with effect from 1st August, 1984.

The general affect of the resolution is to render it an offence for any person to engage in street trading in a consent street, unless they have first been authorised to trade in that street by the Council.

Applications for consent to trade in the streets specified in the Schedule hereto should be made in writing to The East Hertfordshire District Council, New Road, Ware, Herts. SG12 7BY, enclosing the appropriate fee which shall be as follows :-

(a) Annual fee - ~~£26.25~~ £30

(b) Occasional fee - £ 5.00

Food Hawkers who have registered as such with the Council after 31st January, 1984, and before 1st August, 1984, are not required to provide a further fee with their initial consent street application.

SCHEDULE

CONSENT STREETS

The following will be consent streets with effect from 1st August, 1984. (It will be an offence for any person to trade in the following streets after that date, without having first obtained a consent from the Council):-

- (a) All streets within the designated urban areas of Sawbridgeworth, Ware, Hertford and Bishop's Stortford,
- (b) A10 Trunk Road - Broxbourne Council boundary,
South of Rush Green to North Hertfordshire
boundary,
North of Buckland
- (c) the following principal roads:-
 - (i) A119 - Plough roundabout Hertford to A1170 in Ware
 - (ii) A120 - Junction with A10 at Puckeridge to Essex boundary
Nr. Bishop's Stortford
 - (iii) A414 - Essex boundary at Harlow to District boundary at
Hollwell

- (iv) A507 - Junction with A10 at Buntingford to District boundary Nr. Cottered
- (v) A602 - Junction with A414 Hertford to District boundary Nr. Stevenage
- (vi) A1059 - South Road, South Street, Dane Street, Station Road, Bishop's Stortford
- (vii) A1060 - Hallingbury Road, Bishop's Stortford
- (viii) A1170 - Broxbourne Council boundary Nr. Hoddesdon to A10 junction north of Ware
- (ix) A1184 - Essex boundary Nr. Harlow to Hockerill Street, Bishop's Stortford.
- (x) A1250 - Hadham Road and Dunmow Road, Bishop's Stortford

14th June, 1984.

A.W. SILCOX-CROWE
Director of Administration and Personnel

2 The Causeway,
Bishop's Stortford,
Herts.
CM23 2EJ

East Hertfordshire District Council

Street Trading Consent Policy

DRAFT

Updated - November 2019

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1.0 Purpose and scope of this policy

- 1.1 Through this policy the Council aims to regulate the location of street traders and aims to prevent the obstruction of the streets within East Hertfordshire by street trading activities. In doing so, it recognises the importance of consented businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 1.2 This policy will guide the Council when it considers applications for street trading consents. It will also inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.
- 1.3 This policy will be applicable for any new street trading application made after the date of this policy. For current consent holders, this policy will be applicable from the date of renewal.

2.0 What is street trading?

- 2.1 For the purposes of this policy, street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street ^[1]. The term street includes footways, car parks, public house forecourts and generally any area where the public have access without payment.
- 2.2 Street trading includes, but is not limited to:
 - a) trading from mobile and temporary static structures
 - b) the sale of food and drink or the sale of non-food items
 - c) ice-cream vans
 - d) mobile artists and musicians who sell their recorded work on the street
 - e) the sale of Christmas trees and other festive items
- 2.3 Street trading does not include:
 - a) a person acting under the authority of a pedlar's certificate

^[1] Local Government (Miscellaneous Provisions) Act 1982, Part III, Schedule 4, Paragraph 1

- b) anything done in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- c) trade carried out by a roundsmen e.g. milkmen
- d) trading in a trunk road picnic area
- e) trading as a news vendor
- f) trading which—
 - a. is carried on at premises used as a petrol filling station; or
 - b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop (such businesses must not obstruct the highway)
- g) selling things, or offering or exposing them for sale, as a roundsman

2.4 Further details on the excluded activities mentioned in paragraph 2.3 above can be found in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

2.5 For the purposes of this policy and administering street trading consents within East Hertfordshire:

- a) static street traders are those who trade from a fixed location such as a layby or area of land and would include stalls or food vans.
- b) peripatetic street traders are those who remain in location for a limited duration, usually to carry out a transaction, before moving on to another location and would include ice-cream vans.

3.0 What is a consent street?

3.1 For the purposes of this policy, a street is any road, footway or other area to which the public have access without payment.

3.2 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

3.3 Street trading consent is therefore required in a number of places other than on a public highway or public land. Within East Herts street trading consent would be needed in the following locations:

- a) roads and walkways
- b) lay-bys and verges

- c) footpaths
 - d) car-parks (both public and private)
 - e) residential streets
 - f) industrial estates
 - g) parks, commons and other green space including river banks
 - h) land accessible to the public within 10 metres of any of the above.
- 3.4 A consent street does not include land to which the public have to pay to access it, such as a music festival where there is an admittance fee or where access is restricted to a particular group of people, such as land within the grounds of a football stadium during a football match.
- 3.5 If the street is a designated 'consent street' then street trading without consent is a criminal offence.

4.0 Street trading in East Herts

- 4.1 All streets as defined in Section 3.0 above in East Hertfordshire have been designated as consent streets; namely, streets where consents are required in order to trade. Consents are granted by East Hertfordshire District Council and are subject to conditions and the payment of a fee.
- 4.2 It is illegal to trade in a consent street without first obtaining street trading consent from the Council.
- 4.3 In addition to the exempt activities listed in paragraph 2.3 above, East Herts Council will not require street trading consent to be sought for the following activities:
- a) fetes, carnivals, Services of Remembrance or similar community based and run events, for example Christmas lights switch-on events and non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity and where the event has been notified to the Council's Safety Advisory Group (although a licence may be required from the relevant Markets Authority, where applicable)
 - b) sales of articles by householders on land within the curtilage of their property, for example garage sales
 - c) goods from working farms or smallholdings sold at the premises where they were produced

- d) trading in privately run shopping centres, for example Jackson Square Shopping Centre in Bishop's Stortford (although a licence may be required from the relevant Markets Authority, where applicable)
- e) handing out promotional literature for goods, services or venues (although consent may be required from the Council's licensing team)

5.0 Right of Appeal

- 5.1 There is no statutory right of appeal against refusal to issue a street trading consent however applicants who feel that their application has been dealt with unfairly are able to complain through the Council's corporate complaints procedure which is available via our website www.eastherts.gov.uk.
- 5.2 Street trading consent can be granted for up to 12 months and can be revoked at any time by the Head of Housing and Health. When the Council grants or renews consent for street trading, the Council may attach any reasonable condition.

6.0 Street trading consent considerations

- 6.1 In considering applications for the grant or renewal of a street trading consent the following factors will be considered:
 - a) Public safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. This would include the consideration of factors such as interference with sight lines for road users and access to pedestrian crossings.
 - b) Public order
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.
 - c) Prevention of public nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

- d) Appearance of the stall or vehicle
The stall or vehicle must be of smart appearance, clean and maintained in a sound condition.
- e) Environmental impact
Static street traders who require their vehicle engines to be running or the use of petrol or diesel generators in order to operate will not be allowed to trade within any of the Council's declared Air Quality Management Areas.
- f) Highway safety
There must not be any dangers to those who have a right to use the highway and no obstruction for emergency access. Street trading consent holders are not allowed to drive vehicles on a footpath to access the site. Consent holders are allowed to cross a footpath where there is no other reasonable means of access and in all cases where there is a dropped kerb.
- g) Lay-by Safety
Some lay-bys within the district are deemed to be unsuitable sites due to safety grounds, namely, those where there is no segregation between the lay-by and the live carriageway. Lay-bys intended for static street trading must conform to the specifications set out in the Design Manual for Roads and Bridge (see Appendix 3).
- h) Proximity to schools and colleges
Street trading by businesses supplying hot or cold food or confectionary between 07:30-hrs and 18:00-hrs will not be permitted for locations within 100 metres, as the crow flies, of the boundary of a school, college or other educational establishment.
- i) Trading hours
In town centres street trading hours will normally mirror those of shops or restaurants in the immediate vicinity. However, the council will consider each application on its merits before agreeing permitted trading times. The council retains the right to specify permitted trading hours that are less than those applied for.
- j) Suitability of the applicant
When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a permission including:
 - a. relevant complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a street trading consent into account.

- b. any refusal or neglect in paying fees due to the council for a street trading consent or for any other charges due for services rendered by the council to the applicant in his capacity as the holder of a street trading consent. Examples of such services include collection of refuse and cleansing of streets.
 - c. previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent.
 - d. relevant information brought to the Council's attention by one of the consultees.
- k) Prohibited goods
- Street trading consent will not be granted for the sale of the following items:
- a. alcohol except for consumption with a sit down meal at the premises (see Section 7.0 below)
 - b. firearms and replica firearms
 - c. knives
 - d. weapons and replica weapons
 - e. tobacco products
 - f. fireworks and sky lanterns
 - g. articles that would typically be sold in sex shops
 - h. animals
 - i. helium balloons
- l) Training of food traders
- Businesses trading in hot or cold food must ensure all food handlers hold at least a Foundation Certificate in Food Safety accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal Institute of Public Health and Hygiene (or equivalent). The certificate must be no more than three years old.
- m) Food hygiene rating
- Businesses trading in hot or cold food must have a rating of three or more under the Food Standards Agency's Food Hygiene Rating Scheme. New businesses will be given a one-month leeway period to achieve the necessary rating.

n) Sanitary accommodation

Consent holders and their employees must have access to suitable and sufficient sanitary accommodation at all trading times.

o) Waste Disposal

Consent holders must have in place suitable arrangements for the disposal of waste generated by their business. It is the responsibility of each trader to ensure that all refuse generated by or collected upon their pitch is taken away with them or disposed of by suitable waste provision arranged by the trader themselves.

6.2 In addition to the considerations listed in paragraph 6.1 above, nothing in this policy or in any street trading consent that has been issued shall relieve the consent holder, or any person employed by them, of any obligation to comply with all other legislation, whether national or local. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with national or local legislation.

6.3 The Council is unable to refuse a street trading consent application on the grounds that it feels there were enough shops or street traders in the area already selling similar products as this would go against the requirements of the European Services Directive 2006/123/EC.

6.4 The Council cannot issue a street trading consent to a trader for locations and times when a market is operating. Traders wishing to trade within a market should contact the market organiser to discuss trading.

6.5 At the Executive in October 2018, members agreed to cease the markets operating in Hertford and Ware and regulate these traders under the street trading provisions. Traders in these former market locations will have access to other facilities such as electricity which is not provided for in regular street trading locations; therefore for the purposes of this Policy, these trading pitches are referred to as "Enhanced Street Trading Consent" holders. If a trader wants to trade at an enhanced pitch, they should contact the Council to discuss renting a pitch (www.eastherts.gov.uk/markets).

7.0 Street trading and the Licensing Act 2003

7.1 Street traders that either serve hot food or drink at any time between 23:00-hrs and 05:00-hrs the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.

- 7.2 The Council's licensing team will be informed of all street trading consent applications which are likely to need a licence under the Licensing Act however it is the responsibility of the business operator to ensure they have a Premises Licence where it is needed. Details of the licensing process under the Licensing Act 2003 can be found on the Council's website (www.eastherts.gov.uk/licensingact).
- 7.3 A trader will not be allowed to trade if a Premises Licence is needed but not been issued.

8.0 Types of street trading consents

- 8.1 Occasional street trading consent
Consent to trade for a maximum of twenty-eight consecutive days.
- 8.2 Annual street trading consent
Consent to trade on specified days for a year.
- 8.3 Enhanced street trading consent
Consent to trade in Hertford's and/or Ware's town centre locations on former "market days", including Hertford farmer's market.

9.0 Street trading consent fees

- 9.1 Fees will be set and reviewed annually as part of the Council's fees and charges setting process.
- 9.2 Should the consent holder wish to vary the Consent at any time during the life of the consent, an administration fee will be charged.
- 9.3 Where street trading ceases during the term of consent, refunds will be calculated depending on the remaining time left on the consent:
- a) 6 months or more – a refund of 25% of the fee paid.
 - b) 3-6 months – a refund of 10% of the fee paid.
 - c) Less than 3 months – not eligible for a refund.
- 9.4 Registered charities wishing to apply for a Street Trading Consent will receive a 50% discount on the occasional or annual fee.

9.5 Details of the current fees and charges can be found on the Council's website (www.eastherts.gov.uk/streettrading). Details of the fee structure for this new policy can be found in Appendix 2 below.

10.0 Access to information held by the Council

10.1 All non-personal information provided as part of the street trading consent process is subject disclosure by the Council under the Freedom of Information Regulations and the Openness of Local Government Bodies Regulations. These regulations place a duty on the Council to disclose this information; it is not a discretionary power.

10.2 To aid the disclosure requirements mentioned in paragraph 10.1 above, the Council will maintain a register of granted street trading consents on its website which will be updated regularly. This will include the name of the business, location of trading and the expiry date of the consent.

11.0 Street trading consent applications

11.1 Each static street trading consent application can only relate to one site. Therefore if a trader wishes to trade from different sites at different times, they must apply for each one separately.

11.2 Each application is subject to fees and charges set out on the Council's website (www.eastherts.gov.uk/streettrading).

11.3 All street trading consent applications and renewal applications must consist of:

- a) a map showing all streets and other public areas within a radius of 200 metres from the proposed location of the street trading site, where the trader is static. Maps are not required for peripetic traders such as ice-cream vans. The map shall be to a scale of 1:2000 and clearly indicate the location of the site in the centre of the map, and the locations of other street traders and outlets trading in the proposed area.
- b) a letter, where trading is proposed on private land, from the land-owner confirming that the applicant has permission to trade from the site. This may be subject to additional fees and charges imposed and collected by the land owner.
- c) a passport-style photograph of the applicant.
- d) proof of eligibility to work in the UK.

- e) four colour photographs of the trading unit illustrating the different elevations of the unit.
- f) evidence that both applicant and assistants have completed the required food hygiene qualification (for food related applications – see paragraph 6.1 above).
- g) evidence of having a suitable method for waste disposal where applicable.

11.4 Street trading consent applications must be accompanied by the correct fee before the application will be processed.

11.5 Street trading cannot start before the street trading consent has been issued. Trading without consent is illegal and would be subject to enforcement action. All enforcement action will be in line with the Council's published Enforcement Policy which is available on the Council's website.

11.6 Either at the time of the application, or once the application has been approved and prior to it being issued, the applicant must provide the Council with the following:

- a) An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million
- b) A current MOT certificate and insurance documents where a motorised vehicle will be used for street trading

11.7 Where appropriate the vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any issuing any Street Trading Consent.

12.0 Consultation on applications

12.1 The Council will carry out a consultation process for all street trading consent applications with relevant interested persons and organisations before a street trading application is considered. These include:

- a) East Herts Council's internal teams:
 - i. Environmental Health
 - ii. Development Management
 - iii. Parking

iv. Environmental Services

- b) Hertfordshire Constabulary
- c) Hertfordshire Highways
- d) the appropriate Town or Parish Council
- e) the appropriate District Council Ward Councillor(s)
- f) any other consultee that officers consider appropriate.

12.2 Consultees will be provided with a copy of the traders application form to allow them to make an informed decision.

12.3 Consultees will be asked to respond in writing (preferably email) within twenty-one days. Observations, recommendations or objections received as a result of the consultation will be taken into consideration when the application is determined. Any objections must be linked to the street trading consent considerations listed in section 6.0 above.

12.4 Affected local residents or businesses are able to make representations through their Town or Parish Council or their local District Council Ward Councillor.

12.5 Officers will assess the reasonableness and appropriateness of all objections before they are taken into consideration.

13.0 Street trading consent renewals

13.1 Existing consent holders should submit their application, if they wish to have continuity of trading, at least six-weeks before the expiry of their current consent. At this time, the Council will consult , as detailed above, to determine if the street trader is a cause for concern or has been the subject of complaints.

13.2 If a renewal application is not made at least six-weeks before the expiry of the current licence, the Council will not have sufficient time to process the application before the current consent expires. Where this occurs the trader will have to stop trading when the current consent expires and will not be allowed to trade until the new consent is issued.

13.3 An application to renew an existing street trading consent will not be determined until all fees have been paid and documentation provided to the Council, which will result in the applicant not being permitted to engage in street trading once the previous consent has expired.

14.0 Street trading consent transfers

- 14.1 A street trading consent cannot be transferred or sold to another person except to a member of the consent holder's immediate family in the event of the consent holder's death or incapacity.
- 14.2 All transfers are subject to a fee payment.
- 14.3 The sub-letting of a pitch or consent location is prohibited and will result in revocation of the consent.

15.0 How applications will be determined

- 15.1 All applications will be determined by an authorised officer acting on delegated authority.
- 15.2 The authorised officer will evaluate applications against the criteria set out in this policy and then consider all reasonable and appropriate objections. Reasonable and appropriate objections are those that relate to the criteria set out in Section 6.0 above.
- 15.3 The officer will approve the application if it:
- a) meets the criteria set out in this policy, and
 - b) there are no reasonable and appropriate objections.
- 15.4 If the application:
- a) does not meet the criteria in this policy, or
 - b) there are reasonable and appropriate objections
- the authorised officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal. The authorised officer, applicant and objectors may discuss:
- a) changes that could be made to the proposed location, goods or trading hours and
 - b) additional conditions that could be introduced to mitigate any concerns.
- 15.5 If the applicant refuses the offer of a meeting, the authorised officer will either introduce additional conditions or refuse the application.

- 15.6 If the objections and failure to meet the criteria in this policy can be resolved by changing the application and/or introducing additional conditions the authorised officer will approve the application.
- 15.7 If the objections and failure to meet criteria in this policy cannot be resolved by making changes to the application or introducing additional conditions the officer will refuse the application.

16.0 Refusal to issue a street trading consent

- 16.1 Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.
- 16.2 There is no statutory right of appeal against refusal to issue a street trading consent however applicants who feel that their application has been dealt with unfairly are able to complain through the Council's corporate complaints procedure (www.eastherts.gov.uk/3coms).
- 16.3 Trading will not be permitted during the appeal period when an application has been refused and can only take place within the conditions of any street trading consent that has already been granted where the appeal relates to conditions that have been imposed.

17.0 Reasonable use of the site

- 17.1 The geography of East Hertfordshire means there are limited locations for static street traders to trade. Therefore to ensure fairness to other potential traders, static street traders are expected to make reasonable use of the site to which their consent applies. Failure to do so is grounds for the Council to withdraw or amend the consent.
- 17.2 Reasonableness will be determined on a case-by-case basis. However, generally the consent trader will be expected to trade within the terms of their consent unless they are on holiday or unwell.
- 17.3 Where a consent holder is not able to trade for a period greater than two-weeks, then the consent holder must notify the Council as to the reasons for this.

18.0 Multiple applicants for the same area

- 18.1 Multiple street trading consents may be granted to different applicants for the same static site provided different trading days/times are applied for. At any one time only one consent holder will be permitted to trade on a site.
- 18.2 For peripetic traders such as ice-cream vans, the Council will not limit the number of traders in a town or village for the reasons set out in paragraph 6.3 above.

19.0 Temporary closure of a site

- 19.1 The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements.
- 19.2 No compensation will be paid to the consent holder for lost trading days by East Hertfordshire District Council as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

20.0 Street trading consent conditions

- 20.1 All street trading consents will be subject to standard conditions which are set out in Appendix 1 of this policy.
- 20.2 Where it is felt necessary the authorised officer determining the application may add additional conditions to the street trading consent if they are needed to support the street trading consent considerations in Section 6.0 above.

21.0 Complaints

- 21.1 Legitimate complaints will be fully investigated and consent holders shall be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked.
- 21.2 Complaints may also be taken into account when considering an application to renew a street trading consent.

22.0 Review

22.1 This policy will be reviewed every three years, but a review can be triggered by a change in legislation or other relevant factors.

Appendix 1 - Street trading consent standard conditions

Standard conditions for all street trading consent

All street trading consents will be subject to the following standard conditions:

- a) Holders of consents must avoid obstruction of the street or danger to persons using it and nuisance or annoyance (whether to persons using the street or otherwise).
- b) The consent (or a photocopy of it) must be displayed on the vehicle or stall whilst trading is going on and must be shown when requested by an authorised officer of the Council or a Police Officer.
- c) All reasonable instructions of Police Officers or authorised officers of the Council must be complied with.
- d) Vehicles must not be parked on the public footway at any time.
- e) The vehicle and other articles, including signage and trailers, must be removed from the site when not trading.
- f) Consent holders and their employees must have access to suitable and sufficient sanitary accommodation at all trading times.
- g) The vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of presentable appearance.
- h) Neither the consent holder nor any employees shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.
- i) No consent holder shall trade from any location which may cause a nuisance, obstruction, danger or other offence.
- j) Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e. insurance, tax and MOT to make the use of that vehicle on a road legal.
- k) It is the duty of the consent holder to establish the ownership of the land to which this consent relates, and seek permission from the owner to trade from that location. This may involve additional restrictions and payment which the Council are not responsible for.
- l) Businesses selling food must be registered with the Environmental Health team in the District where the business address is located.
- m) This consent does not allow the holder to trade within any markets or farmers markets on their respective market days.

- n) A street trading consent does not relieve the consent holder, or any person employed to work on the stall, of any obligation to comply with all other national or local legislation. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with general or local legislation.
- o) The consent holder must inform the Council of any material changes to the conditions of trading which were provided as part of the application process such as a new trading unit being used.
- p) The council reserves the right to alter or amend these conditions at any time.

Additional conditions for peripatetic street trading consents

Peripatetic street traders such as ice-cream vans will be subject to these additional conditions:

- a) Do not sound chimes:-
 - i. before 12:00-hrs or after 19:00-hrs
 - ii. more often than every 3 minutes
 - iii. for longer than 4 seconds at a time
 - iv. when the vehicle is stationary
 - v. except on the approach to a selling point
 - vi. when in sight of another vehicle which is trading
 - vii. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sunday and other recognised days of worship)
 - viii. more often than once every 2 hours in the same length of street
 - ix. louder than 80dB(A) at 7.5 metres
 - x. as loudly in quiet areas or narrow streets as elsewhere.
- b) This consent does not allow the holder to trade in any of the East Herts Council owned car parks.
- c) Must not trade within 100 metres of the boundary of a school college or other educational establishment.
- d) The trader must move at least 50m from last trading location and not return to the location within 4 hours.
- e) The trader must not wait in one location for more than 20 minutes

Additional conditions for static street trading consents

Static street traders such as stalls or food vans will be subject to these additional conditions:

- a) A rubbish bin must be provided in the trading area where goods are sold that are for immediate use or consumption. Waste must not be placed in litter bins provided for public use. Any waste arising from the trading activity within 100m of the stall in any direction must be removed and properly disposed of at the end of each trading day.
- b) The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the consent holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
- c) The consent holder shall not place any furniture or equipment in the trading area other than as permitted by the consent.
- d) The consent holder shall ensure that litter checks are carried out regularly in the vicinity of the premises.
- e) No live or recorded music shall be played at any time.
- f) The consent holder shall ensure that the stall/vehicle is positioned in the allocated space for the location/s in which the street trading consent is issued. The consent conditions issued will specify certain dimensions that the consent shall not exceed in terms of height, length and width when travelling.
- g) Any stall, container or authorised vehicle or other article used for trading must be removable at all times. In the event of an emergency or at any other time it should be so removed at the reasonable request of any authorised officer from the Council or any officer of the emergency services.
- h) Any stall, container, authorised vehicle or other article used for street trading shall be moved from the trading location no later than one hour after trading and shall not return until trading commences the following day.

Appendix 2 - Fees & Charges

	2020/21 Consent Fee	Refund with greater than 6 months left	Refund with between 3 and 6 months left
		(25% of fee paid)	(10% of fee paid)
Occasional Street Trading Consent	£129	£32.25	£12.90
Annual Street Trading Consent	£377	£94.25	£33.70
Transfer of Street Trading Consent	£55	N/A	N/A
Variation of Existing Street Trading Consent	£55	N/A	N/A
Enhance Street Trading Consent in Hertford - Standard pitch 3m x 2.1m (10' x 7')	£22.90 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Hertford - Casual Trader pitch 3m x 2.1m (10' x 7')	£27.30 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Hertford - Additional space	£1.50 per 0.3-m ² , per day	N/A	N/A

	2020/21 Consent Fee	Refund with greater than 6 months left (25% of fee paid)	Refund with between 3 and 6 months left (10% of fee paid)
Enhance Street Trading Consent in Ware - Standard pitch 3m x 2.1m (10' x 7')	£14.70 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Ware - Casual Trader pitch 3m x 2.1m (10' x 7')	£16.40 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Ware - Additional space	£1.30 per 0.3-m ² , per day	N/A	N/A
Enhance Street Trading Consent in Hertford or Ware for a registered charity	£24.40	N/A	N/A
Electricity Charges for Enhanced Street Trading Consent in Hertford or Ware	£3.40 per stall per day	N/A	N/A

Appendix 3 - Locations of Enhanced Street Trading Consents

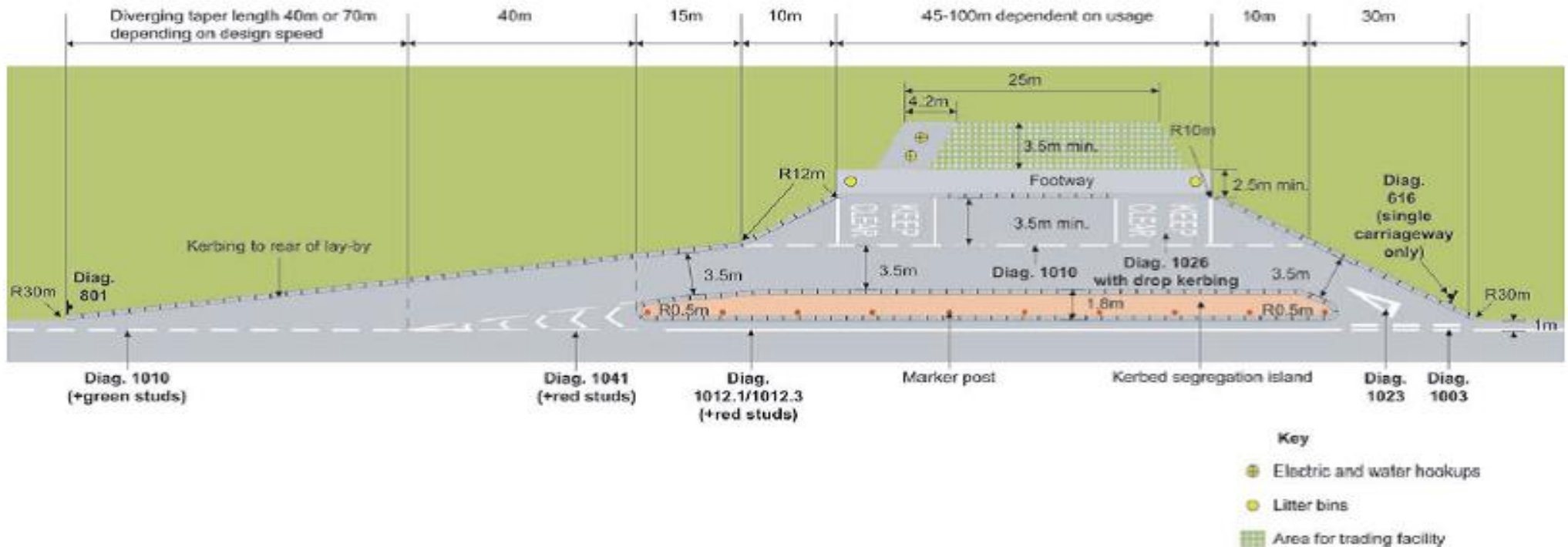
The following locations have been designated as street trading consent streets that are required to hold an Enhanced Street Trading Consent for trading on the indicated days at the indicated times. At all other times, a standard street trading consent will be required.

Town	Street	Days and Times
Ware	High Street	Tuesday 08:00 to 18:00-hrs
Ware	Tudor Square	Tuesday 08:00 to 18:00-hrs
Hertford	Maidenhead Street	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Bull Plain	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Railway Street	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Bircherley Green	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Market Place	Saturday + Christmas Eve 08:00 to 18:00-hrs

Appendix 4 - Acceptable lay-by layout

Blow is an extract from the Design Manual for Roads and Bridge, Volume 6, Section 3, Part 3 (November 2007) which can be found on <http://www.standardsforhighways.co.uk/ha/standards/>. The guidance sets out the requirements for the location and layout of lay-bys and rest areas.

Any lay-by used for Street Trading must meet the requirements of this guidance document.



Appendix C - Consultation Responses

Question 1

Do you agree that the Council should stagger the implementation date of the new policy?

■ Yes ■ No



Question 2

Do you agree that the Council should increase the scope of the Policy to include all eligible streets within East Hertfordshire?

■ Yes ■ No



Question 3

Do you agree with the example exemptions? If you feel anything has been missed off, please provide details below.

■ Yes ■ No



Additional comments relating to Question 3

“Currently the exemptions in 4.3 cover 'a)fetes, carnivals or similar community based and run events, for example Christmas lights switch-on events and non-commercial, community or charitable events where the profits are not used for private gain'. Because of the presence of the word 'similar' this could be taken to exclude community based events which are not 'fun' for example Services of Remembrance, at which it is customary to serve coffee in some cases (eg Bishop's Stortford. Can the wording be amended, possibly just removing the word 'similar' would do.”

- Comment – Services of Remembrance added to the list of examples.

Question 4

Do you agree that the Council should introduce an appeals process?

■ Yes ■ No



Question 5

Do you agree with the new assessment criteria covering “environmental impact”?

■ Yes ■ No



Additional comments relating to Question 5

“Under Highway Safety it says 'Street trading consent holders must not drive vehicles on a footpath'. They should however be allowed to cross a footpath where there is no other reasonable means of access and in all cases where there is a dropped kerb.”

- Officer's Comment – Policy has been updated to reflect the suggestion.

Question 6

Do you agree with the new assessment criteria covering "lay-by Safety"?

■ Yes ■ No



Additional comments relating to Question 6

"This appears to prohibit street traders from trading in ordinary laybys (ie laybys where there is no segregation such as parking bays) which is surely something Ice cream vendors do quite a lot (and is safer than trading from the roadside where there is no layby _provided that the serving window is facing the pavement_"

- Officer's Comment – This section of the policy has been updated to clarify that this only relates to static street traders, not mobile street traders.

Question 7

Do you agree with the new assessment criteria covering "proximity to schools and colleges"?

■ Yes ■ No



Additional comments relating to Question 7

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 8

Do you agree with the new assessment criteria covering "suitability of the applicant"?

■ Yes ■ No



Additional comments relating to Question 8

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 9

Do you agree with the new assessment criteria covering "training of food traders"?

■ Yes ■ No



Additional comments relating to Question 9

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 10

Do you agree with the new assessment criteria covering "food hygiene ratings"?

■ Yes ■ No



Additional comments relating to Question 10

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 11

Do you agree with the new assessment criteria covering "sanitary accommodation"?

■ Yes ■ No



Additional comments relating to Question 11

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 12

Do you agree with the new assessment criteria covering “waste disposal”?

■ Yes ■ No



Additional comments relating to Question 12

“I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this”

- Officer’s Comment – N/A

Question 13

Do you agree with the refund matrix detailed in paragraph 9.3?

■ Yes ■ No



Additional comments relating to Question 13

“I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this”

- Officer’s Comment – N/A

Question 14

Do you agree with the list of documentation applicants must provide before their application is considered?

■ Yes ■ No



Additional comments relating to Question 14

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Comment - N/A

Question 15

Do you agree with extending the list of consultees?

■ Yes ■ No



Question 16

Do you agree with the Council's approach to assessing the applications?

■ Yes ■ No



Additional comments relating to Question 16

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 17

Do you agree with the Council's description of what is reasonable use of a static street trading site?

■ Yes ■ No



Additional comments relating to Question 17

"Seasonal traders will frequently trade say April through October and then on fewer days or not at all when it is poor weather. requiring the trader to notify the Council that they are not trading for 2 weeks is unreasonable. Whilst this may make sense for sites on the public highway (the occupancy of which is effectively managed by the Council), for sites on private land (the occupancy of which is managed by the landowner) there is no value in this provision."

- Officer's Comment – Limited sites across the district mean that if a static trader, who is covered by this policy, is not using a site, the Council is highly likely to receive calls from interested traders, therefore this information will aid in the delivery of this policy.

Question 18

Do you agree with the Council's standard licensing conditions?

■ Yes ■ No



Additional comments relating to Question 18

“Conditions d and e are not reasonable for a peripatetic trader such as an ice cream van whose pattern of trading involves something like trading mostly in one place but also trading at 'hot spots' at particular times when they are 'hot!'.”

- Officer's Comment – Vehicles should not be parking on the public footpath as this will obstruct it for pedestrians. If it is unsafe to stop on the road, they should not stop. With regards to signage, I would not expect an mobile trader to be erecting signage due to the limited duration they are at any one site.

Question 19

Do you have any other comments to make?

Do you agree with the Council's standard licensing conditions?

■ Yes ■ No



Additional comments relating to Question 19

“Appendix 1 condition m appears to permit holders of enhanced trading licences to trade at markets other than those in Ware and Hertford. This is contrary to policy 6.4. A better wording would be With the exception of enhanced street trading consent holders, who may trade at the location(s) and time(s) for which

they have enhanced consent, this consent does not allow the holder to trade within any markets or farmers markets on their respective market days.”

- Officer’s Comment – The wording for this condition has been updated to add clarity.

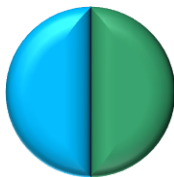
“Appendix 2 Fees and Charges - Enhanced consents - is the price per pitch per day, per pitch per 6 months or per pitch per year - it does not say.”

- Officer’s Comment – The wording for this has been updated to add clarity.

Question 20

Details of person responding

- Member of Public
- New Consultee



Equality Impact Analysis Form

APPENDIX D

1. Equality Impact Analysis (EqIA) Form

<p>Title of EqIA (policy/change it relates to)</p>	<p>Proposed Updated Street Trading Consent Policy</p>	<p>Date</p>	<p>19/06/2020</p>
<p>Team/Department</p>	<p>Environmental Health / Housing & Health</p>		
<p>Focus of EqIA</p> <p>What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?</p>	<p>This new policy seeks to update the current street consent policy. By extending the consent streets to cover the whole of East Herts we are widening consumer protection and safety, particularly to the rural areas where these businesses provide a valuable service to the local community.</p>		

2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	N/A	Services are accessible to all age groups	No impact	N/A
Disability	N/A	Services are accessible to all users	No impact	N/A
Gender reassignment	N/A	Services are accessible to all users	No impact	N/A
Pregnancy and maternity	N/A	Services are accessible to all users	No impact	N/A
Race	N/A	Services are accessible to all users	No impact	N/A
Religion or belief	N/A	Services are accessible to all users	No impact	N/A
Sex/Gender	N/A	Services are accessible to all users	No impact	N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Sexual orientation	N/A	Services are accessible to all users	No impact	N/A
Marriage and civil partnership	N/A	Services are accessible to all users	No impact	N/A
Assessment of overall impacts and any further recommendations				
No foreseeable impact				

3. List detailed data and/or community feedback which informed your EqIA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
N/A			
N/A			

4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
N/A				
N/A				

EqIA sign-off: (for the EQIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer:

Date:

Directorate Management Team rep or Head of Service:

Date:

Author of Equality Impact Analysis:

Date:

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MOTION ON NOTICE – Anti-Racism

This Council notes with serious concern and distress the death of George Floyd at the hands of the police in America, and the subsequent world-wide protests and demonstrations against systemic racism.

This Council acknowledges that many members of our community continue to suffer the effects of institutional racism even today. This Council therefore resolves to do all in its powers to identify and end any instances of racism or prejudicial practices within its own organisation.

To ensure full transparency in this endeavour, the Council will engage the services of an Independent, Professional Consultant. He/She will be asked to examine all of the Council's procedures, policies and activities and to listen to members of the community, seeking for evidence of any form of racism. Finally, he/she will be asked to draw up a list of actions to ensure that the Council's pledges on diversity and equality are always fulfilled.

Proposed by Councillor Mione Goldspink

Seconded by Councillor Chris Wilson

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MOTION ON NOTICE – working to achieve a more equal and fair society

East Herts District Council stands united against all forms of inequality, including racism. As community leaders we must challenge injustices wherever and however they arise. We support the freedom of all individuals and all communities to speak out and share their experiences and frustrations and work alongside them and society as a whole to reduce overt prejudice and unconscious bias.

As it is our responsibility to be part of the conversation, we will work with external groups and organisations to educate, understand and bring about positive change to achieve a more equal and fair society.

Proposed by Councillor Holly Drake

Seconded by Councillor Ben Crystall

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