



MEETING : EXECUTIVE
VENUE : VIRTUAL VENUE - ONLINE MEETING
DATE : TUESDAY 1 SEPTEMBER 2020
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

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

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DISCLOSABLE PECUNIARY INTERESTS

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

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

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AGENDA

1. Leader's Announcements

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 7 - 24)

To approve as a correct record the Minutes of the meeting held on 7 July 2020.

4. Declarations of Interest

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

5. Update from Overview and Scrutiny Committee

To receive any report of the Committee Chairman.

6. Update from Audit and Governance Committee

To receive any report of the Committee Chairman.

7. Sustainability Supplementary Planning Document – Draft for Consultation (Pages 25 - 36)

(A) Sustainability Supplementary Planning (SPD) Document - Appendix A (draft sustainability SPD) (Pages 37 - 180)

- (B) Sustainability Supplementary Planning Document (SPD) - Appendix B (draft strategic environmental assessment (SEA) screening report (Pages 181 - 190)
- (C) Sustainability Supplementary Planning Document - Appendix C (consultation statement)(Pages 191 - 194)
- 8. Draft Updated East Herts Council Safeguarding Policy (Pages 195 - 202)
 - (A) Revised Safeguarding Policy - Appendix A (draft updated safeguarding policy)(Pages 203 - 228)
- 9. Financial Update (Pages 229 - 240)
- 10. Urgent Business

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

MINUTES OF A MEETING OF THE
EXECUTIVE HELD 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
Rebecca Dobson	- Democratic Services Manager
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Bob Palmer	- Interim Head of Strategic Finance and Property
Jonathan Geall	- Head of Housing and Health
Jess Khanom-Metaman	- Head of Operations

Sara Saunders	- Head of Planning and Building Control
William Troop	- Democratic Services Officer
Emily Coulter	- Project Manager
Paul Thomas-Jones	- Environmental Health Manager – Commercial

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 Service Manager (Environmental Health) 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 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 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 Council Report

Executive

Date of Meeting: 1 September 2020

**Report by: Cllr Haysey, Leader of the Council and Cllr Goodeve,
Executive Member for Planning and Growth**

**Report title: Sustainability Supplementary Planning Document-
Draft for consultation**

Ward(s) affected: All

Summary

- To seek Members' approval to publish the draft Sustainability Supplementary Planning Document (SPD) for consultation.
- To agree that a Strategic Environmental Assessment (SEA) of the emerging Sustainability Supplementary Planning Document (SPD) is not required.

RECOMMENDATIONS FOR Executive:

- (a) That the Sustainability Supplementary Planning Document (SPD), as detailed at Appendix A to this report, be agreed and published for a four-week period of public consultation; and**
- (b) That in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Sustainability Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects beyond the District Plan policies.**

1.0 Proposal(s)

- 1.1 The Sustainability Supplementary Planning Document (SPD) is being prepared to provide guidance on the implementation of adopted District Plan (2018) policies related to climate change and sustainable design and construction, in order to improve the environmental sustainability of new development.
- 1.2 Once adopted it will be a material consideration in the determination of planning applications and it will replace the air quality planning guidance (2016).

2.0 Background

- 2.1 Climate change is a key challenge facing society. In 2019 the Government amended legislation to adopt a new target for the UK: net zero greenhouse gas emissions by 2050. As Members will recall, this Council demonstrated its commitment to addressing climate change locally in July 2019, when it declared a climate change motion, with the goal that both the Council and East Herts District will be carbon neutral by 2030. The development of a Sustainability Supplementary Planning Document (SPD) is one of the measures identified to help achieve this target.
- 2.2 Buildings are responsible for almost half of UK carbon emissions, half of the water consumption, about one third of landfill waste and about a quarter of all raw materials used in the economy. The design and construction of new buildings, and the spaces around the buildings, therefore has a key role in delivering sustainable development, which is at the heart of the planning system. Designing and constructing development to improve its environmental performance will reduce the environmental impact of new development and address climate change.
- 2.3 Planned growth for East Herts provides an exciting opportunity to create sustainable new development. The District Plan (2018) incorporates a suite of policies to help ensure that new development in the district reduces its environmental impact- minimising carbon emissions, flood risk, pollution and pressure

on resources. Supplementary Planning Documents are documents which add further detail to the policies in the development plan. This SPD has been produced to expand particularly on the following District Plan policies:

- **Design:** DES4 Design of Development
- **Transport:** TRA1 Sustainable Transport;
- **Natural Environment:** NE1 International, National and Locally Designated Nature Conservation Sites; NE2 Sites or Features or Nature Conservation Interest (Non-Designated); NE3 Species and Habitats
- **Climate Change:** CC1 Climate Change Adaption; CC2 Climate Change Mitigation; Policy CC3 Renewable and Low Carbon Energy
- **Water:** WAT4 Efficient Use of Water Resource; WAT5 Sustainable Drainage
- **Pollution:** EQ2 Noise; EQ3 Light Pollution; EQ4 Air Quality

2.4 A copy of the draft SPD is attached as **Appendix A**.

3.0 Reasons

- 3.1 Planning has a clear role in helping to deliver climate change targets. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to ensure planning policies are designed to contribute to the mitigation of, and adaption to, climate change,
- 3.2 The National Planning Policy Framework (NPPF) states that planning and development should contribute toward the environmental objective of sustainable development, which includes making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change. Section 14 makes it clear planning must address climate change.

Purpose of the SPD

- 3.3 The purpose of this SPD is to support the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development. As such, it will contribute towards both the national and local commitment to addressing climate change.
- 3.4 The key aims of the SPD are to provide transparent, holistic guidance for applicants, with more detail about District Plan policy requirements and expectations. By requiring submission of a sustainability checklist the SPD will ensure applicants consistently submit relevant information to demonstrate compliance with policy. It will also help officers and councillors assess the environmental credentials of developments and encourage developers to go further than current policy, to demonstrate excellence in sustainable development.
- 3.5 Legally, the SPD is subordinate to the adopted District Plan (2018). It cannot introduce new compulsory targets that would change District Plan policy requirement otherwise the Council could be at risk from legal challenge. Targets, including the transition towards net zero carbon development will be considered as part of the review of the District Plan. Work on the evidence base for the Review will start later in the year and the aim is to commission consultants to develop evidence that supports how District Plan policies respond to the Climate Change challenge and delivery of net zero development.
- 3.6 This SPD helps the transition to higher targets by setting out more detail on how to achieve environmental sustainability and how to exceed current policy. The requirement for submission of a qualitative checklist also provides a stronger implementation mechanism. Developers will have to consistently demonstrate how they have addressed each checklist criteria and submitted relevant evidence. This will provide greater transparency about if/how developments comply with, or exceed, policy across a range of environmental topics.

- 3.7 It should be noted, that in addition to this SPD, the developers in the Gilston Area will be encouraged to meet the aspirations of the Harlow and Gilston Garden Town (HGGT) Sustainability Guidance. Once finalised and following Executive/Council approval the HGGT Guidance will become a material consideration for planning decisions in the Garden Town.
- 3.8 The two documents can be used together successfully. They are both underpinned by the same sustainability principles and the completion of the Sustainability SPD checklist requires sustainability issues to be addressed (and evidence submitted), which is consistent with the HGGT Guidance. However, the Sustainability SPD provides more information about standards and submission requirements than the HGGT Guidance, particularly in some topics, such as biodiversity, air quality mitigation and waste. Therefore, it is important that development in the Gilston Area complies with the Sustainability SPD as well as the HGGT guidance.
- 3.9 The SPD's primary focus is to ensure policy requirements are implemented, but it also encourages good practice and compliance with stronger energy targets. The HGGT Guidance will use incentives associated with the scale of development and Garden Town design process to encourage developers to meet the higher quantitative targets in the Guidance.

Content of the SPD

- 3.10 The SPD addresses a range of topics, to encourage a more prudent use of resources, protect environmental assets, mitigate the impact of climate change and adapt to its impacts. The eight sections are as follows:
- **Design led approach-** Provides a framework for the SPD by promoting the importance of an overarching, holistic approach to environmental sustainability and the design process, in order to create high quality places.
 - **Energy and Carbon-** Explains how to reduce carbon emissions and create more energy efficient

developments, incorporating renewable technologies.

- **Climate Change Adaptation**- Explains how to mitigate overheating and increased risk of flooding.
- **Water efficiency**- Explains how to reduce the use of mains water.
- **Pollution**- Explains how to address air, light and noise pollution.
- **Sustainable transport**- Explains how to design development to reduce the need to travel and incorporate sustainable transport options.
- **Biodiversity**- Explains how to conserve and enhance biodiversity.
- **Waste**- Explains how to reduce construction waste and design schemes that allow occupants to manage waste sustainably.

3.11 Each section provides an overview of the national and local policy context; practical topic guidance on how to achieve, and where possible exceed, policy requirements; details about the relevant submission requirement (e.g. statement or survey); and a checklist that applicants must submit as part of their application, to demonstrate compliance with the SPD. A combined checklist for submission is attached as Appendix A of the SPD.

3.12 Electric vehicle charging points is identified as an important sustainability issue in this SPD. However provision requirements will be addressed in the forthcoming Vehicle Parking SPD. The production of this SPD is running slightly behind this SPD, but the aim is that both documents will be adopted at the same time in early 2021.

Strategic Environmental Assessment

3.13 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects,

must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether the draft Sustainability SPD should be subject to a Strategic Environmental Assessment.

- 3.14 The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. At the time of writing this report, The Environment Agency has confirmed that they agree an SEA is not required. No other responses have been received, though no contrary view is anticipated.
- 3.15 The Screening Statement attached at **Appendix B** is therefore provided in draft, pending the receipt of consultation responses.

4.0 Options

- 4.1 Option 1-Not producing the SPD - The current approach will continue, where officers rely solely on the District Plan policies to assess the environmental sustainability of new development. These policies set high level principles but don't provide technical guidance on how these issues should be addressed in practice. As such there can be a wide variation in how the policy is interpreted and the type of evidence submitted to demonstrate policy compliance varies, which lacks consistency and transparency. Choosing not to produce an SPD also fails to support the Council's aim to achieve carbon neutrality in the District by 2030 and essentially mean waiting until revisions to the District Plan are in place.
- 4.2 Option 2- Producing SPD – Will support the transition towards carbon neutrality by trying to raise the environmental performance of new development now and not waiting several years for policy revisions in the District Plan to be adopted. The District Plan policies seek to address climate change and protect the environment, but the SPD will support the implementation of these principles in practice. The provision of technical guidance to systematically explain how the policy requirements should be applied will increase transparency. By taking a holistic

approach, setting clear expectations about what the Council expects from developers and the type of evidence that must be submitted to demonstrate policy compliance, the SPD will also encourage a more consistent and efficient decision-making process.

5.0 Risks

- 5.1 The draft SPD will help to increase the environmental sustainability of new development in East Herts and help address climate change.

6.0 Implications/Consultations

- 6.1 As part of the scoping of the Sustainability SPD, a number of stakeholders have influenced the scope and content of the SPD. Planning and the Sustainability SPD were discussed in January 2020 at the Community and Stakeholder Climate Change Event. Feedback from stakeholders at the event and subsequently made it clear that development must be more sustainable and that planning has a key role in ensuring that compulsory standards are introduced and enforced. Discussion about the SPD favoured covering a range of topics, with particular emphasis on energy reduction, and ensuring developers were held accountable. The topics addressed within this SPD have been informed by this feedback. Whilst, the SPD cannot introduce mandatory targets, clear implementation measures have been included.
- 6.2 Early feedback from developers suggests support for the topics and themes identified in the SPD, although highlight that proposals may be effected by feasibility and viability issues in some circumstances. Consideration of how requirements work should also take into account of national policy and building regulations. The SPD acknowledges feasibility and viability considerations and takes the national context into account.
- 6.3 It is intended that the draft SPD will be published for a four-week period of consultation commencing in September 2020. The consultation will meet all the statutory requirements, including:

- Placing the consultation documents on the Council's website for the duration of the consultation;
 - Notifying relevant consultees by email or letter.
- 6.4 As a result of current advice from the Government on Covid 19, making hard copies of the consultation documents available at the Council's offices in Hertford and Bishop's Stortford, and at libraries across the district is not currently mandatory. In line with Government advice, the Statement of Community Involvement has been temporarily updated to clarify that whilst the Council offices and other deposit locations in East Herts remain closed, documents will be available on the website. If the offices and libraries are open at the time of the consultation, copies will be made available at these locations.
- 6.5 A draft consultation statement has been produced, as detailed at **Appendix C**. This outlines the statutory requirements and summarises early engagement with stakeholders. Following the 4 week public consultation, a final version of the SPD will be produced. At the same time the statement of consultation will be expanded, setting out who was consulted during the preparation of the SPD; a summary of the main issues raised; and how those issues have been addressed in the SPD. It is currently anticipated that the final SPD will be presented to Members in January 2021.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes the SPD aims to improve the environmental sustainability

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

The SPD is not introducing new legal requirements.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 East Herts District Plan October 2018:

- Chapter 17 Design and Landscape
- Chapter 18 Transport
- Chapter 20 Natural Environment
- Chapter 22 Climate Change
- Chapter 23 Water
- Chapter 24 Environmental Quality

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

7.2 **Appendix A:** Sustainability Supplementary Planning Document.

7.3 **Appendix B:** Draft Strategic Environmental Assessment

7.4 **Appendix C:** Consultation Statement

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Draft Sustainability SPD

10 September - 8 October 2020





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1 Introduction

1.1 Context

- 1.1** Significant growth is happening in East Herts, with a minimum of 18,458 new homes being built by 2033 and provision of 19-20 hectares of new employment land. The District Plan (2018) vision sets out the importance of implementing this growth sustainably, to protect the environment and the quality of life of people who live, work and visit the District. Climate change is a key challenge facing society and the Council is committed to tackling its causes and impacts. In July 2019 the Council declared a climate change motion, with the goal that both the Council and East Herts as a district will be carbon neutral by 2030.
- 1.2** This Supplementary Planning Document (SPD) supports the implementation of policies in the District Plan and sets out detailed, technical guidance on how to mitigate and adapt to climate change, to minimise resource use and protect and enhance biodiversity.

1.2 What is Sustainability?

- 1.3** Sustainability focuses on meeting the needs of the present without compromising the ability of future generations to meet their needs. High quality sustainable developments require adopting a holistic approach to environmental, social and economic sustainability. This SPD focuses on the environmental dimensions of sustainability.
- 1.4** Buildings are responsible for almost half of the UK's carbon emissions, half of the water consumption, about one third of landfill waste and about a quarter of all raw materials used in the economy. The design and construction of new buildings, and the spaces around the buildings, therefore has a key role in delivering sustainable development, which is at the heart of the planning system. Designing and constructing development to improve its environmental performance will reduce the environmental impact of new development and address climate change. There are also economic and social benefits associated with sustainable design and construction including; reduced energy bills, improved health and well-being and more resilience to market fluctuations and climate change adaptation.

1.3 Purpose and structure of the SPD

- 1.5** The purpose of the SPD is to support the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development.



The SPD covers a number of topics to encourage a more prudent use of resources, protect environmental assets, mitigate the impact of climate change and adapt to its impacts:

- **Design led approach**- taking a holistic approach to design
- **Energy and Carbon** – how to reduce carbon emissions and create more energy efficient developments, incorporating renewable technologies.
- **Climate Change Adaptation**- How to mitigate overheating and increased risk of flooding
- **Water Efficiency**- How to reduce the use of mains water
- **Pollution**- How to address air, light and noise pollution
- **Sustainable Transport**- How to design development to reduce the need to travel and incorporate sustainable transport options.
- **Biodiversity**- How to conserve and enhance biodiversity
- **Waste Management**- How to reduce construction waste and design schemes that allow occupants to manage waste sustainably.

1.6 Whilst the SPD cannot introduce new targets or standards that supersede the policies in the District Plan, it will add value in a number of ways:

- By providing transparent, holistic guidance for applicants with more detail about policy requirements and expectations.
- By requiring applicants to consistently submit information to demonstrate compliance with policy. For an application to be validated, a combined checklist will need to be submitted, as detailed below.
- By helping officers and councillors assess the environmental credentials of developments and make decisions.
- Encouraging developers to go further than current policy, to demonstrate excellence in sustainable development.

1.7 The guidance will help transition towards the Council's goal for carbon neutrality by 2030, but further detail will be considered as part of the Review of East Herts District Plan.

1.4 Policy Context

1.8 This section provides an overview of the policy context, further details relevant to each topic are provided in each section of the SPD.

1.9 The Climate Change Act (2008) established a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. In May 2019, the Government declared a climate emergency. The Committee on Climate Change recommended that the Government adopted a new emissions target for the UK: net zero greenhouse gas emissions by



2050.⁽¹⁾ This would keep the UK in line with the commitments it made as part of the 2016 Paris Agreement to keep global warming below 2°C. As a result the Government amended the legislation in June 2019 to require the UK to bring all greenhouse gas emissions to net zero by 2050.

- 1.10** The built environment has a clear role in helping to deliver these national targets. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”.

National Policy

- 1.11** The National Planning Policy Framework (2019) states that planning and development should contribute toward the environmental objective of sustainable development, which includes making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change.
- 1.12** Section 14 makes it clear planning must address climate change. New development should be planned for in ways that minimise vulnerability and improve resilience; help the reduction of greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.

Local Policy

- 1.13** The adopted District Plan (2018) expects development proposals to incorporate design and construction measures to mitigate and adapt to the impact of climate change, minimise the impact of pollution and reduce pressure on resources such as water.
- 1.14** The East Herts District Plan includes a number of policies which require applicants to ‘take account of’ or ‘demonstrate how’ different aspects of sustainable design and construction are incorporated into proposed development. However, with the exception of water use (WAT4) the Plan does not require compliance with a target.
- 1.15** The Council recognises that mandatory targets in policy, particularly in relation to energy and carbon emissions, are likely to be important to meet the national agenda. This issue will be explored and progressed as part of the District Plan Review.



- 1.16** In addition to the District Plan, development should comply with relevant Neighbourhood Plans policies.⁽²⁾ Details are provided on East Herts Council's website. Also a significant proportion of growth in East Herts is within Harlow and Gilston Garden Town. The Council remains the decision-maker for both policy documents and planning applications within East Herts, but current governance and management arrangements have been set up in partnership with Epping Forest and Harlow Districts and Hertfordshire and Essex County Councils to help ensure collaborative working.⁽³⁾ Therefore applications in the Gilston Area will need to consider the relevant policy context, including the Gilston Charter SPD and emerging Harlow and Gilston Garden Town Sustainability Guidance.

1.5 How to use the SPD?

- 1.17** Applicants should use the design guidance in this SPD to inform the design and construction of their scheme. Depending on the scale or type of development proposed, statements or surveys may be required to support an application. Details about the planning application submission requirements are set out in each topic section. Further details about submission requirements are provided on the Council's website: <https://www.eastherts.gov.uk/planning-building/make-planning-application>
- 1.18** All proposals should apply the principles in this SPD. Applications for new development that result in a residential net gain of 1 plus dwellings or an increase in non-residential floorspace should submit the combined Sustainable Design and Construction checklist in Appendix A. This will demonstrate that the principles of environmental sustainability outlined in this SPD have been considered and addressed. Information provided should be proportionate to the scale and type of development proposed. Once adopted the SPD will be a material consideration in the determination of planning applications. It will replace the Air Quality Planning Guidance (2016).



2 Design Led Approach

2.1 Context

2.1 Good urban design and sustainable design and construction are mutually inclusive. The NPPF (2019) sets out that achieving high quality places and buildings is fundamental to the planning and development process. The National Design Guide emphasises how well-designed places, that are beautiful, enduring and successful can be achieved in practice. The importance of taking account of climate and environmental change is raised as an issue that infiltrates through the whole design process. The guidance identifies 10 urban design characteristics, including the importance of context and identity. Good design is built on a foundation of thorough analysis of a site's relationship to a settlement and its immediate locality and should enhance its surroundings and be attractive and distinctive. Recent Homes England guidance, Building for a Healthy Life, explains how the integration of nature, blue and green infrastructure and pedestrian and cycle connections underpins high quality design and healthy, attractive places.

2.2 Designing and achieving more sustainable forms of development requires consideration at a strategic scale, before moving down to consider the more detailed site and construction aspects. Development sites come in a variety of sizes and level of complexity but in all cases the local context is essential in determining how the site relates to the surrounding environment, for example in terms of its character, visual relationship, proximity to open space, facilities and services and environmental conditions of the local microclimate. The context informs the layout and form of development, which then underpins the sustainability of a development and how it mitigates and adapts to climate change. These principles are explained below in Figure 1.

Further Guidance

- National Design Guide (2019), MHCLG:
<https://www.gov.uk/government/publications/national-design-guide>
- Building for a Healthy Lifestyle (2020), Homes England:
<https://www.designforhomes.org/project/building-for-life/>

2.2 Taking a holistic approach

2.3 The sustainable design considerations set out in this guidance should form an integral part of the design process so that sustainability principles are incorporated and minimum standards met where relevant (and where possible exceeded) in the most timely and cost effective way possible. It is therefore recommended that this guidance is referred to from the very start of the design process, including in early discussions with the client. Early and meaningful collaboration of sustainable design specialists in the design team - including BREEAM or Passivhaus advisors, services engineers,

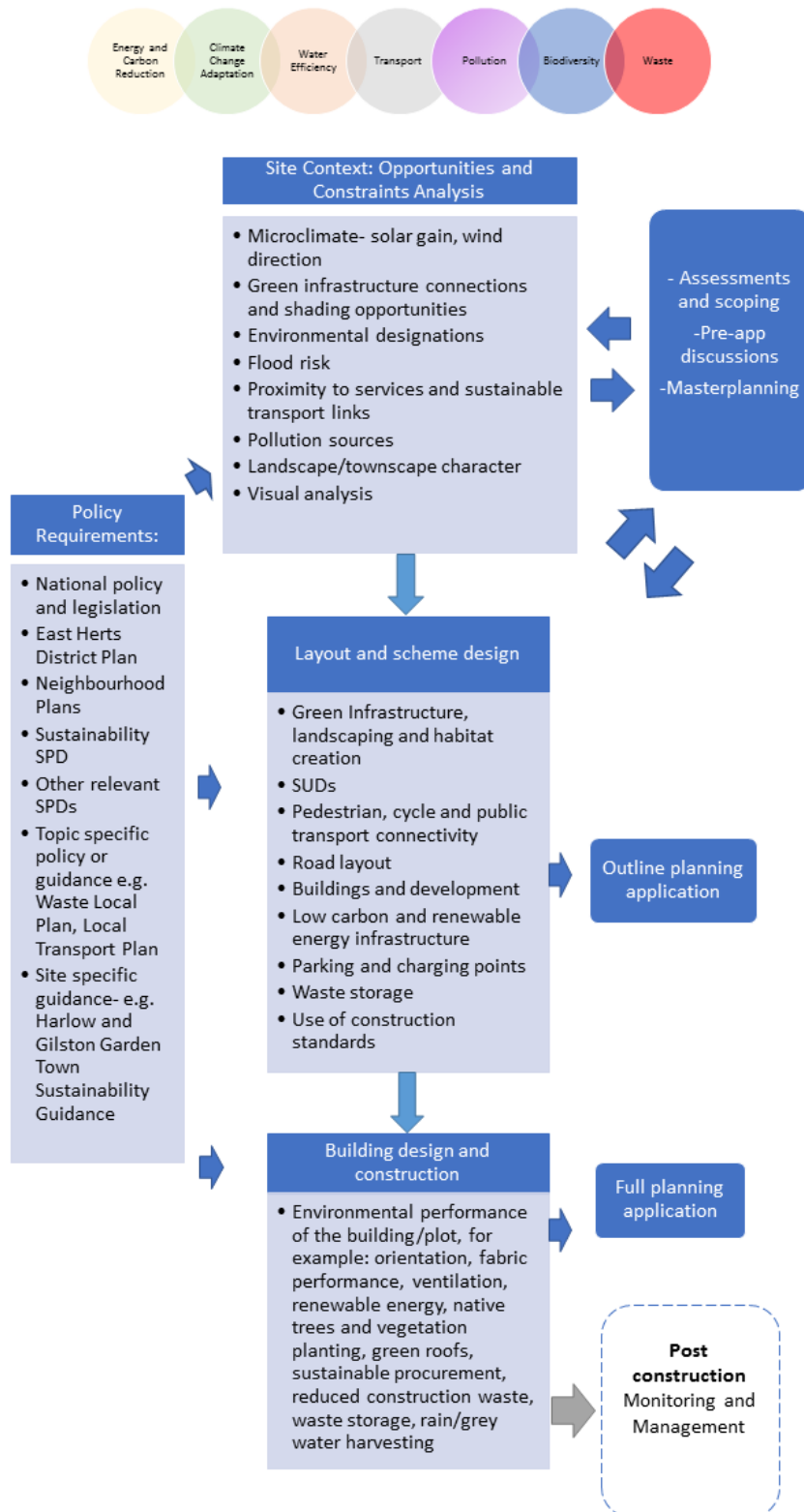


sustainable drainage specialists and landscape and biodiversity experts- is also strongly encouraged. Integrating sustainable design into the building procurement process will help development move towards net zero carbon.

- 2.4** If sustainable design is not fully considered from an early stage of the design/procurement process then problems, delays and increased costs can result. For example, if an air quality assessment is not completed until late in the design process and the study reveals a need for changes to the layout, this could raise new planning/design issues. Similarly, if the sustainable drainage strategy is only developed at a late stage rather than as an integral part of site layout and landscape planning then it could result in a need for costly late changes to comply with policy requirements. Sustainability has so much to do with location and connectivity. Engagement of landscape/townscape, ecology, heritage, drainage, transport professionals during early-stage site feasibility work is key and should be encouraged.
- 2.5** Equally if developers want the credibility of achieving best practice associated with meeting BREEAM and Homes Quality Mark requirements this will be far simpler if these standards inform the design process rather than being considered late on as a tick-box exercise. Figure 1 below outlines the different stages of the design process and how it should be a reiterative, holistic process from concept design to construction and end use.

Further Guidance

- RIBA's Green Overlay to the RIBA Outline Plan of Work www.architecture.com
- Building Hub, Designers Handbook: www.thebuildingshub.co.uk





2.3 Historic Environment

- 2.6** East Herts historic environment is one contextual issue that must be taken into account to preserve the district's character and distinctiveness. East Herts has numerous listed building and conservation areas, historic parks and gardens and scheduled monuments. In accordance with national policy and the District Plan (2018), proposals should seek to avoid harm to historic assets and preserve and enhance the character and appearance the historic environment. Actions required to limit further damaging emissions and adapt to a changing climate are likely to have important implications for the historic environment. Yet the significance and integrity of historic assets can be threatened by poorly designed interventions. Where a historic asset or its setting may be affected, careful selection and high quality design of measures is therefore fundamental. Where applicable, advice should be sought from the Council's conservation team.

Further guidance

- 2.7** Further information on climate change and the historic environment is available:
- Historic England: www.historicengland.org.uk

2.4 Construction Standards

- 2.8** The Council encourage, high quality sustainable development and recommend the use of construction standards to demonstrate excellence in sustainable development. The latest version of standards should be used and appropriate evidence must be submitted with a planning application to demonstrate compliance. The following provides a summary and overview of some of the recognised schemes:
- **BREEAM** - Building Research Establishment's (BRE) Environmental Assessment Methodology (BREEAM) is one of the most renowned standards for non-residential development. Credits are awarded across a range of topics and a final accreditation is awarded from good to outstanding. The Council recommend that the higher levels are met where possible, which can only be achieved if it is taken into account early in the design process. To demonstrate the appropriate level can be achieved a pre-assessment certificate should be submitted with an application. There are different BREEAM schemes, including new construction which relates to individual buildings and BREEAM Communities for development on a wider scale. Further details are available on the BREEAM website: <https://www.breeam.com/>
 - **Housing Quality Mark (HQM)** - Following the Government's decision to abolish the Code For Sustainable Homes, BRE introduced the HQM as an equivalent to BREEAM to assess the environmental and social



performance of new homes. More details are available on the HQM website: <https://www.homequalitymark.com/>

- **Passivhaus**- Highly efficient housing design, using building fabric performance to achieve high levels of insulation and ventilation: <https://www.passivhaustrust.org.uk/>
- **Building futures** is an interactive Hertfordshire guide to promoting sustainability in development, which provides further information on the topics within this SPD. It can be accessed at www.hertfordshire.gov.uk/microsites/building-futures/building-futures.aspx. Exemplar developments in East Herts can achieve recognition at the Building Futures annual awards.



Case Study: Cassiobury Park Hub Building, Watford

Cassiobury Park multi-purpose community hub building won the Most Sustainable Construction award at the last Building Futures Awards in 2018. The building is integrated within the landscape rather than on it and is designed to have minimal energy consumption. The orientation and layout of the building facilitate solar gain, it is built with high levels of insulation and uses energy generated by solar panels on the roof. A low-energy air-source heat pump maintains a constant temperature and a rainwater-harvesting tank collects water.



Source: Knox Bavan Architects





Case Study: Hertford Theatre- aspiring to BREEAM Excellent

The Council led project to redevelop Hertford Theatre is being designed to achieve BREEAM excellent.

The use of BREEAM has been integrated into the design process and a range of sustainable design and construction principles are being developed in order to achieve the excellent rating:

- Retaining as much of the existing building as possible;
- specifying materials with low embodied energy;
- Upgrading building fabric to increase energy efficiency and reduce carbon;
- Using air source heat pumps;
- Using intelligent building systems to reduce operational energy;
- Creating flexible, adaptable spaces so the building had longevity.

Many of these principles are addressed within this SPD.



3 Energy and Carbon Reduction

3.1 Policy Context

- 3.1** Half of all national carbon emissions come from the energy used in constructing, occupying and operating buildings.⁽⁴⁾ The Government's Clean Growth Strategy⁽⁵⁾ makes it clear that a key Government priority is to reduce the energy demand and carbon emissions created by both new and existing homes. It outlines the progress already made by measures such as improved thermal insulation and increased efficiency of boilers, and sets out what more needs to be done to minimise climate impact from buildings and help reduce energy costs.

National Policy

- 3.2** Section 14 of the NPPF clearly sets out the role of planning in addressing climate change. New development should be planned for in ways that minimise vulnerability and improve resilience; help the reduction of greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure. Paragraph 149 retains the link between planning policy and the provision of the Climate Change Act 2008. This means all local plans have a duty to reduce the carbon emissions associated with new development, contributing to England's carbon reduction targets as set out in the Climate Change Act.
- 3.3** Further guidance is provided in the Climate Change section of the National Planning Guidance (NPPG), which has been taken into consideration in the production of this SPD.
- 3.4** Beyond the planning system, the government is considering changes to legislation and policy that will promote lower carbon buildings. Changes to Building Regulations to improve the energy efficiency of new homes were recently subject to consultation. Plans for low carbon heating and high levels of energy efficiency will be introduced by 2025 and in a phased approach to this change the government has consulted on a potential 20% or 31% reduction in carbon emissions from new homes by the end of 2020. The response to this consultation has not yet been published, but it will result in mandatory improvements to the energy performance of new homes. Similar proposals for non-domestic buildings are proposed in due course. Likewise, another government consultation this year identifies the importance of using heat networks to de-carbonise heating in the UK and proposes regulations and guidance, which may impact planning policies and decisions.

⁴ Good practice Guidance: Sustainable Design and Construction, Cross Sector Group on Sustainable Design and Construction, August 2012.

⁵ <https://www.gov.uk/guidance/climate-change>



Local Policy

District Plan policies

- Policy CC2 Climate Change Mitigation
- Policy DES4 Design of Development
- Policy CC3 Renewable and Low Carbon Energy

Type of Development

- Residential and non-residential development

Submissions Requirements

- Sustainability checklist
- Sustainable Construction, Energy and Water Statement
- Carbon reduction template (can be an appendix to Statement)

Link to Sustainability checklist

- En.01, En.02, EN.03, En04, En05, En06

3.5 Policy CC2 of the District Plan promotes zero and low carbon development by requiring all new developments to demonstrate how carbon emissions will be minimised in accordance with the energy hierarchy by using less energy, increasing energy efficiency and incorporating low and renewable energy (see Figure 2). There are no mandatory targets included within the policy but achieving requirements beyond the requirements of Building Regulations is encouraged. Carbon reduction should be met on site, unless it can be demonstrated this is not feasible or viable. In such cases offsetting will then be permitted. The policy also expects that the energy embodied in construction materials is reduced through re-use and recycling of existing materials and the use of sustainable materials and local sourcing.

3.6 Policy DES4 reiterates and expands on the requirements for sustainable design and zero and low carbon development in East Herts. The policy expects development to achieve a high standard of design, which includes the use of zero or low carbon energy technologies, sustainable construction methods and electric vehicle charging points.

3.7 Policy CC3 encourages the generation of clean energy, which include schemes to provide low carbon and renewable energy generation to specific developments or wider generation proposals. The policy recognises that renewable, zero and low carbon proposals must be considered within their local context. The policy states the Council will permit the development of sources of renewable energy generation subject to assessment of the impact



on the local environment and amenity. It is vital that any impacts associated with the proposed technology are considered as part of the planning process. Guidance related to this is already available via the national Planning Practice Guidance and as such it is not considered necessary to repeat this guidance in the SPD, although pointers to this guidance will be included in the SPD.

3.2 Topic Guidance

3.2.1 Energy and carbon reduction in East Herts

- 3.8** East Herts has a carbon emission contribution of 675 CO² (kt).⁽⁶⁾ The Council is committed to reducing carbon emissions and has pledged that both the Council and the district will be carbon neutral by 2030.
- 3.9** Some reduction in carbon dioxide emissions from energy use has been achieved already but there remains a need and scope for further reductions. The reductions achieved have largely resulted from the national decarbonisation of electricity supply. As the population of the district increases this reduction may slow. There has been less progress in reducing emissions relating to gas consumption. The Committee on Climate Change has advised the Government that there is now an urgent need to eliminate the use of gas in new buildings.

3.2.2 Energy Hierarchy

- 3.10** Central to policy requirements is the hierarchical approach to reducing energy demand and associated carbon emissions. District Plan Policy CC2 requires applicants to demonstrate how development takes account of the energy hierarchy set out in Figure 2.

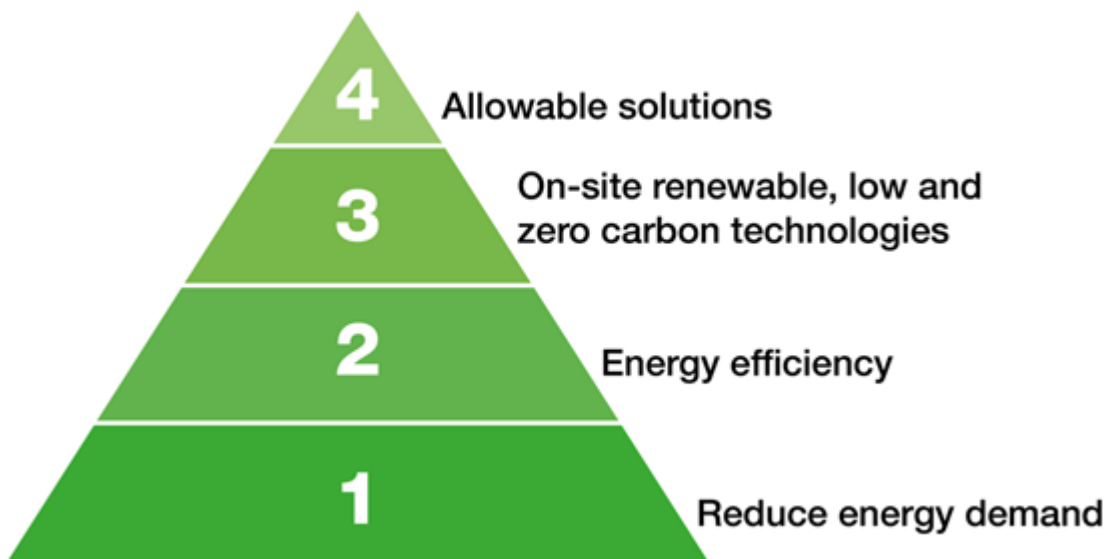


Figure 2: Energy Hierarchy

- 3.11** The energy hierarchy, as set out in the District Plan (Figure 22.1), is a sequence of steps that minimise energy consumption in a building: via passive design and orientation; fabric performance and energy efficiency. Once the demand for energy has been reduced to a minimum in a building the next step is to supply energy efficiently via renewable and low carbon energy and connection to decentralised heat and energy networks.
- 3.12** Buildings designed in line with the energy hierarchy prioritise lower cost passive design measures and fabric improvements over high cost systems such as renewable energy technologies. This will make developments more cost-effective and allows investment costs to be recovered through operational savings. On some developments it may be appropriate to have a mixed approach as the best outcome, drawing on options 1 to 3.
- 3.13** The mix of options selected should be supported in the Sustainable Construction, Energy and Water Statement by evidence of the costs of the options appraised and associated detailed cost information on the chosen option in the viability assessment.
- 3.14** If on site provision is not feasible or viable, on-site carbon emissions may be offset off-site (step 4). These are known as allowable solutions.

3.2.3 Minimising Energy Use (stages 1 and 2)

Passive Design

- 3.15** The first part of the energy hierarchy is addressed by how a building is located, oriented or designed to reduce energy consumption.



Orientation and Layout

- 3.16** By ensuring passive design elements are optimised to reduce the need for artificial lighting, heating and cooling, the design of buildings can play a significant role in reducing a building's overall energy demand. It is also important to balance this approach by minimising overheating in the summer. This is addressed in Section 4 of this SPD: Climate Change Adaption.

Key principles of using orientation and layout to reduce energy demand:

- 3.17 Site layout and relationship between buildings and adjacent uses** - All development should maximise the potential for passive solar gain.⁽⁷⁾ Early in the design process the site layout, landscape and relationship between buildings should be considered in relation to the aim to maximise the capture and use of passive solar energy whilst avoiding excessive solar gain in summer. It is important to avoid the over-shadowing of the solar orientation of buildings. Site layout should also use landform and landscape to provide shelter to minimise heat losses in winter and adequate shade in summer.
- 3.18 Building orientation and form**- To minimise heating, lighting and cooling demands, all development should use building orientation, form and the layout of rooms to ensure those spaces that require most warmth and daylight receive most passive solar gain and those spaces that need least warmth/daylight receive least. Use of a simple external building form (minimising surface area in relation to volume) can reduce heat loss. Where site constraints restrict suitable orientation or form, the Council will expect innovative techniques or approaches to be used to maximise daylight and increase solar gain, for example the use of sun pipes.⁽⁸⁾
- **Residential solar gain**- If possible building axis should be orientated in an east-west direction to provide optimum solar gain (see Figure 3). This can reduce a home's heating and cooling costs by up to 85%. Where possible, habitable rooms (such as living rooms and bedrooms) should be located on the south elevation to maximise heating and light from the sun, particularly in the winter. Potential for excessive gain in the summer should however be taken into account. On sites where building are orientated on a north-south axis, they should be angled as shown in Figure 4 to maximise heating in the morning and evening when it's needed most. This will also help minimise overshadowing between buildings due to the shadow angle created by the sun's path. It is preferable if habitable rooms are on the west elevation to maximise light and heating later in the day.

⁷ Making the best use of solar energy to heat and illuminate buildings

⁸ Sun pipes are a natural lighting system that maximises the concept of renewable energy by channelling natural daylight from roofs to indoor environments

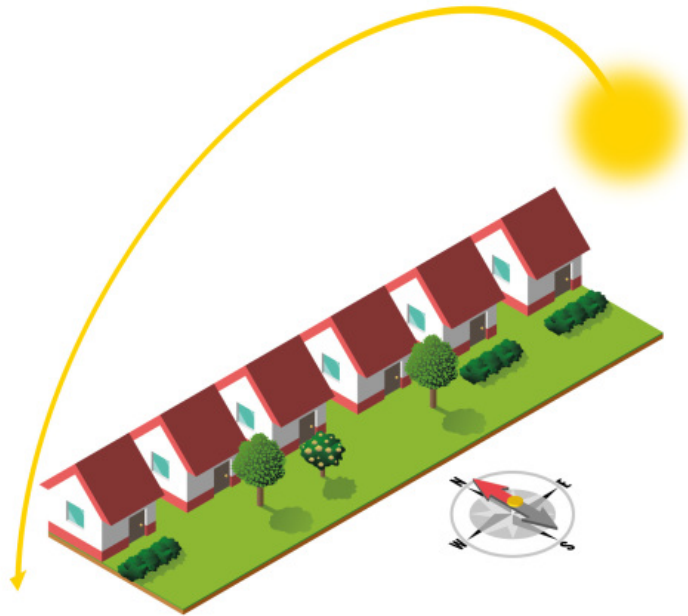


Figure 3: Development orientated on an east-west access

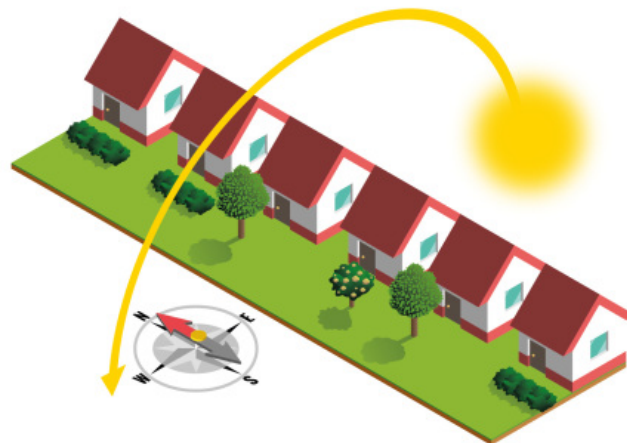


Figure 4: Development orientated on a north-south access



- **Non-residential solar gain-** Commercial properties are usually occupied during the day and often need to minimise solar gain because of heat intensive uses (such as computer use). An east-west axis is preferable with glazing on the north elevation to maximise light and prevent excessive heat gain.
- To avoid overheating in summer months buildings should incorporate eave design to allow shading, support shading devices and use green infrastructure in surrounding spaces to increase shading (see Climate Change Adaption section of this SPD for cooling advice)

3.19 Provide thermal mass and storage- Thermal mass involves using the mass of the buildings to moderate the temperature. It should not be confused with insulation and u-values; it is a passive design feature, not a method of insulation. Materials have a capacity to absorb and store heat and ultimately release it when it is cooler. It is of most value when there are temperature fluctuations, i.e. between day and night. Materials such as concrete and bricks have a higher thermal mass and others such as timber have a low thermal mass. However, the design and use of thermal mass will depend on context and needs to be considered in relation to the specific building. For example, in highly insulated buildings, with some mechanical ventilation (such as Passivhaus) there will be less temperature fluctuations and high thermal mass could cause potential for overheating. As outlined in the Climate Change Adaption section of this SPD, this needs to be taken into account.

3.20 Provision of natural ventilation- This is the process of supplying and removing air through an indoor space without using mechanical systems. This enables the flow of external air to an indoor space as a result of pressure or temperature differences. Different options are explored in the Climate Change Adaption Section of this SPD.

3.21 Planting and soft landscaping- Vegetation, trees, green roofs and green walls are also important for reducing energy required to cool buildings. They provide shade and stabilise microsystems. Trees can also help with CO² absorption and they trap particles so have an air quality benefit.

Fabric First approach

3.22 Once the demand for energy has been reduced, measures to make the best use or most efficient use of energy should be considered. The energy efficiency of a building is influenced by the use of space, insulation and materials within a building.

3.23 Making the building fabric perform more efficiently tends to be those measures which fall within building regulation process. This means that proposed buildings should have external walls, roofs, floors, windows and doors that are super insulated, airtight and wind tight. Window and doors should incorporate high performance glazing.



3.24 A good building fabric consists of:

- Continuous insulation (low U-values)
- Minimal thermal bridging (low PSI-values)
- Continuous air barrier (low air permeability)

3.25 It is recommended that buildings should achieve the highest possible standards of thermal insulation, air tightness and energy efficient lighting. The Council recommends the use of good practice standards in residential and non-residential development.



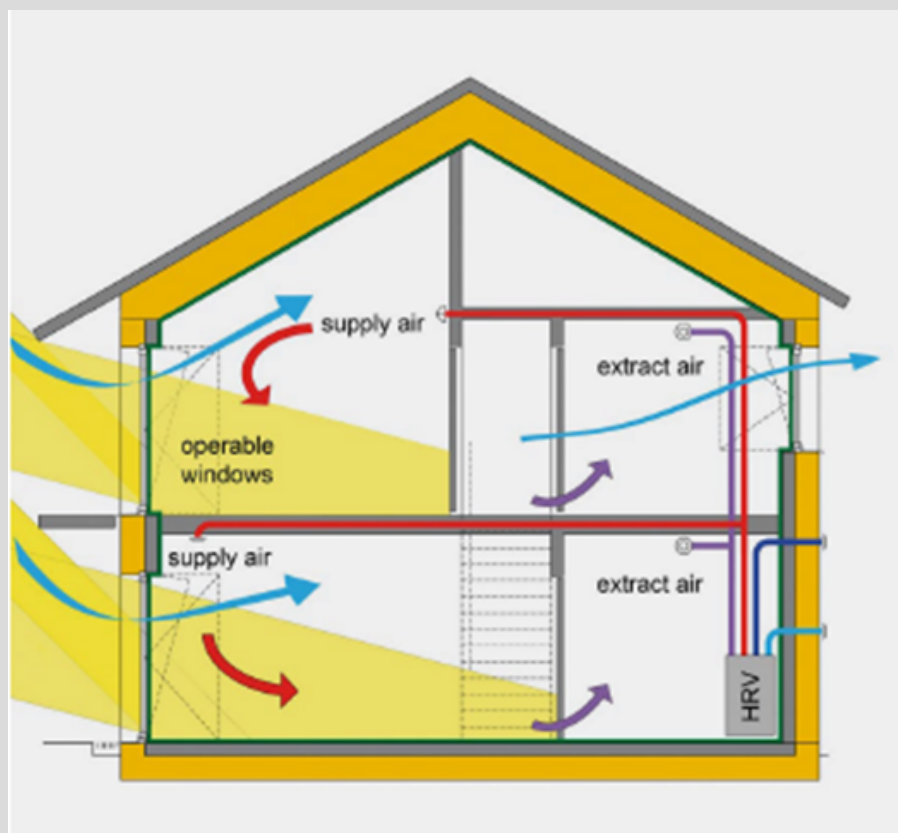
Fact box: Passivhaus

Insulation and airtightness to Passivhaus standards are encouraged by the Council as good practice.

Passivhaus takes a fabric first approach to low energy building. It reduces heating and cooling to a minimum whilst creating excellent air quality. It uses passive principles to their full extent before active systems are explored. Key features include:

- Higher levels of insulation and triple glazing
- High standards of air tightness (20 x more than a standard build)
- Mechanical ventilation with heat recovery

For more information visit the website: <https://www.passivhaustrust.org.uk/>



3.26 Case Study: Johnson Court, West Dene. A small development of rural affordable housing, designed to passivhaus standards in the Hertfordshire village of Gaddesden Row, achieved a shortlist nomination for sustainable construction excellence at the Building Futures awards in 2018. Page 61



Key principles

3.27 Insulation- Thermal insulation is an important way of improving energy efficiency by reducing the heat losses through the fabric of the building. The thermal insulating properties of building structures are compared using U-values.⁽⁹⁾ The U-value is a measure of how readily heat will flow through the structure and describes how much energy in watts (W) can pass through material from inside to outside. The lower the U-value, the less heat is transferred through it, so the more efficient it is. The most efficient buildings have a continuous insulation around the building envelope.

3.28 Air-tightness and thermal bridging- An airtight building envelope is draught-free, so ensures high energy efficiency and internal comfort. To enable a continuous air tight barrier, gaps in the fabric should be minimised. Measures include sealing joints and gaps around windows and door frames. Reducing the air permeability of the fabric requires controlled ventilation to minimise build-up of moisture, CO² and other internal pollutants. For low energy homes an air permeability of 3m³/h.m² @50pa or below should be targeted to enable efficient heat recovery ventilation. Thermal bridging is where heat is lost through a material that is more conductive than the surrounding materials, such as a metal fastener or concrete beam, or where a wall meets an external wall. Significant thermal bridges should be designed out.

Other energy efficiency measures

In addition to changes to the fabric of the building the Council will expect internal lighting, services and appliances to be energy efficient.

Further guidance

- Green Building Hub Handbook: <http://thebuildingshub.co.uk>



3.2.4 Supplying Energy More Efficiently (stage 3)

- 3.29** For buildings to maximise carbon reduction and certainly to move beyond building regulations towards net zero carbon, the residual energy requirements (once the design and fabric of new development has minimised the energy needed for heating, cooling and powering) should be supplied as efficiently as possible using renewable and low carbon energy. Policy CC2 Climate Change Mitigation requires carbon reduction on site unless it can be demonstrated that this is not feasible or viable.
- 3.30** Zero carbon technologies are those that harness renewable non fossil fuel energy to create heat or generate electricity. They are called zero carbon because they produce no carbon dioxide (CO²) emissions when producing heat or power. These technologies are sometimes referred to as micro generation, producing heat or energy locally on a small scale. Low carbon technologies are those that use fossil fuels in a highly efficient way.

Using low carbon heating and cooling systems

- 3.31** Heating is the most essential component of the UK's current residential energy consumption. Gas boilers make a large contribution to the 14% of UK greenhouse gas emissions from homes. Alternative heating systems are therefore encouraged, such as heat pumps. Heat pumps are generally more energy efficient than standard panel heating, particularly if used on a communal scale (small number of dwellings or a block of flats). The siting of air source heat pumps on buildings should be carefully considered to take account of potential noise impacts. Useful information about the efficiency of different heat pumps is available online: <http://www.bregroup.com/heatpumpefficiency/index.jsp>
- 3.32** On a larger scale, a heat network or district heating distributes heat generated at a central location to a number of residential and non-residential buildings. The Climate Change Committee estimates that if the UK is to meet its carbon targets cost effectively, around 18% of UK heat will need to come from heat networks ⁽¹⁰⁾ Various sources of heat can be used. A district heating scheme provides heat from a central source and distributes it to multiple buildings. Combined Heat and Power (CHP) is a technology that produces electricity close to the point of use and captures the waste heat that is normally lost to provide heating, hot water and sometimes cooling. The Hertfordshire Renewable and Low Carbon Energy Study (2010), was produced as part of the evidence base to the District Plan. (<https://www.eastherts.gov.uk/evidencebase>) The study identifies the potential for district heating networks in East Herts towns where heat demand is highest. The heating opportunity areas are set out in figure 6.1 of the study.



3.33 Gas-fire CHP is currently considered a low carbon technology, so please see the advice note in Appendix D. However, applicants should take account of the Government's intention to ban gas boilers in new homes from 2025 in a bid to tackle climate change.⁽¹¹⁾ Likewise, the decarbonisation of mains electricity (proposed changes to the carbonisation of electricity in SAP10,⁽¹²⁾ means a long-term view of the carbon emissions associated with gas fired CHP should be taken into consideration. Electric heat pumps or renewable energy are other heat sources that are becoming increasingly popular in heating networks and are key in the move towards net zero carbon buildings.

3.34 It is essential that CHP and heat networks are installed and operated appropriately. Design of heat networks should achieve the best practice standards of the ADE & CIBSE Code of Practice for Heat Networks.⁽¹³⁾ Impact on air quality must also be taken into account and emissions must not exceed guidance in the Pollution section of this SPD.



Marmalade Lane. Source: <https://www.buildingfor2050.co.uk/>

3.35 **Case Study: Marmalade Lane**, Cambridge- Development of 42 homes built using a fabric first approach, incorporating mechanical ventilation and heat recovery and timber panels constructed off site. Air source heat pumps are used to supply heat and hot water.

3.36 In East Herts there are currently no existing district heating networks, so connecting to existing networks is not possible. However, the Council recommend that large-scale development seeks to establish district heating networks and if this is not feasible, applicants should at least consider installing heating and cooling equipment that is capable of connection at a later date. Large-scale mixed use development is most suitable because it enables good anchor load and diversity of heat demand. To facilitate the consideration of district heating potential all major new development allocated in the District Plan or located in the heat opportunity areas in Figure 6.1 of the Hertfordshire Renewable and Low Carbon Energy Study

¹¹ HM Treasury (2019) Spring Statement 2019

¹² Standard Assessment Procedure (SAP) is the assessment used in building regulations. SAP10 is the most recent version of this assessment, and was released alongside the Government's consultation on proposed changes to Part L of the Future Homes Standard.

¹³ <https://www.cibse.org>



should assess the feasibility of providing new district heating network. The Council recognises that low temperature, fossil free district heating is the most sustainable option.

Incorporating renewable energy

3.37 The use of onsite renewable technologies is encouraged to increase CO² emissions, particularly for those developments seeking to achieve net zero carbon developments. The Hertfordshire Renewable and Low Carbon Study (2010) explored a range of renewable and low carbon technologies and their feasibility and viability implications. Table 1 sets out a list of renewable energy technologies and their suitability in East Herts. It is acknowledged that new technologies may also be developed so the Council will also consider alternative proposals if relevant.



Photovoltaic panels generating electricity. Alternatively solar thermal roof panels can be used to generate hot water.

Renewable Technology	Suitability
Solar PV	Yes
Micro Wind	No, unlikely to be economic because of poor energy yields experienced in practice.
Large scale wind	Yes, in appropriate locations with sufficient wind speeds (see figure 6.1 of Hertfordshire Renewable Study).
Biomass boilers	Unlikely to be supported within an Air Quality Management Area or where it may impact on residents unless it can be clearly demonstrated that there will be no adverse impact on air quality.
Solar thermal	Yes



Air source heat pumps	Yes, where communal solutions are not possible
Ground source heat pumps	Yes, where communal solutions are not possible
Water source heat pumps	Yes, best suited to large scale communal heating solutions

Table 1: Overview of renewable technologies and suitability in East Herts

3.38 The feasibility of the renewable energy proposal should be considered in relation to the site context and the identified considerations in Policy CC3. Likewise, if relevant, appropriate licenses should be sought from the regulation body. For example water and ground source heat pumps may require licenses from the Environment Agency in some instances. It is recommended that early discussions take place with the relevant organisation to ensure the appropriate technology is selected in the appropriate location.

3.39 The Council recognises that renewable and low carbon technologies are not always feasible or viable. However, if this is the case, applicants should provide justification in their Sustainable Construction, Energy and Water Statement (see submission requirements).

3.2.5 Site Wide Approaches to Energy

3.40 All significant development proposals, that meet the definition for masterplanning in DES1, offer opportunities to consider site wide approaches to renewable and low carbon energy provision. For example, in some sites the mix of uses and densities may enable the use of district heating, or provide opportunities for the development of large scale renewable energy installations adjacent to new development, for example solar arrays linked to battery storage and electric vehicle charging provision to create a smart grid to energy infrastructure (see transport section of this SPD). Such approaches will also help development transition to low and zero carbon in the future as once the infrastructure is in place to support site wide energy approaches, the technologies behind this infrastructure can more easily be upgraded to reflect advances in technology. Therefore, in the Sustainable construction, energy and waste Statement, consideration should be given to the technical feasibility and viability of site wide approaches to energy provision. This should include both the technology and associated infrastructure (heat networks and smart energy grids).



- 3.41** At Harlow and Gilston Garden Town (HGGT), the emerging Sustainability Guidance and Checklist will guide a site wide approach to energy and carbon reduction across the Garden Town. Applicants with development within the Gilston Area will also need to take account of the HGGT sustainability guidance as a material consideration.

3.2.6 Sustainable Construction

- 3.42** Another means of reducing carbon emissions of buildings is considering the carbon locked in construction materials, known as embodied energy. Policy CC2 requires that the energy embodied in materials is reduced through re-use and recycling and the use of sustainable sources and local sourcing. Consideration of embodied carbon is likely to become increasingly important as society transitions to a low and indeed zero carbon society. It also forms part of achieving a circular economy, which is explained in more detail in the waste management section of this SPD.
- 3.43** The World Green Building Council estimates that, globally construction accounts for 11% of carbon emissions.⁽¹⁴⁾ When sourcing materials for a development, applicants should consider the following principles for improving the environmental performance of materials that should be used:
- Environmental impact- Use materials that have low embodied energy (e.g. lime based products or timber) which have been manufactured through processes with low consumption of energy.
 - Responsible sourcing- Use materials from sustainably managed sources.
 - Re-use of materials- Re-using materials from the development site and reclaimed or recycled materials for a range of uses.
 - Transport- Use local materials to reduce transportation costs
- 3.44** The greatest opportunity for impact on embodied carbon comes at the design stage, in particular in the building structure. If opportunities are not taken at this early stage, the embodied carbon savings are lost for the entire lifetime of the building. The Council recommend early engagement as part of the pre-application process for schemes looking to utilise materials with low embodied carbon. Opportunities for sustainable procurement should also be explored, encouraging the use of contractors and suppliers that have zero and low carbon credentials.
- 3.45** The Council support the use of modern methods of construction- essentially off-site construction- because it can help reduce embodied energy by reducing waste on site and increasing the speed on construction.



Further guidance

3.46 For further guidance on the responsible sourcing of materials and embodied carbon, please see:

- Green book live. Available online at: <http://www.greenbooklive.com/>
- RICS professional standards and guidance, UK. Whole life carbon assessment for the built environment, 1st edition, November, 2017. Available online at: <https://www.rics.org>
- WRAP Embodied Carbon Database: <http://ecdb.wrap.org.uk/Default.aspx>

3.2.7 Transition to Net Zero carbon

3.47 As set out above, District Plan Policy CC2 Climate Change Mitigation requires development to reduce emissions, encouraging standards above the requirements of Building Regulations and Policy DES4 expects proposals to incorporate sustainable construction techniques including zero or low carbon energy. Policy requirements expect new development to follow the hierarchical approach to reducing energy demand and associated carbon emissions. The submission requirements section outlines the need to provide evidence of carbon reduction. Whilst there are no mandatory reduction targets in current policy, table 2 identifies benchmarks that applicants are advised to work towards to address the national and local pledges to move towards net zero carbon. The table presents a tiered approach to carbon reduction to explain how the proportionate reductions relate to the time frame for achieving net zero carbon development.

Suggested carbon reduction benchmarks	Explanation
19%-34% improvement of 2013 Part L Building Regulations (residential) BREEAM Very Good (non-residential)	A 19% reduction is used as a baseline in many Local Plan policies, ⁽¹⁵⁾ and can be achieved through energy efficiency measures or a combination of energy efficiency and renewables (i.e. photovoltaics). Research suggests it will involve only a modest increase in build costs. ⁽¹⁶⁾ Changes to Building Regulations by the end of 2020 are expected include a 20% or 31% improvement to building regulations, so this level of carbon reduction is likely to become mandatory.



<p>35%-50 improvement of 2013 Part L Building Regulations (residential)</p> <p>BREEAM Excellent (non-residential)</p>	<p>This level of reduction would contribute towards a goal of all buildings being net zero carbon by 2050.</p> <p>The Climate Change Committee indicates that buildings will need to be net zero carbon by 2050 to meet national climate change targets.</p>
<p>50% + improvement of 2013 Part L Building Regulations</p> <p>BREEAM – Excellent (non-residential)</p> <p>Nb. BREEAM outstanding can only be achieved if unregulated energy is reduced, not just energy regulated by Building Regulation (see ‘Direction of Travel’ section below).</p>	<p>This level of reduction would contribute towards a goal of all buildings being net zero carbon by 2030.</p>

Table 2: Carbon reduction benchmarks that applicants are advised to achieve

Direction of travel

3.48 The zero carbon agenda is an evolving area which future planning policies will need to address in order to address the Council’s declaration to aim for carbon neutrality across the district by 2030. The decarbonisation of the electricity grid (increasing use of renewable energy generating electricity for the grid) offers opportunities to assist in the aspiration for net zero carbon building but this will need to be coupled with increases in the energy efficiency of buildings and renewable sources of energy. The definition of net zero carbon varies, but there is a growing direction of travel⁽¹⁷⁾ from looking at net zero carbon in terms of emissions regulated by building regulations during the construction of a building towards achieving net zero carbon in terms of the whole life carbon of a building, which effectively includes:

- Embodied energy- Carbon emissions emitted during the manufacture, transport and construction of building materials, together with end of life emissions (as referenced above).
- Operational energy- buildings are supplied 100% renewable energy and operate fossil fuel free (including all unregulated energy such as lighting and appliances)



3.49 The Council will assess the approach to net zero carbon when it starts to review the District Plan policies within the next year. However, in light of this emerging agenda this SPD encourages new development to demonstrate excellence in sustainable development by taking innovative approaches to net zero carbon, including the following:

- Measuring the embodied energy in materials through the life of the development.
- Using tools to calculate whole life-cycle carbon of new developments, such as RICS⁽¹⁸⁾
- Monitor the operational carbon use annually
- Develop sustainable procurement processes

3.50 It is not a requirement to submit evidence of carbon reduction in household applications, but retrofitting is important to ensuring all buildings contribute to carbon neutrality. As such, applications to improve the sustainability of existing buildings/ extensions are encouraged.

Further Guidance

- Energy Saving Trust: www.energysavingtrust.org.uk
- Policy playbook (2020), Driving Sustainability in new homes – a resource for local authorities: <https://www.ukgbc.org>
- LETI (2020) Climate Emergency Design Guide: <https://www.leti.london/cedg>

3.3 Submission Requirements

3.51 To ensure compliance with the relevant District Plan policies all new residential and non-residential development must submit a completed Sustainability Checklist and a Sustainable construction, Energy and Water (ScEW) Statement to demonstrate:

- All relevant checklist criteria relating to energy and carbon (including sustainable construction) have been considered and explained in the ScEW Statement as required.
- How the developer has minimised CO2 emissions in line with the stage of the energy hierarchy to demonstrate compliance with Policy CC2 and guidance in this SPD.
- To evidence this reduction with a summary of the calculations, applicants should submit the carbon reduction template in Appendix B, as an appendix to the ScEW Statement. This must:
 - Be applied to each unit or residential building envelope proposed as part of a development.



- Use the Target Emission Rate (TER) and Dwelling Emission Rate (DER) derived from the calculations carried out for Building Regulations compliance (Part L).
 - Include sample Standard Assessment Procedure (SAP) ⁽¹⁹⁾ calculations appended to the Carbon Reduction template as evidence of compliance. It is recommended that SAP 10 carbon intensity figures are used, to take account of the decarbonisation of electricity. Applicants should be mindful of Government's intention to ban gas boilers in new homes from 2025.
 - Calculations should be shown relative to existing Part L regulations, so it is clear how well the development performs above building regulations.
- Where renewable energy technologies are proposed they should be an integral part of the design and the location and indicative layout of those technologies should be shown on drawings. Final layouts will be secured by planning condition as appropriate.
 - Applicants proposing Combined Heat and Power should adhere to admissions advice (see pollution section of this SPD and advice note in Appendix D)
 - If carbon reduction is not possible on-site, feasibility and viability evidence should be submitted.
 - The Sustainable construction, Energy and Water Statement (including carbon reduction template) and checklist must be submitted for outline applications

3.4 Checklist

3.52 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in table 3 below. More detail about the approach should be included in the Sustainable Construction, Energy and Water Statement.

Energy and carbon reduction		
Ref	Checklist criteria	Summary of approach to address the criteria
En. 1	Have carbon reduction calculations been included in the Sustainable construction, Energy and	



	Water Statement? (See Appendix B for a carbon reduction template)?	
En.2	How have the site layout and building orientation and form been designed to minimise energy use?	
En.3	What proportion of the total number of buildings, are orientated to secure optimum solar gain? (East-West axis)	
En.4	How has the energy hierarchy been applied to prioritise reducing the need for energy and implementing the 'fabric first approach'?	
En.5	How will you ensure that where renewable/ low carbon technologies have been included to reduce carbon, that these will be successfully integrated into the design of the development?	
En.6	How has the energy embodied in construction materials been reduced? (e.g. reuse and recycling/ sustainable materials/ locally sourced)	

Table 3: Energy and Carbon Reduction Checklist

3.53 The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.



4 Climate Change Adaption

4.1 Policy Context

- 4.1** The changing climate means the UK will need to adapt to extreme rainfall events, warmer, wetter winters and hotter, drier summers. The potential for hazards such as heatwaves, flooding and droughts will increase and it is essential the built environment is adapted to increase resilience to such events.

National Policy

- 4.2** Under section 19 (1A) of the Planning and Compulsory Purchase Act 2004, as amended under the Planning Act 2008, local authorities are required to reduce future climate risks through the planning system. The National Planning Policy Framework (2019) requires local plans to contribute to climate change adaptation and include appropriate measures to ensure future reliance for communities and infrastructure to the impacts of climate change. Paragraph 149 states:
- 'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures'.*
- 4.3** The Climate Change and the Flood risk and Coastal Change sections of the Planning Practice Guidance (NPPG) ⁽²⁰⁾ provides further guidance about how the design and location of development can contribute towards adaption to climate change.



Local Policy

District Plan policies

- CC1 Climate Change Adaptation
- DES4 Design of Development
- WAT5 Sustainable Drainage

Type of Development

- Residential or non-residential development

Submissions Requirements

- Sustainability Checklist
- Sustainable Construction, Energy and Water Statement
- Flood risk and drainage assessment, when relevant

Link to Sustainability Checklist

- CA.1, CA.2, CA.3, CA.3, CA.5, CA.6, CA.7

4.4 The District Plan includes a range of policies to address the impact of climate change. **Policy CC1** Climate Change Adaption states that all new development should demonstrate how the design, materials, construction and operation of development will minimise overheating and enhance the integration of green infrastructure. **Policy DES4** Design of Development states that development proposals that create new or have a significant impact on the public realm must maximise opportunities for urban greening. **Policy NE4** promotes the need to protect and enhance green infrastructure networks.






4.5 Addressing the potential for increased flooding, District Plan **Policies WAT1** Flood Risk Management and **WAT5** Sustainable Drainage require development to assess the risk of flooding when selecting and designing a site, take into account the impacts of climate change and to utilise drainage in accordance with the Sustainable Urban Drainage (SUDs) hierarchy.

4.2 Topic Guidance

4.2.1 Climate Change Adaptation in East Herts

4.6 The draft Sustainable Hertfordshire Strategy (2020) identifies national statistics about our changing climate that are equally as relevant to Hertfordshire:



Climate Trend		Projections
	Hotter Summers	Heatwaves, like those experienced in 2018, are likely to occur every other year by 2050. The hottest day could also be up to 2.5°C warmer by 2030 and 4.4 warmer by 2050.
	Warmer Winters	Mean winter temperatures could increase by up to 2°C by 2030 and 3°C by 2050. Rising winter temperatures are likely to reduce the amount of snowfall in winter.
	Drier Summers	Projections suggest up to a 28% decrease in summer rainfall in 2030 and a 45% decrease by 2050.
	Wetter Winters	Winter rainfall could increase by up to 14% by 2030s and up to 25% by the 2050s.
	Increased Storminess	We will see heavier downpours leading to local flooding. There may be an increase in the frequency and intensity of storms, which is likely to lead to more flash flooding. However, there is currently uncertainty in projections.

Source: Sustainable Hertfordshire Strategy, 2020

- 4.7** At a county and district level there is a strong commitment to addressing the impacts of these climate changes. The draft Sustainable Hertfordshire Strategy encourages partnership working with districts to ensure that planning delivers development that is climate resilient. Tackling flood risk in collaboration with the Environment Agency and delivering sustainable urban drainage is identified as a key issue.

4.2.2 Overheating

- 4.8** When applicants address the guidance in the Energy and Carbon Reduction section of this SPD to maximise solar gain and improve the fabric performance of buildings, it is essential this is considered alongside measures to reduce overheating. High indoor temperatures can have a detrimental impact on quality of life and excessive or prolonged high temperatures significantly affect the health and well-being of occupants. There are approximately 2,000 heat related deaths each year in the UK. In urban areas summer temperatures are predicted to rise by between 2 and 4 degrees by 2050.⁽²¹⁾
- 4.9** The 'urban heat island effect' is a phenomenon whereby urban temperatures are higher than the surrounding rural areas due to heat being stored and 'trapped' within building structures. The result is urban centres that can be a lot warmer than the surrounding countryside, especially at night. According to the South East Climate Change Partnership the urban heat island currently adds up to a further 5-6°C to summer night temperatures and will intensify



in the future. Consequently, overheating of the external environment needs also to be addressed and developers must have regard to the heat island effect on any urban development.⁽²²⁾

39

- 4.10** Air conditioning is often used to cool buildings, particularly offices. However, this increases carbon emissions and is costly for consumers to purchase and maintain. Therefore other mitigation measures should be prioritised.

Cooling hierarchy

- 4.11** To meet the requirements in Policy CC1 to minimise overheating, applicants are expected to follow the cooling hierarchy set out in Figure 5.



Figure 5: The Cooling Hierarchy- adapted from Cambridge Sustainable Design and Construction SPD, 2020

- 4.12** It is recommended that thermal modelling is used to understand the performance of a proposed new development, with buildings designed and built to meet CIBSE's (Chartered Institute of Building Service Engineers) latest overheating standards. As part of this, consideration should also be given to future climate scenarios, for example using CIBSE future weather data. Where officers have concerns about the potential for overheating, a planning condition may be used to secure overheating analysis, for example for a sample of units on a site.

Passive Design

- 4.13** Whilst solar gain helps minimise energy use (see energy and carbon reduction) it is important it is controlled to prevent overheating. Different measures of solar control include considering the size, type and location of window openings and glazing, the use of shading devices (such as brise soleil⁽²³⁾) and the use of green roofs and shading for shading and evaporative cooling.



Shading device at University of Cambridge Primary School. Source: University of Cambridge, Eddington, Cambridge

4.14 Figure 6 shows how roof design and planting of vegetation can reduce solar glare, whilst still allowing in daylight and warmth from the sun. Building fabric measures (as detailed in the energy and carbon reduction section of this SPD) also help cooling. A well-insulated, airtight building prevents heat penetrating and minimises uncontrolled air permeability. Using materials with high thermal mass, stores heat in the day and dissipate it at night, usually via a ventilation system.

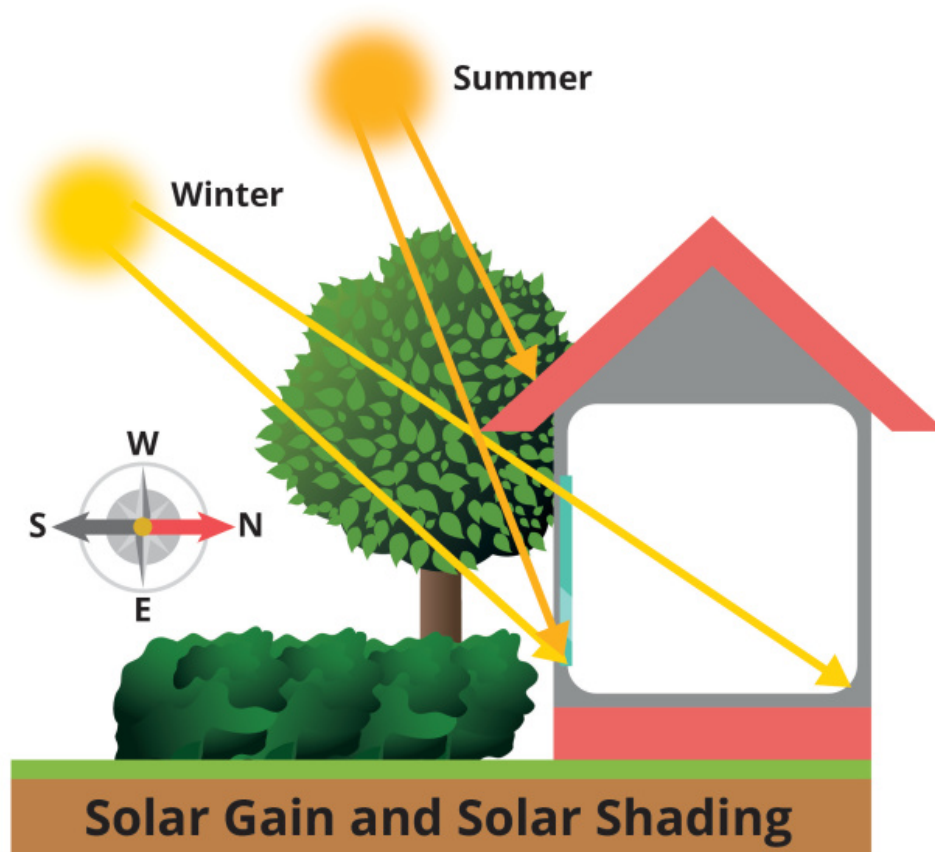


Figure 6: Passive cooling from building design and landscaping



Passive/ natural cooling

4.15 The next stage in the hierarchy is using natural ventilation to circulate natural air around a building, without the use of a mechanical cooling system. It should be noted that there may be circumstances (such as proximity to noise or air pollution sources) where this is not suitable so the local context is important. Some of the different techniques that can be used include:

- Cross ventilation- Simple passive cooling with openable windows.
- Passive stack ventilation- Uses ducts to circulate air around the building. Brings cool air in and expels warm air from the top of the building.

4.16 Single aspect dwellings should be avoided for all schemes as effective passive ventilation can be difficult or impossible to achieve. Windows and/or ventilation panels should be designed to allow effective and secure ventilation. In winter when passive ventilation is not required vents can be closed.

Mixed Mode Cooling

4.17 The third stage of the hierarchy encourages the use of local mechanical ventilation/cooling where required to supplement the above measures using (in order of preference): firstly low energy mechanical cooling (e.g. fan powered ventilation with/without evaporative cooling or ground coupled cooling); Secondly, air conditioning, which is not a preferred approach as these systems are energy intensive. This approach provides more control over the internal temperature.

Mechanical ventilation/ cooling system

4.18 This approach involves using a whole building mechanical ventilation/ cooling system, such as using air conditioning throughout an office building. This approach should be the last resort and the lowest carbon systems should be used.

Further guidance

4.19 For further detailed guidance on overheating see:

- Building Futures, Climate Change Adaptation Module. Available online at: <https://www.hertfordshire.gov.uk/microsites/building-futures/building-futures.aspx>
- Good Homes Alliance (2019). Tool and guidance for identifying and mitigating early stage overheating risks in new homes. Available online at: <https://goodhomes.org.uk/overheating-in-new-homes>
- CIBSE Guides (note there is a charge to access these documents for non-members):



- CIBSE TM52: The Limits of Thermal Comfort: Avoiding Overheating in European Buildings (2013).
- CIBSE TM59: Design Methodology for the Assessment of Overheating Risk in Homes (2017).

4.2.3 Green Infrastructure

4.20 Multi-functional green infrastructure at various scales has an important role to play in enhancing environmental sustainability, as well as wider value in terms of place shaping and health and wellbeing. This section explains how it is essential to the district's resilience to climate change. In accordance with policies CC1 Climate Change Adaption, DES4 Design of Development and NE4 Green Infrastructure, applicants will need to demonstrate how green infrastructure has been used at different scales to address the impacts of climate change.

Urban extension/ neighbourhood scale

4.21 Trees, woodlands, vegetation, landscape and water can provide a significant contribution to helping adapt to climate change. They can help to dissipate the impact of heavy rainfall, reduce urban temperatures, and provide shaded outdoor areas and streets to protect against the detrimental effects of sunlight. The preference will be to, where possible, use large canopy species that provide more benefits for climate adaptation. There will also be a need to use tree species that can themselves adapt to changing climate conditions particularly the higher temperatures and potential drought conditions in summer. It is essential that new provision complements existing green infrastructure. Protecting and enhancing existing green infrastructure is key, mature trees and woodlands should be retained and enhanced wherever possible. More detail is provided in the biodiversity section of this SPD. At a larger scale, landscape across large sites/ urban extension can help mitigate overheating. For example, in the Harlow and Gilston Garden Town, a landscape-led approach will help increase resilience to climate change in addition to creating a sense of character.⁽²⁴⁾

Buildings

4.22 As outlined in Figure 6 vegetation helps to reduce overheating in buildings by providing shading. Deciduous trees in particular are very beneficial. They allow sunlight to reach buildings during the cooler winter months and protect from sunlight (UV) and overheating during the warmer summer months. Species selection and siting should be carefully considered to maximise the ecosystem benefits of trees on a development site.



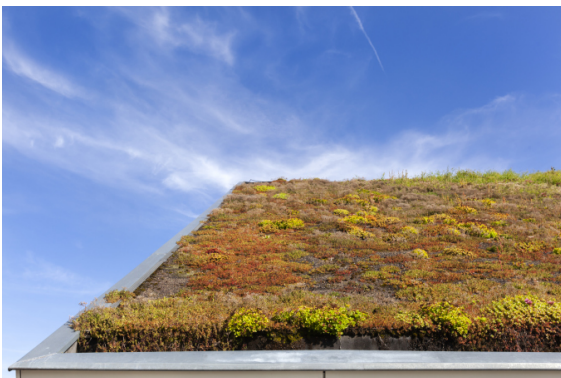
- 4.23** When combined with other measures, or integral, as part of sustainable urban drainage schemes, trees have a major role to play in both the development of green infrastructure and reduction of flood risk relating to new development, alongside other landscaping, such as green roofs.

Green roof and walls

- 4.24** Where possible, applicants should integrate green roofs and walls into buildings as they have many benefits that enhance resilience to climate change:

- Reduce surface runoff, which is likely to increase due to increases in extreme rainfall events.
- Green roofs have been shown to have a significant effect in cooling buildings, particularly areas directly under them because they have substantial thermal mass so can provide moderate insulation. They can cool internal temperatures by 2°C. In addition, green roofs work well with solar panels and can increase the panel's efficiency by regulating temperature. As a green roof is more able to maintain a more constant temperature around the panels than a traditional flat roof, their combined use can help to maximise the efficiency and power output of solar panels. Where solar panels are proposed, biosolar roofs should be incorporated under and in-between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation.

- 4.25** Green roofs also have wider benefits; enhancing biodiversity and reducing air pollution. More information about these functions is set out in the biodiversity and pollution sections of this SPD. It is important to consider the maintenance requirements when proposing to use a green wall or roof. As set out in the biodiversity section of this SPD, some types require less management.



An example of an extensive green roof, which requires little management

Further guidance



- East Herts Green Infrastructure Plan: <https://www.eastherts.gov.uk/evidencebase>
- Planning for Green and Prosperous Places. TCPA (January 2018). Available online at: <https://www.tcpa.org.uk>

4.2.4 Sustainable Urban Drainage

Sustainable urban drainage (SuDS) is an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches. In addition to flood reduction benefits it can also help manage pollution and provide landscape and biodiversity benefits.

- 4.27** Climate change will increase the risk of flooding due to wetter winters and more intense summer rainfall. Applicants should take account of the East Herts Strategic Flood Risk Assessment, which has considered the changing weather patterns associated with climate change at a strategic scale.
- 4.28** In accordance with Policy WAT 5 Sustainable Drainage, applicants should use Sustainable urban drainage (SUDs) to manage surface water on site and prioritise the most sustainable forms of drainage systems. Further advice on SUDs should be sought from Hertfordshire County Council as the Lead Local Flood Authority (LLFA). The NPPF requires all major developments to include SUDs (paragraph 165). The LLFA must be consulted so they can assess the suitability of surface water drainage arrangements to ensure the development will not increase the risk of flooding elsewhere. Guidance for developers on the requirements for SUDs in East Herts is available on the County Council website as detailed below. Pre-app discussions with the County Council (and the Environment Agency if River flooding is an issue) are encouraged to ensure any drainage and flooding issues are addressed early in the design process.



SUDs incorporated into new development in north-west Cambridge. Source: University of Cambridge, Eddington

Further Guidance

Local Flood Risk Management Strategy (2019) Hertfordshire County Council

Guidance for developers, Hertfordshire County Council

Climate Change Allowance note (2016) Hertfordshire County Council

<https://www.hertfordshire.gov.uk>

4.3 Submission Requirements

4.29 To ensure compliance with the relevant District Plan policies all new residential and non-residential development must submit a completed Sustainability Checklist and a Sustainable construction, Energy and Water Statement (ScEW) to demonstrate:

- All relevant checklist criteria below relating to climate change adaption have been considered and explained. Any overheating assessments and Green Infrastructure plans and proposals are explained.
- All major development (10 dwellings and over 1000sqm of non-residential floorspace) must submit a Flood Risk Assessment, which includes details of SUDs. The Council will then consult Hertfordshire County Council on proposals.⁽²⁵⁾



4.4 Checklist

4.30 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in Table 4 below. More detail about the approach should be included in the Sustainable construction, Energy and Water Statement (ScEW).

Climate Change Adaption		
Ref	Checklist criteria	Summary of approach to address the criteria
CA. 1	How have the site layout and buildings been designed to mitigate overheating, giving priority to measures in line with the cooling hierarchy?	
CA.2	Has an overheating assessment been undertaken?	
CA.3	What Green Infrastructure is proposed?	
CA.4	How have existing landscape features such as trees/woodlands and hedgerows been protected and incorporated within a Green Infrastructure network?	
CA.5	Have green roofs or walls been included? Please explain your answer.	
CA.6	Have measures been included to address surface water runoff?	
CA.7	If the application is major development, have details of SUDs been submitted?	

Table 4: Climate Change Adaptation Checklist



- 4.31** The checklist needs to be submitted with applications for all new development. A combined checklist is included in Appendix A. The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.



5 Water Efficiency

5.1 Policy Context

- 5.1** Abstracting sufficient water to meet human consumption is likely to become increasingly difficult. Climate change, leading to hotter, drier summers combined with population growth is putting pressure on water availability.⁽²⁶⁾ The Government is committed to reducing water consumption over the next 25 years.⁽²⁷⁾

National Policy

- 5.2** Planning has a role to play in improving the water efficiency of new developments. The NPPF requires plans to take into account the implications for water supply when seeking to address the impacts of climate change. Following the technical standards review in 2015, technical standards relating to water efficiency have been incorporated into building regulations. In water stressed areas such as East Herts, compliance with the water consumption standard of 110 litres per person per day in new homes can be applied. This level is in line with the optional water efficiency requirement contained within Part G of Building Regulations and is supported by the Environment Agency.

Local Policy

District Plan policies

- Policy WAT4 Efficient Use of Water Resources

Type of Development

- Residential and non-residential development
- Residential target of 110 litres per person per day

Submissions Requirements

- Sustainability Checklist
- Sustainable Construction, Water and Energy Statement

Link to Sustainability checklist

- Wa.1, Wa.2, Wa.3

26 The State of the Environment; Water Resources Report (2018): <https://www.gov.uk/government/publications/state-of-the-environment>

27 25 Year Environment Plan (2018): <https://www.gov.uk/government/publications/25-year-environment-plan>



- 5.3 Policy WAT4** Efficient use of Water Resources requires development to minimise the use of mains water by incorporating water saving measures and equipment; grey water recycling and natural filtration measures and designing new residential development to meet a target of 110 litres or less per head per day.

5.2 Topic Guidance

5.2.1 Water efficiency in East Herts

- 5.4** Between 2007 and 2012 the average resident of East Herts consumed 160 litres per person/day of water, which is above the national average. Given that the Environment Agency has identified this area as being particularly water stressed, the high consumption is a key concern, particularly in the context of climate change. One of the water supply companies to the area, Affinity Water, estimates that climate change is likely to reduce the supply of water in its central area by 39 million litres a day by 2080. In this context, there is likely to be less water available and potentially negative impacts on the water environment, as low river flows can impact on ecology. Therefore, there is a greater need for demand management and water efficiency in the area. As a result, designing new developments for optimal sustainable water consumption will become even more important.

5.2.2 Compliance with residential target

- 5.5** All new residential development should comply with the water consumption target in Policy WAT4 of 110 litres or less per head per day. The Sustainable Construction, Water and Energy Statement should indicate what measures have been used to comply with the target. Water efficient measures (such as meters) and appliances can often be used to meet the target (see submission requirements section).
- 5.6** Building regulations also allow for a fittings approach to be used to comply with the target. Table 5 replicates the table from Part G of the Building Regulations 2010 (2015 Edition with 2016 amendments), which sets out the values fittings must not exceed to meet the target. Table 5 also includes advanced fitting standards set out in the Housing Quality Mark accreditation as the Council supports the use of good practice.

Water fitting	Building regs Part G2, optimal requirement- max consumption	Advanced consumption, Housing Quality Mark Standard
WCs	4/2.6 litres dual flush	4/2 litres dual flush (max 3 litres effective flushing vol)
showers	8L/min	6L/min



Baths	170 litres	170 litres
Basin taps	5L/min	5L/m
Kitchen sink taps	6L/min	6L/min
Dishwashers	1.25l/place setting	1.25l/place setting
Washing machines	8.17L/ kilogram	8.17/kiologram

Table 5: Water Fitting Standards

- 5.7** In addition to the use of water efficient appliances, water recycling systems (see below) could also be used to reduce mains water consumption. The Council will support good practice design and construction, which exceeds policy requirements and achieves less than 110 litres per head per day.

5.2.3 Non-residential development

- 5.8** Whilst there is no consumption target, Policy WAT4 also requires non-residential development to minimise the use of mains water. The use of water saving measures and equipment, as outlined in table 5, is expected. Rainwater recycling systems (see below) should be incorporated, where possible. Sustainable construction standards, which demonstrate water efficiency are encouraged and are a useful tool for demonstrating the sustainability credentials of a building and delivering good practice. For example, BREEAM credits can be gained for particular improvements on building regulations.

Fact box: Use of BREEAM: Compliance with WAT01

2 credits for WAT01: demonstrates a 25% improvement on building regulation requirements- can be achieved by using water efficient fittings.

All credits for WAT01: demonstrates a 55% improvement on building regulation requirements- the use of water harvesting or recycling technologies will be required, alongside other water efficiency measures.

Further guidance

- 5.9** For further guidance on the BREEAM Assessment please see <https://www.breeam.com/>



5.2.4 Rainwater and Greywater Recycling

5.10 Typically, less than 20% of domestic water is consumed for drinking and food preparation. Flushing toilets, washing machines and outdoor use account for more than half of domestic water consumption. This wastes energy and resources that is consumed making this water potable. Correctly collected and stored, rainwater can meet all these requirements without further treatment. Re-using grey water (the waste water from baths, showers and washbasins) can save up to 18,000 litres of water a year for each person, or a third of daily household water use. The Sustainable Construction, Energy and Water Statement should include consideration of the following techniques:

- **Rainwater Harvesting Techniques** – Where possible, harvested rainwater should be substituted for mains water. It can be used for flushing toilets (unless harvested from a green roof), watering plants/gardens, topping up garden ponds and wetland habitats, and for general cleaning tasks such as car washing. In the simplest form, water butts and rainwater collection tanks can be used to capture rain for reuse in a low-cost way. However, more complex rainwater harvesting systems should be connected to the mains supply to ensure that water is always available, even at times of low rainfall. Where this is not possible, the Council recommend futureproofing development by providing ‘stage 1 fit’ pipework for rainwater harvesting so that residents can purchase their own rainwater harvesting systems without incurring the significant expense of an interior retrofit. SUDS can also be integrated with rain-water harvesting schemes and can be designed to provide water attenuation.
- **Grey water recycling** – Water that has already been used in washbasins, showers and baths can be filtered using sand or SUDs (i.e. reed filter) and disinfected before being used again in toilet flushing and other non-potable activities (e.g. watering the garden or washing the car).

5.11 Rainwater and grey water harvesting can be used for both residential and non-residential buildings and must be built in accordance with the relevant British Standards.⁽²⁸⁾



An example of a rainwater harvesting tank

Further guidance

- Building Futures Water Modules:



<https://www.hertfordshire.gov.uk/microsites/building-futures/building-futures.aspx>

5.3 Submission Requirements

5.12 To ensure compliance with the relevant District Plan policies all new residential and non-residential development must submit a completed Sustainability Checklist and a Sustainable construction, Energy and Water Statement (ScEW), which demonstrates:

- All relevant checklist criteria below relating to water efficiency have been considered and explained.
- All new residential development demonstrates compliance with the water consumption target in Policy WAT4. This includes submitting assessments of modelled residential consumption using the Government's Water Efficiency Calculator for New Dwellings⁽²⁹⁾ or the Fittings Approach (replicated in Table 1 above) set out in Part G of the Building Regulations 2010 (2015 Edition with 2016 amendments) or successor documents.

5.4 Checklist

5.13 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in Table 6 below. More detail about the approach should be included in the Sustainable Construction, Energy and Water (ScEW) Statement.

Water Efficiency		
Ref	Checklist criteria	Summary of approach to address the criteria
Wa. 1	For new residential proposals, have you demonstrated compliance with the target for mains water consumption to be 110 litres or less per head per day in the Sustainable construction, Energy and Water Statement?	
Wa.2	For non-residential development, have measures been taken to	



	reduce water consumption in the proposed development?	
Wa.3	Have water recycling systems been considered and incorporated? Please explain your approach.	

Table 6: Water Efficiency Checklist Adaptation Checklist

5.14 The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.



6 Pollution

6.1 Air Quality

6.1.1 Policy Context

- 6.1** The impact of development on air quality is a material consideration and must be regarded at all stages in the planning process. The planning system plays an active role in managing local air quality when considering the impact of new development and finding sustainable solutions.

National Policy

- 6.2** The NPPF (2019) states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing developments from contributing to, or being put at unacceptable risk by unacceptable levels of soil, air water or noise pollution. Where possible developments should improve environmental conditions.⁽³⁰⁾

- 6.3** The NPPF also emphasises that planning policies and decisions should ensure that development is appropriate for its location with consideration of the cumulative impacts of pollution on health, living conditions and the natural environment. As such mitigation measures will be location specific and proportionate to the likely impact of the development. As outlined in paragraph 181 developers must work with the local authority to ensure that unacceptable risks are prevented and adhere to the following:

‘ Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.’

- 6.4** In addition, NPPF paragraphs 102 and 105 recognise the impact of traffic on air quality and health and the benefits of sustainable transport modes.



- 6.5** The government has also set out its proposal for tackling air pollution in the UK in the Clean Air Strategy 2019.⁽³¹⁾ It promises new legislation with a stronger framework for tackling air pollution. The UK has adopted stringent legally binding targets to cut emissions by 2020 and 2030 with the goal to reduce the harm to human health from air pollution by half.
- 6.6** The strategy sets goals for two key relevant issues. It sets goals relating to the emissions from the home, in particular the impact of solid fuel appliances and the consequent personal exposure to pollutants in the home. It also sets goals to reduce emissions from transport supporting a move to lower emission road vehicle and more active forms of travel.

Local Policy

District Plan policies

- Policy EQ4
- Policy CC1
- Policy TRA1
- Policy DES4

Type of Development

- Residential and Non-residential development

Submissions Requirements

- Sustainability Checklist
- Air Quality Impact Assessment
- Air Quality Neutral Assessment

Link to Sustainability checklist

- AQ.1, AQ.2, AQ.3, AQ.4, AQ.5, AQ.6, AQ.7

- 6.7** District Plan **Policy EQ4** requires that development should include measures to minimise air quality impact at the design stage and should incorporate best practice in the design, construction and operation of all developments. Where development (on its own or cumulatively) will have a negative impact on local air quality during either construction or operation, mitigation measures will be sought that will remove overriding impacts, such as an air quality neutral or negative development. Evidence of mitigation measures will be required upfront. Where on-site mitigation is not sufficient, appropriate off-site mitigation measures may be required. Where adequate mitigation cannot be provided, development will not normally be permitted.



6.8 Developments must not:

- lead to a breach or worsening of a breach of UK or EU limit values;
- lead to a breach or worsening of a breach of an Air Quality objective or cause the declaration of an Air Quality Management Area or;
- prejudice the implementation of any Air Quality Action Plan or local air quality strategy

6.9 The Council's overarching aim for developments is to be 'air quality neutral' in operation, not to lead to further deterioration of existing poor air quality, and, where possible, to improve local air quality ('air quality positive') through additional measures on and off site.

6.10 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. Development must not lead to the designation of a new Air Quality Management Area (AQMA) or worsen pollutant levels within an AQMA. For this reason mitigation must achieve an air quality natural or positive status.

6.11 The Local Transport Plan (2018)⁽³²⁾ highlights the role of transport as a major contributor to air pollution in the county and its consequent impact on human health. It states that transport and growth presents a threat to the local environment and that this threat must be understood and minimised. The diesel car is highlighted as the biggest contributor to overall pollution. Both reducing car use and supporting new fuel and energy technologies are recommended as a way to help improve air quality at the point of use. The importance of tackling air quality in Hertfordshire is also outlined in Hertfordshire County Council's Air Quality Strategy 2019.⁽³³⁾

6.1.2 Topic Guidance

6.1.2.1 Air Quality in East Herts

6.12 Pollution to air can arise from many sources and activities, including traffic and transport, industrial processes, domestic and commercial premises, energy generation and construction sites. This section relates to air pollution from all potential sources, in any potential form and includes temporary dust pollution from construction sites.

6.13 In East Herts, the main source of air pollution is road traffic. This is influenced by a number of factors:

- The District's population;

³² Hertfordshire County Council (2018) Local Transport Plan: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/transport-planning/local-transport-plan.aspx>

³³ <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/transport-planning/transport-policy-and-supporting-strategies.aspx>



- The distribution of that population, commercial, community and residential centres;
- The road network and its capacity;
- Neighbouring population centres and notable destinations.

6.14 The main pollutants of concern associated with motor vehicle emissions are nitrogen oxides (NO_x), in particular nitrogen dioxide (NO_2), and particulate matter (PM_{10} & $\text{PM}_{2.5}$). They are generated by the combustion of diesel and petrol fuels within vehicle engines and are released to the atmosphere through vehicle exhaust. Brake pads and tyre friction also release particulates. East Herts Council has a statutory duty to review air quality in its area and focus its resources on the areas where busy roads pass through residential areas as required by Defra.



pollution from exhaust fumes

6.15 Three Air Quality Management Areas (AQMAs) have been declared in East Herts. These are areas within which pollutant levels exceed the national objective for NO_2 . Within these areas, greater weight needs to be given to the consideration to the impact of development on air quality. The maps of the AQMAs in East Herts can be found on the Council's website.

6.16 There is no safe level of pollution.⁽³⁴⁾ Exposure to air pollution has been found to have a close relation to cardiovascular and respiratory diseases. Public Health England estimates that 26,000-36,000 deaths are attributable to human made air pollution in the UK every year.⁽³⁵⁾ The East Herts Health and Wellbeing strategy 2019-2023⁽³⁶⁾ sets out a priority to 'create healthy places and sustainable communities'. Good spatial planning can reduce exposure to air pollution and provide wellbeing benefits ensuring East Herts is a healthy and sustainable place to live and work.

Aims

6.17 The overall aims set out in this section:

34 COMEAP (2018) Associations of long-term average concentrations of nitrogen dioxide with mortality: <https://www.gov.uk/government/collections/comeap-reports>

35 PHE (2019) Review of interventions to improve outdoor air quality and public health: <https://www.gov.uk/government/publications/improving-outdoor-air-quality-and-health-review-of-interventions>

36 <https://www.eastherts.gov.uk/community-wellbeing/community-wellbeing-partnerships>



- To achieve as a minimum air quality neutral status
- To aim for air quality positive status
- To follow the minimum standards required for all new development
- To follow the hierarchy of design, mitigate, offset
- To ensure the correct air quality assessment is provided with any application
- To ultimately ensure new developments do not lead to a worsening of local air quality

6.1.2.2 Minimum Standards

6.18 This section sets out minimum standards that apply to all new development in East Herts. The recommended minimum standards are applicable to all development. District Plan Policy EQ4 states that all development should aim to have as little negative environmental impact as possible, taking into account the cumulative effects of local development and to achieve air quality neutral status. Delivering sustainable development should be a key theme from the outset and be demonstrated wherever possible.

6.19 It is expected that planning applications will comply with these recommended minimum standards to ensure development is in line with national and local policy.

- All gas-fired boilers must have low NOx emissions and meet a minimum standard of 40mgNOx/kWh.⁽³⁷⁾
- All gas-fired CHP plants are to meet a minimum emission standard of:
 - Spark ignition engine: less than 250 mgNOx/Nm³
 - Compression ignition engine: less than 400 mgNOx/Nm³
 - Gas turbine: less than 50 mgNOx/Nm³⁽³⁸⁾
- New development must be designed to minimise public exposure to pollution sources, for example, by locating habitable rooms away from busy roads.
- Sensitive development (such as schools, hospitals and play grounds) must be sited at least 100m away from busy roads.
- New development must not lead to the creation of a new street canyon,⁽³⁹⁾ or a building configuration that inhibits effective pollution dispersion.

37 IAQM (2017) Land-Use Planning & Development Control: Planning For Air Quality: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

38 IAQM (2017) Land-Use Planning & Development Control: Planning For Air Quality. Available online at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

39 A street canyon is defined as a relatively narrow street with buildings on both sides where the height of the buildings is general greater than the width of the road



- Green infrastructure must be integrated into the design from the beginning, for example through the use of appropriate tree planting, green roofs and walls and soft landscaping.
- Comply with the Electric Vehicle specifications outlined in the Council's emerging Vehicle Parking Supplementary Planning Document.

6.20 Applications will need to be accompanied by additional submissions as set out in the submission requirement of this chapter. All development will need to submit the air quality checklist in Appendix A. Development above the minor classification will need to submit an Air Quality Impact Assessment,⁽⁴⁰⁾ which must include an Air Quality Neutral Assessment. In addition to this, any development in or near to an AQMA must also submit an Air Quality Neutral Assessment. See the submission requirement section below and Figure 9 for further details.

6.1.2.3 Hierarchy

6.21 The air quality hierarchy addresses air quality in the planning process, with a focus on the design stage, providing clarity to developers and defining sustainability in air quality terms. As outlined in Figure 7 there is a hierarchy for the approach to air quality consideration that should be followed by all developments.



Figure 7: Hierarchical process for air quality consideration in development

6.22 Compliance with the recommended minimum standards will ensure that development is in line with national and local policy and guidance. The principles outlined in the design section will provide ways in which to reduce human exposure and limit emissions from the outset of the development. Early on in the planning process it may be necessary to redesign if the original plans are not deemed sufficient by the local planning authority. Where redesign has not provided sufficient air quality consideration, developers must implement mitigation in order to reduce the impact of the development. As a last resort, developers may have to offset provide planning contributions in the form of Section 106 contributions. East Herts may refuse the application if adequate measures have not been applied. To help navigate the hierarchy, Figure 8 details what is covered in each of the sections.

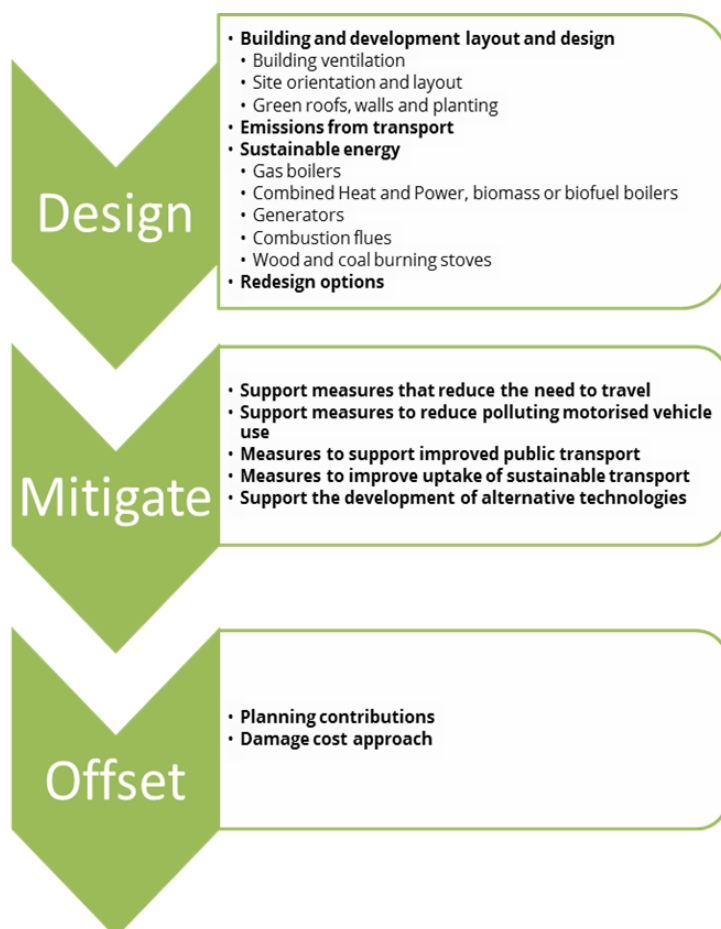


Figure 8. Design, mitigate, and offset content summary

6.1.2.4 Design

- 6.23** It is important that good design principles are incorporated from the offset in order to avoid costly and problematic alterations further down the line. Careful consideration to building design and layout can assist in minimising exposure to future occupants.
- 6.24** The design principles outlined in this section are applicable to all development and can be implemented regardless of the outcome of any Air Quality Impact Assessment. These principles should be presented with the planning application to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Adopting good design at an early stage has the potential to reduce the need to mitigate the impact of development.
- 6.25** All developments should adopt sustainable design principles that reduce emissions, minimise human exposure to pollutants, facilitate a reduction in vehicle movements and contribute to better air quality management. Minimising pollution through design also applies to reducing emissions associated with building operation. Basic good design should result in the



additional exposure to increased air pollution for existing or future occupants. Best practice design should be implemented in all development and aim to achieve at least air quality neutral status as detailed in Policy EQ4.

61

Building and development layout and design

6.26 Developers should minimise exposure through appropriate building and open space location and design. Suitable layout and building design can increase distances between sources of air pollution and human receptors, thereby reducing the pollution exposure of building occupants and outside space users. Minimising exposure can be achieved through:

- building ventilation
- site layout
- green roofs, walls and planting

Building ventilation

6.27 The impact of outdoor air pollution on indoor air quality in new developments should be taken into account at the earliest stages of building design. This includes:

- Ensuring ventilation inlets and the location of opening windows are on higher floors away from sources of air pollution at the ground level, and away from stationary sources such as combustion plant.
- Fitting air conditioning systems with filters which filter particulates and NO₂. Filters should be maintained following installation.
- Considering mechanical ventilation to overcome potential exposure to poor air quality. This may involve sealed windows/triple glazing with trickle vents and a forced ventilation system.

Site orientation and layout

6.28 The location of outdoor space in relation to sources of air pollution (such as flues and busy roads) should be considered. The distance between sources of pollution and human receptors must be maximised. This is particularly relevant where developments include sensitive uses such as schools, medical centres and residential units.

6.29 Site layout should be designed appropriately, considering the following examples:

- Exposure should be minimised through appropriate positioning and orientation of the space away from sources of air pollution. New developments must not create a new 'street canyon', or a building configuration that inhibits effective pollution dispersion.
- When included in development, the public realm should be considered. The site layout should encourage low pollution routes through the



development where people can spend more time away from busy roads where possible.

- Recreational, seating and exercise areas should be positioned away from or screened from sources of pollution.



Use of cycle lanes

Green roofs, walls and planting

6.30 Greening can help trap fine particulates (PM10 and PM2.5) as well as increase biodiversity. While there is conflicting evidence as to whether green infrastructure can help reduce concentrations of NO_x, it is acknowledged that certain types of shrubs and trees are effective for trapping particles. This has been supported by Public Health England in their review of interventions to improve outdoor air quality and public health, stating that measures such as green infrastructure provision should be considered at the planning stage.⁽⁴¹⁾

6.31 Hedges, green walls and frameworks for climbing plants may offer some protection between a pollution source such as a road and dwellings. Development above the scale of a single household is expected to utilise green walls and hedging as set out in Policy CC1. See the Biodiversity and Energy and Carbon Reduction sections of this SPD for further guidance, including details about the types of plants that may be beneficial.



An example of a green wall



Emissions from transport

- 6.32** East Herts promotes infrastructure for modes of transport with low impact on air quality through the Local Plan, policies TRA1 and TRA3 apply in particular. Developments should seek to facilitate a reduction in vehicle movements and prioritise modes of transport other than the car to encourage green travel patterns to aid air quality. The layout of new development and the design of the street environment can directly influence activity levels. Development should be designed to promote active travel where possible in order to reduce the impact on the environment and improve the health of occupiers and visitors.
- 6.33** Prioritising sustainable transport such as cycling and walking improves local air quality and encourages healthy communities. Therefore, strong emphasis will be placed on seeking the provision of new bus, cycle and pedestrian transport routes and networks. Developers are also encouraged to extend and strengthen existing provision, including through supporting community-led transport schemes. More detail on these issues is provided in the Sustainable Transport section of this SPD.
- 6.34** Development should incorporate the following principles where possible:
- Provision of cycling facilities such as secure cycle storage and cycle paths;
 - Car clubs (prioritising the use of electric vehicles);
 - Sufficient provision of infrastructure for low emission vehicles;
 - Encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing;
 - Improved infrastructure and layouts to improve accessibility and safety.
- 6.35** Traffic management schemes may also be utilised to minimise exposure to emissions from traffic, where appropriate, for example:
- Traffic restrictions in areas of high exposure to poor air quality;
 - Defined 'engine off' areas, such as bus stands, taxi ranks and tourist coach parking and outside of schools;
 - Soothing the flow of traffic by reducing congestion, stop-start traffic and traffic queues and the consequent emission 'spikes';
 - Design that separates areas of the public realm from areas of poor air quality such as busy roads;
 - Provide alternative 'quiet' cycle and pedestrian routes away from main roads.



An example of shared cycle facilities

Sustainable energy

- 6.36** New development provides an opportunity to reduce and improve overall emissions in the area. This can be done by incorporating new, cleaner technologies from the outset. The adoption of technologies to generate heat and energy from efficient and/or renewable sources, such as solar water heating or air and ground source heat pumps in major developments can help minimise polluting emissions.
- 6.37** Building design should prioritise energy efficiency in order to reduce the need and size of heating plants. This will overall minimise the buildings impact on air quality. The use of low and zero emission technology is encouraged to fulfil the remaining needs as required by Policy DES4.
- 6.38** Giving thought to the wider environmental impacts of the system early on and ensuring the system is optimised for the proposed use not only helps reduce issues later on, but also helps minimise costs. The retrofitting of abatement equipment at a late stage is likely to be far more costly than giving time and consideration at the planning stage. More details on these issues are provided in the Energy and Carbon Reduction section of this SPD.

Gas boilers

- 6.39** Where it is possible, the building design should be so that there is no need for combustion plant. If gas boilers are installed in developments they must be low NO_x boilers, this includes where installation is part of a refurbishment. As a minimum standard, boilers must be less than 40mgNO_x/kWh. The use of ultra-low NO_x technology (less than 1540mgNO_x/kWh) is encouraged.⁽⁴²⁾

42 Applicants should note that the Government has proposed that gas boilers will not be fitted in new developments from 2025.



Combined Heat and Power, biomass or biofuel boilers

- 6.40** CHP, biomass and biofuel boilers can have benefits in terms of carbon emissions (as detailed in the Energy and Carbon Reduction section). However, In common with any combustion technology, CHP systems will have an impact on air quality. The feasibility of Combined Heat and Power (CHP) systems should be evaluated.
- 6.41** The impact on air quality will depend upon the emission performance of the CHP plant, dispersion of emissions from the plant and the emissions performance of any existing on-site plant that the CHP system replaces. All development should try to minimise the use and emissions from combustion plant within the building.
- 6.42** The use of biomass combustion is unlikely to be supported within an AQMA or where it may impact on residents unless it can be clearly demonstrated that there will be no adverse impact on air quality. Consideration will also need to be given to the responsible sourcing of biomass fuel and of the transportation impacts of fuel delivery.
- 6.43** Where CHP, biomass or biofuel boilers are proposed, emissions must be evaluated as part of a detailed Air Quality Impact Assessment. The appliance will be required to meet the following minimum standards:
- Spark ignition engine: less than 250 mgNO_x/Nm³;
 - Compression ignition engine: less than 400 mgNO_x/Nm³;
 - Gas turbine: less than 50 mgNO_x/Nm³.⁽⁴³⁾
- 6.44** CHPs and biomass boilers will also be required to meet high standards of air pollution control with emphasis on:
- Boiler design and operation;
 - Pollution abatement equipment;
 - The servicing and maintenance regime;
 - Fuel quality, storage and delivery;
 - Exhaust stack height.
- 6.45** The developer or managing agents must ensure that any energy plant installed in a development has arrangements in place to keep it operated in accordance with manufacturer's instructions throughout its functional life.
- 6.46** A guidance note for developers on CHP systems can be found in Appendix D.



Generators

- 6.47** Diesel generators have high emissions of NO_x and PM_{10} and their use is strongly discouraged. A secondary electrical power supply should be sourced. Where this cannot be assured, alternative technology generators should be sourced for the building where possible (for example, battery reserve or gas generators). For construction sites, a temporary building supply should be secured prior to the commencement of works in order to avoid the use of diesel generators on site. Where there diesel fuelled generators have to be used, they should meet the latest Euro standard and their use limited to emergency situations.

Combustion flues

- 6.48** All combustion plant must terminate as a minimum 1 metre above the highest point of the building of which the plant serves, or as agreed with the planning authority. The layout of the site should have regard of this requirement, considering the needs of the outside amenity space associated with the development and the surrounding area.
- 6.49** A Clean Air Act 1993 Chimney height approval needs to be sought where either of the following is met:
- a furnace is burning liquid or gaseous matter at a rate of 366.4 kilowatts or more an hour;
 - a furnace is burning pulverised fuel or any solid matter at a rate of more than 45.4 kilograms or more an hour.⁽⁴⁴⁾
- 6.50** Flues associated with this plant should therefore be at the recommended heights above nearby buildings and installed at least 3m above any general access areas and should meet discharge velocities above the recommended minimum.⁽⁴⁵⁾

44 DEFRA (2018) Local Air Quality Management Technical Guidance (TG16):

<https://laqm.defra.gov.uk/documents/LAQM-TG16-February-18-v1.pdf>

45 Environmental Protection (2009) Biomass and Air Quality Guidance for Local

Authorities: https://www.environmental-protection.org.uk/wp-content/uploads/2013/07/Biomass_and_Air_Quality_Guidance.pdf



Pollution caused by combustion fumes

Wood and coal burning stoves

- 6.51** New development should ensure that air quality is considered when installing domestic burners. All stoves need to be Defra approved as a minimum. Stoves should comply with the 'EcoDesign Ready' specifications introduced by The Stove Industry Alliance. A list of compliant stoves can be found on the HETAS website.⁽⁴⁶⁾
- 6.52** Applicants should note the Government's goals in the 2019 Clean Air Strategy relating to emissions in the home. In particular, the following government goals should be taken into account:
- Legislate to prohibit the sale of the most polluting fuels;⁽⁴⁷⁾
 - Ensure that only the cleanest stoves are available for sale by 2022;
 - Work with consumer groups, health organisations and industry to improve awareness of non-methane volatile organic compounds (NMVOC) build-up in the home, and the importance of effective ventilation to reduce exposure;
 - Consult on changes to Building Regulations standards for ventilation in homes and other buildings, to help reduce the harmful build-up of indoor air pollutants.

Redesign Options

- 6.53** Where redesign is necessary developers should refer to the concepts outlined in this section to identify opportunities for optimising the development to minimise emissions. The design concepts previously mentioned in this section should be applied. Examples of potential further adjustments to the design of a proposed development that may result in a reduced impact on air quality are summarised below:
- Reduced car parking provision;
 - Consider Home Zones;
 - Avoid installation of balconies (particularly at ground and first floor levels);

⁴⁶ HETAS, Ecodesign Compliant Stoves & Boilers. Website: <https://www.hetas.co.uk/ecodesign-compliant-stoves/>
⁴⁷ From February 2021 the government has proposed a mandatory certification scheme demonstrating that wood sold in volumes under 2m³ is dry (less than 20% moisture) and a ban on the sale of all bagged traditional house coal.



- Consider placing habitable rooms away from the façade fronting the pollution source e.g. in flats place stairwells and corridors in these locations instead;
- Locate non-residential buildings fronting the pollution source where the development is a mixed use site;
- Consider the use of non-opening front windows in worst affected locations.

6.54 This is not an exhaustive list and further options may be implemented.

6.1.2.5 Mitigation

6.55 Where redesign cannot reasonably reduce the significance of the air quality issue, it may be acceptable to include measures to mitigate the air quality issues that arise. These measures should not be considered as an alternative to fundamental redesign and should be considered alongside additional measures to offset the air quality impact in order to be air quality neutral.

6.56 Many developments will require a mix of design and mitigation measures that have been tailored to be appropriate for the site. Each approach will be location specific, taking into account local air quality issues and assessing the proportional impact of the development. The design and mitigation package should be presented with the planning application.

6.57 Examples of mitigation include:

Support measures that reduce the need to travel

- Alternative work practices – flexitime, teleworking, homeworking, videoconferencing;
- Local sourcing of staff, products and raw materials;
- Development and use of hub distribution centres employing low emission deliveries;
- Provision of discounted on-site shopping, eating, child-care, banking facilities.

Support measures to reduce polluting motorised vehicle use

- Development of car clubs and car sharing with financial incentives and; promotion;
- Provision of sufficient electric vehicle charging;
- Provision of dedicated low emission shuttle buses / managed pick-up and drop-off;
- Reduced emissions, low emission fuels and technologies for fleet operations;
- Vehicle maintenance, driver training and emissions testing regimes for fleets of cars, lorries or buses associated with the development;



- Restrict vehicle speeds within the development;
- Sponsor public information and monitoring campaigns.

69

Measures to support improved public transport

- Provision of bus infrastructure including stands, shelters, bus gates, information displays;
- Invest in new and upgraded buses;
- Provision of free ticketing with time limited uptake.
- Measures to improve uptake of sustainable transport
- Provide a bike/e-bike hire scheme;
- Provide a car share scheme/car pool scheme;
- Improved pedestrian links to public transport stops;
- Resident LEV purchase support with time limited uptake;
- Improved convenient and segregated cycle paths to link to local cycle networks;
- Provision of managed travel plans for the development.



An example of an electric bus

Support the development of alternative technologies

- Contribution to renewable fuel and energy generation projects;
- Support the development of alternative fuel delivery infrastructure.

6.58 The above list provides an example of acceptable mitigation measures but it is not an exhaustive list and further measures may be accepted. Any development that is not suitably redesigned or mitigated will be recommended for refusal on air quality grounds.

6.59 An emissions assessment should be carried out to demonstrate how the development is compliant with the requirement to be air quality neutral and included as part of an air quality neutral assessment. It should:

- Calculate the additional transport emissions associated with a development;



- Determine the appropriate level of mitigation required to help avoid, minimise and/or off-set the impact on air quality;
- Enable an evidence-based and proportionate approach.

6.60 The assessment must include:

- The calculated emission increase and damage cost (see the Damage Cost Approach fact box below)
- Proposed mitigation/compensation measures
- Estimated mitigation emission and damage cost reduction.

Further Guidance

- 6.61** Detailed guidelines for undertaking an emissions assessment can be found at the Low Emission Partnership. The latest guidance should be followed, at present this is the EMA-TG-2.0 (2016):

http://www.lowemissionstrategies.org/les_planning_guidance.html

6.1.2.6 Offset

- 6.62** Where redesign and mitigation measures are not adequate, developers have an obligation to offset their emissions. Offsetting by providing money for schemes that improve overall air quality should be a last resort but may need to be combined with good design and mitigation in some circumstances to be air quality neutral. These obligations will be proportional to the nature and scale of the development proposed and the level of concern about air quality.

- 6.63** All development above a minor classification will be required to provide an emissions assessment as part of the Air Quality Neutral requirement outlining the emissions produced and what mitigation is being applied. If the mitigation is not deemed adequate, developers must provide the rest in financial contributions.

Planning contributions

- 6.64** Obligations may go towards funding measures, including those identified in the Air Quality Action Plan, designed to offset the impact on air quality arising from new development. In some cases it may be the case that it is not possible to secure acceptable air quality mitigation and in such cases the local authority may deem the development unacceptable.



Damage cost approach

- 6.65** Offsetting will be based on a quantification of the emissions associated with the development. These emissions can be assigned a value based on the 'damage cost approach' used by Defra (Department for Environment, Food and Rural Affairs). The latest damage cost values can be found on the Defra website.⁽⁴⁸⁾
- 6.66** This value will indicate the level of offsetting required, or may be provided as a financial contribution from the developer. This guidance follows the principle that environmental costs should fall on those who impose them. This is known as the 'polluter pays' principle.
- 6.67** The latest Defra Emissions Factor Toolkit should be used.⁽⁴⁹⁾ This will provide the relevant pollutant emissions outputs for the mitigation calculation which is then multiplied to provide a 5 year exposure cost value. This assessment should be carried out by an air quality consultant. Discussions with the Council's air quality officer may be necessary at this stage.
- 6.68** When the damage cost is calculated, it is the developer's responsibility to implement mitigation to reduce emissions by at least this value and be air quality neutral (or preferably below existing levels to be air quality positive). The mitigation should be approved with the local planning authority to ensure that mitigation is appropriate for the type, size and location of the development. Where this is not possible, the rest should be provided in the form of planning obligations.

48 DEFRA (2020) Air quality appraisal: damage cost guidance
website: <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

49 DEFRA (2020) Air quality appraisal: damage cost guidance
website: <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>



Damage Cost Approach

The calculation process includes:

- Identifying the additional trips generated by the proposal;
- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result is totalled for a five-year period to enable mitigation implementation.

The calculation is summarised as follows:

Road Transport Emission Increase = [Estimated trip increase for 5 years X Emission rate per 10km per vehicle type X Damage Costs]

6.1.2.7 Construction Phase

6.69 It is important that the impact on air quality is considered during any demolition and site preparation phase and during the construction phase. Although these phases will have a defined beginning and end they still have the potential for bringing about exceedances of air quality objectives for particulates (PM₁₀). All construction sites should aim to reduce emissions during the demolition and construction phases through the use of low emission technology and good site management.

6.70 Exhaust emissions from engines powering construction specific activities such as cranes, excavators, generators and diesel-powered trucks involved in the transportation of materials to site can contribute significantly to local air quality.

6.71 Schemes to minimise the production of airborne dust and release of exhaust emissions during the construction period may be required by planning condition. Developers should ensure that the construction phase is compliant with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.⁽⁵⁰⁾

Further Guidance

6.72 Additional best practice can be found from the Greater London Authority: <https://www.london.gov.uk>



6.1.3 Submission Requirements

- 6.73** A single development may have a very small impact on air quality, but many developments will, together, have a larger impact. The following will be considered when reviewing a development proposal:
- 6.74** The 'baseline' local air quality;
- Whether the proposed development worsens the local air quality;
 - Whether the proposed development is located within an AQMA;
 - Whether the proposed development could lead to the declaration of a new AQMA;
 - The potential cumulative effects of local developments on air quality;
 - Whether the development will introduce new public exposure into an area of existing poor air quality;
 - Whether the development will materially affect any air quality action plan or strategy;
 - What mitigation has been provided to try and achieve air quality neutral status.
- 6.75** To ensure compliance with the relevant District Plan policies and the guidance in this SPD, applications for new residential and non-residential developments must submit a sustainability checklist to demonstrate how impact on air quality will be minimised (see Appendix A).
- 6.76** Assessments should be proportional to the nature and scale of development proposed and the level of impact on local air quality. The criteria for the submission of these assessments are set out below and in the flowchart in Figure 9.
- 6.77** Consideration of air quality and air pollution will be relevant during both the operational and the development phase. Development may give rise to air pollution as well as, for example, air quality issues associated with demolition, construction and remediation of contamination. All factors should be considered when assessing the impact of development.
- 6.78** This guidance does not prescribe the measures to be included in the assessments as it is considered more appropriate to take a flexible approach and allow for the continuous technological improvements. Consultation with the Council's air quality officer early on will be beneficial to agree an appropriate method and data set. Assessments should be carried out by an air quality consultant.

Air Quality Impact Assessment

- 6.79** An Air Quality Impact Assessment must be submitted at the application stage for all development above a minor classification.



- 6.80** The scope of an Air Quality Impact Assessment is:
- to assess current baselines in the area;
 - to consider the cumulative impact of known future developments within an area;
 - to predict the future impact, both with and without the proposed development including the proposed mitigation measures by calculating statistics that can be compared with the air quality objectives.
- 6.81** Air Quality Impact Assessments should be carried out in line with the best practice guidance set out in the latest industry-prepared best guidance documents. At present, these are the IAQM's Planning for Air Quality (2017)⁽⁵¹⁾ and the Defra's Local Air Quality Management; Technical Guidance TG16 (2018).⁽⁵²⁾ The latest available emission factors, background maps and conversion factors shall be used.
- 6.82** Given the time required for dispersion modelling and monitoring of air quality for a detailed assessment as well as collection of traffic data to support the planning application, discussions should be sought with the local authority well before submission of a planning application.

Air Quality Neutral

- 6.83** East Herts requires all major developments and any development (above household level) within or adjacent to an AQMA to be 'air quality neutral'. This approach will manage and prevent further deterioration of existing air quality in line with Policy EQ4 Air Quality.
- 6.84** Within the application process, major developments must submit an air quality neutral assessment as part of an Air Quality Impact Assessment. Minor developments in or near to an AQMA must submit an Air Quality Neutral Assessment (they will not be required to submit an Air Quality Impact Assessment). The assessment should take into account the following elements and compare them to the Air Quality Neutral Benchmarks provided in Appendix B.
- 6.85** Determine the relevant emission benchmark for buildings for NO₂ and PM₁₀ at the site, based on its land use class and location. Calculate the site's NO₂ and PM₁₀ emissions from buildings and compare them with the buildings benchmark. The assessment should present the data used in the calculation, including the plant emission data.
- 6.86** Determine the relevant emission benchmark for transport for NO₂ and PM₁₀ at the site. Calculate the site's NO₂ and PM₁₀ emissions from transport and compare them with the transport benchmark. The assessment should present the data used in the calculation.



- 6.87** Both building and transport emission benchmarks should be met in order to achieve air quality neutral requirements. Where the benchmarks cannot be met developers must undertake mitigation in discussion with the Council's air quality officer and/or make a contribution to offsetting their emissions as described in Section 6.1.2 of this SPD.
- 6.88** All developments requiring an Air Quality Neutral Assessment should also demonstrate how air quality impacts will be mitigated. This is done by including an emissions assessment as detailed in Section 6.1.2.
- 6.89** It is acknowledged that there is an emerging requirement for developments to be 'air quality positive' rather than 'air quality neutral'. Developers are encouraged to meet these standards within any size of development.

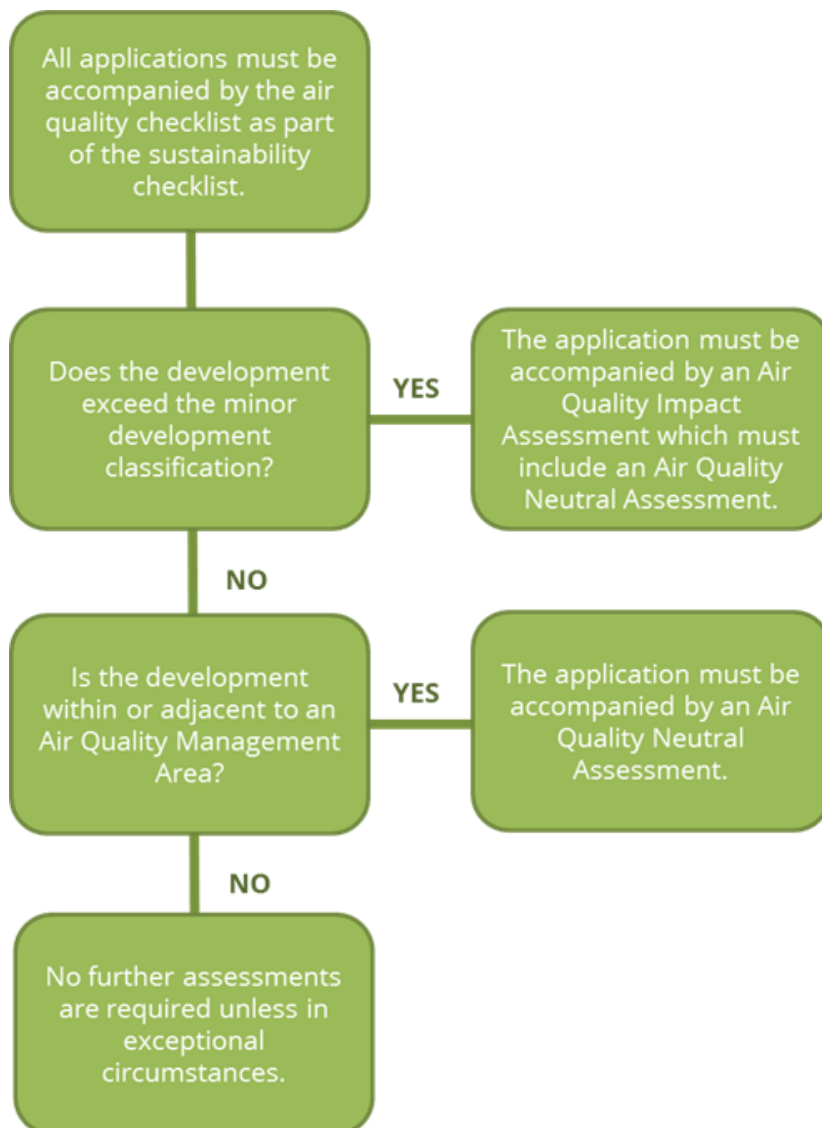


Figure 9: Flow chart- What air quality information to submit with a planning application



6.1.4 Checklist

6.90 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in Table 7 below. If relevant, more detail about the approach should be included in the Air Quality Impact Assessment or Air Quality Neutral Assessment.

Air Quality		
Ref	Checklist Criteria	Summary of approach to address the criteria
AQ.1	<p>How has the proposal addressed the minimum air quality standards?</p> <p>These apply to all new development as set out in section 6.1.2.2 of the SPD.</p>	
AQ.2	<p>How does the proposal show consideration of air quality in the design of new development?</p> <p>Design should address the following principles:</p> <ul style="list-style-type: none"> • Building and development layout and design • Emissions from transport • Sustainable energy 	
AQ.3	How has emissions mitigation been incorporated into the proposal?	
AQ.4	How will emissions be minimised through the construction and demolition phase of the development?	



	Measures should follow the national guidance set out in section 6.1.2.7 of this SPD.	
AQ.5	<p>Has an Emissions Assessment been carried out as part of the Air Quality Neutral Requirement?</p> <p>The assessment should utilise the Damage Cost Approach.</p>	
AQ.6	<p>Has an Air Quality Impact Assessment been submitted?</p> <p>This must be submitted if the proposal meets any of the criteria listed in section 6.1.3 of this SPD.</p>	
AQ.7	<p>Has an Air Quality Neutral Assessment been submitted?</p> <p>This must be submitted if the proposal meets the criteria listed in section 6.1.3 of this SPD.</p>	

Table 7: Air Quality Checklist

- 6.91** The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.



6.2 Light Pollution

6.2.1 Policy Context

National Policy

6.92 Section 15 of the NPPF (2019) sets out the role of planning in addressing pollution, in which light pollution is included. It states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In particular, the NPPF states that the planning system should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.93 Light pollution has also been deemed a potential statutory nuisance since 2005. An amendment to section 79 of the Environmental Protection Act 1990, contained within the Clean Neighbourhoods and Environment Act 2005 states:

“Artificial light emitted from premises so as to be prejudicial to health and nuisance constitutes a ‘Statutory Nuisance’ and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint”.

District Plan policies

- Policy EQ3 Light Pollution

Type of Development

- Residential and non-residential development

Submissions Requirements

- Sustainability Checklist

Link to Sustainability checklist

- LP.1, LP.2, LP.3

6.94 **Policy EQ3** Light Pollution in the District Plan requires all external lighting schemes to ensure they do not have an unacceptable adverse impact on neighbouring uses or the wider landscape. Plans must ensure that they minimise harm to the amenity of residents and road users and prevent



impacts on the local ecology. Light pollution can cause sleep disturbance and annoyance to neighbours and have an impact on health and wellbeing. Consideration must be given to the impact of light pollution on wildlife as dark night skies are important for the conservation of natural habitats and the behaviour of nocturnal animals and birds.

- 6.95** The policy also states that the light design must minimise the potential glare and spillage. Light pollution is a sign of wasted energy from excessive lighting and it is required that only the minimum required for security and operational purposes is installed. It may be necessary for the council to control the times of illumination where the impact is deemed unacceptable.

6.2.2 Topic Guidance

- 6.96** New lighting schemes should be appropriate to the type of development and its location. Proposals for outdoor lighting should not have an unacceptable adverse impact by reason of light spillage or glare on neighbouring building/uses, amenity of residents or road users or ecology in line with Policy EQ3. Where appropriate, a light impact assessment will be required as part of the application submission.
- 6.97** In order to minimise light and energy wastage is recommended that lights are switched off when not required for safety, security or operational purposes. Large quantities of energy are consumed and vast amounts of greenhouse gases are produced due to the wastefulness of all night shop advertising and display lighting, building illumination, upward flood lighting and permanent domestic and industrial security lights.
- 6.98** Consideration will be given to the relationship between the use of the facility and the benefits to the general public, interests of conservation, amenity and safety. Where the impact of a proposal is considered to be unacceptable or cannot be mitigated through ameliorative measures, the protection of those recognised interests will prevail. The Council may seek to control the times of illumination where appropriate.
- 6.99** Design is key to ensuring compliance with policy and reducing the risk of being a statutory nuisance in the future. The Institute of Lighting Professionals state that 'good design equals good lighting'⁽⁵³⁾ and emphasise the importance of design, maintenance and installation. Design should ensure that the intensity and direction of light does not disturb others. This may be done by ensuring that beams are not pointed directly at windows of other houses. Light should be directed downwards wherever possible to illuminate its target and not upwards.



- 6.100** Schemes will be considered against the latest national guidance and lighting standards. Further technical advice can be found from the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light (2020).⁽⁵⁴⁾ The most applicable British Standards for lighting that relate to the proposed development is BS EN 12464-2: 2014- Lighting of Work Places (Outdoor work places).

6.2.3 Submission Requirements

- 6.101** To ensure compliance with the relevant District Plan policies all new residential and non-residential development must submit a completed Sustainability Checklist as part of the application process. Completion of the checklist must demonstrate how all relevant light pollution checklist criteria have been considered.
- 6.102** A light impact assessment may be required by the Council if it is deemed that there may be an unacceptable impact on the natural surroundings as a result of the development. Where this is required, it is expected that the latest industry guidance is referred to in order to ensure that the assessment is correctly carried out. At present the latest guidance is the Professional Lighting Guide PLG 04 "Guidance on Undertaking Environmental Lighting Impact Assessments" Institution of Lighting Professionals (ILP):2013.

6.2.4 Checklist

- 6.103** Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in table 8 below. If relevant, more detail about the approach should be included in the Light Impact Assessment.

Light Pollution		
Ref	Checklist criteria	Summary of approach to address criteria
LP.1	Does the proposal materially alter light levels outside the development and/or have the potential to adversely affect the neighbouring uses or amenity of residents and road users or impact on local ecology?	

54 <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>



LP.2	Is the proposed light design the minimum required for security and operational purposes?	
LP.3	Does the proposal minimise potential glare and spillage? Please detail the design measures adopted to ensure this	

Table 8: Light Pollution Checklist

6.104 The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.

6.3 Noise Pollution

6.105 The impact of noise on the environment can be detrimental to health and quality of life, so it is important that the planning system controls both the introduction of noise sources into the environment, as well as ensuring new noise sensitive development is located away from existing sources of significant noise. **Policy EQ2** Noise Pollution requires development to be designed and operated to minimise the impact of noise on the surrounding environment and the future occupants of the new development. To address these requirements all residential developments will be required to comply with BS:8233 noise standards as a minimum in line with World Health Organisation guidance. All developments involving industrial or commercial noise sources will be required to comply with BS:4142 standard. Consideration must also be given to sufficient ventilation and the prevention of overheating.

6.106 This SPD does not address noise issues any further because more detailed noise guidance will be available for applicants in due course. Hertfordshire noise guidance is being developed jointly by a number of Hertfordshire local authorities.



7 Biodiversity

7.1 Policy Context

- 7.1** Biodiversity describes the number and variety of plant species and animals within a habitat and also the diversity of habitats within an ecosystem. Enhancing and conserving biodiversity is an important component of designing and constructing sustainable development. It has benefits for wildlife and ecology, including securing ecosystem services such as pollination, hydrology and pest control, but also more widely in terms of community well-being; carbon capture; reducing flood risk; clean air and water and adaptability to climate change.

National Policy

- 7.2** National Policy sets a clear intent to protect and enhance the natural environment, moving from the past outcomes of development resulting in a net loss of biodiversity to achieving net gains for biodiversity within the development process. Taking forward the objectives of England's Biodiversity Strategy,⁽⁵⁵⁾ the NPPF (2019) outlines that new development has a key role in the preservation, restoration and re-creation of priority habitats, ecological networks, green infrastructure and the protection and recovery of priority species populations. International, national and local designations must be protected and enhanced relative to their status and importance. Development should only be permitted if harm to biodiversity is avoided, adequately mitigated or as a last resort, compensated.⁽⁵⁶⁾
- 7.3** Planning Practice Guidance (PPG) Natural Environment provides further guidance on the role of green infrastructure in new development and how to conserve and enhance biodiversity.
- 7.4** The Environment Bill (2020), which is currently progressing through parliament, seeks to further strengthen the role of the planning system in conserving and enhancing biodiversity. It proposes amendments to planning legislation introducing a mandatory requirement for biodiversity net gain.



Local Policy

District Plan policies

- Policy NE1 International, National and Locally Designated Nature Conservation
- Policy NE2 Sites or Features of Nature Conservation Interest (Non-Designated)
- Policy NE3 Species and Habitats
- Policy NE4 Green Infrastructure
- Policy DES4 Design of Development
- Policy WAT3 Water Quality and the Environment

Type of Development

- Residential and non-residential development

Submissions Requirements

- Sustainability Checklist
- Biodiversity Checklist
- Ecology Survey
- Protected Species Survey

Link to Sustainability checklist

- Bio.1, Bio.2, Bio.3, Bio.4, Bio.5, Bio.6, Bio.7

7.5 The District Plan policies place a strong emphasis on delivering a net gain in biodiversity across East Herts at various scales, on designated and undesignated sites. **Policy WAT3** Water Quality and the Environment aims to preserve or enhance the ecological value of the watercourses. **Policy NE1** International, National and Locally Designated Nature requires that development use the mitigation hierarchy to protect and enhance designated sites commensurate with their status, their importance and contribution to ecological networks. **Policy NE2** Sites or Features of Nature Conservation recognises that there is biodiversity value throughout East Herts and even on non-designated sites applicants should assess the ecological value and aim to enhance it. **Policy NE3** Species and Habitats focuses specifically on protecting species and habitats and ensuring new development facilities opportunities for habitat creation and ecological connectivity.

7.6 Expanding on this objective and taking a holistic approach, **Policy NE4** Green Infrastructure recognises the biodiversity value of Green Infrastructure in East Herts and promotes protecting and enhancing the network: within the built environment and the countryside beyond. **Policy DES4** reiterates



this aim, expecting proposals to maximise opportunities for urban greening, for example through planting trees and other soft landscaping where possible.

7.2 Topic Guidance

7.2.1 Biodiversity in East Herts

7.7 The natural environment of East Herts is a key contributor to its character and distinctiveness. The district has a diverse range of green infrastructure and sites of local, national and international importance. This includes the following three international sites:

- Wormley- Hoddesdonpark Woods-Special Area of Conservation (SAC)⁽⁵⁷⁾
- Rye Meads and Amwell Quarry- part of the Lee Valley Special Protection Area (SPA)⁽⁵⁸⁾
- Rye Meads and Amwell Quarry- part of the Lee Valley Ramsar Site⁽⁵⁹⁾

7.8 There are also 16 Sites of Special Scientific Interest (international sites are also designated SSSIs), a National Nature Reserve (Broxbourne Hoddesdon – Park Woods), 542 local wildlife sites (led and coordinated by Herts and Middlesex Wildlife Trust), a Local Nature Reserve and 14 Herts and Middlesex Wildlife Trust Reserves. More broadly there is a network of ancient woodlands, watercourses, parks, open spaces and trees across the rural and urban areas, which provide opportunities for biodiversity and form part of the wider ecological network. Designated sites and key areas of open space are identified on the Policies Map: <https://www.eastherts.gov.uk/planning-building/planning-policy>

7.9 A number of species found within East Herts are protected under European and National legislation. The protection afforded to these species results in them being a material consideration in dealing with planning applications.

7.10 Information about biodiversity in East Herts is available from a range of sources. Herts Environmental Records Centre (HERC), hosted by Herts and Middlesex Wildlife Trust, manages data on Hertfordshire's habitats, species and sites. The Hertfordshire Biodiversity Action Plan (2006) identifies those habitats and species which are a priority for conservation and is a valuable source of information on the county's natural assets.⁽⁶⁰⁾

57 European Union's Habitat Directive of value for species, plants and habitats

58 Birds Directive-to protect internationally valuable populations of eligible bird species

59 Ramsar Convention for wetlands of international importance

60 Herts Biodiversity Action Plan (2006), Herts Environmental Forum, http://www.hef.org.uk/nature/biodiversity_vision/



- 7.11** There is also a Local Nature Partnership (LNP) which coordinates partners in Hertfordshire and has produced a series of principles and guidance.⁽⁶¹⁾

7.2.2 Biodiversity Hierarchy

- 7.12** When making planning decisions, East Herts Council is required by the NPPF to apply the mitigation hierarchy set out in Figure 10. Development projects should minimise impacts on biodiversity by adhering to the mitigation hierarchy of avoid, mitigate, compensate, with distinctions made between internationally, nationally and locally designated sites.

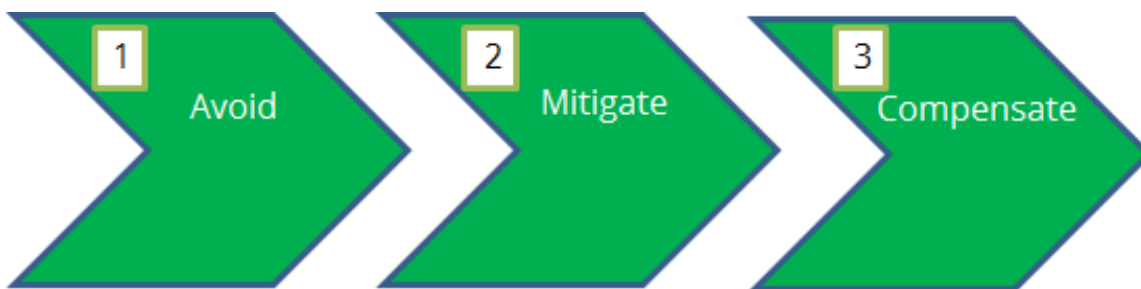


Figure 10: Mitigation hierarchy

- 7.13** Stage 1 ‘avoid’ can be achieved by site selection but also by the siting and layout within a development to retain existing habitats. Early engagement of landscape architects and ecologists is important at this stage. The retention of existing natural features will significantly contribute towards the aim of enhancing biodiversity and protecting the landscape character on the development site. The design work for the development should aim to follow a landscape led approach, using the information gained through the survey work to retain as many of the important natural environment features as possible.
- 7.14** Where avoidance is not possible, mitigation measures should be applied, such as screening and planting. Buffer zones between sensitive areas and development areas can be used to reduce habitat disturbance. Finally, if this is not possible on-site or off-site compensation measures should be undertaken to help achieve an overall net gain in biodiversity or improvements to the structure and functions of ecological networks. Further clarity about the compensation process will be provided once the Environment Bill and associated government guidance is finalised

7.2.3 Designations

- 7.15** Planning policies contain clear direction that development should not be permitted on designated sites, as appropriate to their level of significance. This includes full protection for internationally and nationally designated sites - including Special Areas of Conservation, Special Protection Areas,



Ramsar Sites and Sites of Special Scientific Interest and effective protection measures for ancient woodland, Local Nature Reserves and Local Wildlife Sites. The range of designated sites within East Herts is set out in Table 9.

Importance	Statutorily protected designated assets	Non-statutorily protected assets
International	Special Protection Areas Special Areas of Conservation Ramsar Site Other features protected by the Habitats and Birds Directive	None
National	Sites of Special Scientific Interest National Nature Reserve Other features protected by domestic legislation, i.e. Wildlife and Countryside Act	Ancient Woodlands Chalk river habitats Species and habitats of principal importance in domestic legislation e.g. The Natural and Environment and Rural Communities Act (NERC)
Local	Local Nature Reserves	Local Wildlife Sites

Table 9: Assets of international, national and local status and importance in East Herts

- 7.16** The East Herts Biodiversity Questionnaire (see submission requirements) identifies the distance thresholds to designated sites. Applicants within these thresholds will likely have to submit additional information to inform proposals.
- 7.17** Applicants must seek advice from Natural England for any proposals that may potentially affect an international or national site. Development likely to affect a European site will need to be accompanied by sufficient information to enable the LPA, as Competent Authority under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), to record its decision with regard to likely significant effect and to undertake Appropriate Assessment where necessary.



7.2.4 Species and Habitats

- 7.18** In accordance with District Plan Policy NE3 Species and Habitats, conserving biodiversity and creating opportunities for wildlife is a key to delivering sustainable development. The mitigation hierarchy should be used in all proposals to prevent harm to all priority and non-priority species and habitats. Development adjoining rivers or streams will be required to preserve or enhance the water environment in accordance with Policy WAT3.
- 7.19** There are a number of species protected by European and national law. These must be considered to ensure that legislative requirements are met and no offences are committed. This applies to all scales of development from loft conversions to large mixed use developments. The main pieces of legislation protecting species are the European Habitats and Bird Directives, the Natural Environment and Rural Communities Act 2006 (Section 41 lists priority species and habitats), the Wildlife and Countryside Act, the Conservation of Habitats and Species Regulations 2010 and the Badgers Act 1992. The Hertfordshire Biodiversity Action Plan identifies 5 Species Action Plans and 8 Habitat Action Plans that guide work on protecting, restoring and re-creating a sustainable level of biodiversity in the county.⁽⁶²⁾
- 7.20** Applicants must complete East Herts Biodiversity Checklist (see submission requirements) to assess the likely presence of a protected habitat or species. Where there is a reasonable likelihood of the presence of European or Nationally Protected Species, surveys must be completed and avoidance/mitigation/ compensation measures agreed before permission can be granted. Surveys should be undertaken at a time of year appropriate to the relevant species.
- 7.21** A check should also be made to determine if any of the trees on the site are protected by Tree Preservation Orders (see the Council's online mapping ⁽⁶³⁾) either individually or as groups protected by virtue of their inclusion within a Conservation Area.

Further guidance

- 7.22** Further guidance on protected species and habitat legislation, including relevant licensing information is available from the following government websites:

<https://www.gov.uk/topic/planning-development/protected-sites-species>

<https://www.gov.uk/topic/environmental-management/wildlife-habitat-conservation>



- 7.23** Hertfordshire Ecology provides specialist ecological advice to support the planning process in East Herts. It is recommended that applicants use their pre-application service to consider the most effective approach for protecting habitats and species and delivering a net-gain to biodiversity: <https://www.hertfordshire.gov.uk>

7.2.5 Net Gain

- 7.24** Biodiversity is not limited to designated sites or priority habitats. Biodiversity is often found on non-priority habitats. As outlined in Policy NEC2 all proposals should seek to secure a net gain for biodiversity and enhance ecological networks across the District. The East Herts Green Infrastructure Plan identifies zones and projects to improve multi-functional networks and Ecological mapping work by the Local Nature Partnership in 2014 identifies habitat networks.
- 7.25** The approach to securing net gain should be assessed by a trained ecologist, using the Natural England (version 2) biodiversity metric, unless advised otherwise by Hertfordshire Ecology. Using a metric demonstrates compliance with the biodiversity hierarchy and informs compensation of all habitats. The metric is not designed to measure impacts on species. In order to ensure that mitigation measures are successfully delivered and maintained, financial and other provisions may be sought, where appropriate and necessary, via the use of planning conditions, planning obligations and legal agreements. Further detail about the process for securing measurable net gain will become more certain once the Environment Bill (2020) achieves royal ascent and the Government provides additional clarity.
- 7.26** Major development offers the greatest opportunities for delivering large-scale biodiversity net gain and the integration of opportunities for biodiversity into green and blue infrastructure and ecological networks, both on and off-site. Applicants should use the ecological network data set and the Green Infrastructure plan to inform the masterplanning process.
- 7.27** However, enhancing biodiversity can be delivered at a variety of different scales, from householder applications right up to large urban extensions, albeit the scale of improvement will differ. The Herts & Middlesex Wildlife Trust publication, How to Build a Living Landscape explains how a habitat network can be 'built into' new development at a range of scales, without significantly impacting on the purpose or functionality of that land use.



Bat and bird bricks on the gable end of new houses in Buckinghamshire Source: Herts and Middlesex Wildlife Trust

7.28 Whilst options will vary depending on the scale of development, the Council will expect all or some of the following measures to be integrated into development proposals:

- Integration of nest boxes for birds and bats, particularly in locations/ buildings adjoining open space.
- Integration of sustainable drainage systems, with ecology/ biodiversity benefits
- Soft landscaping to promote biodiversity
- Tree planting- consider tree health to future proof biodiversity
- Prioritisation of native species
- Habitat creation- i.e. ponds, wildflower grasslands
- Contribution to wider ecological networks and green and blue infrastructure corridors
- Green and brown roofs

7.29 These proposals will not only enhance biodiversity on development sites, but also benefit the health and well-being people living and working in these places.



A wildflower meadow integrated into a greenspace within a new development

7.30 More information about the different stages to effectively design and implement a scheme is set out in Hertfordshire's Building Futures Biodiversity and Landscape module.

Further Guidance

- East Herts Green Infrastructure Plan (2011): <https://eastherts.gov.uk/evidencebase>
- Hertfordshire Ecological Network Report (2014) and guidance on applying Hertfordshire's ecological networks in the planning system: <https://www.hertswildlifetrust.org.uk>
- Hertfordshire Environmental Records Centre, for data requests: <https://www.hercinfo.org.uk>
- How to Build a Living Landscape, Herts and Middlesex Wildlife Trust: <https://www.hertswildlifetrust.org.uk>



7.2.6 Living roofs and walls

Fact Box: Living roofs and green walls

Green roofs- Created when vegetation is established on a roof structure. There are many variations but typically green roofs are categorised as intensive or extensive.

Brown roofs- Also described as a biodiverse roof, is designed to create a habitat from a specific type of flora or fauna. Useful on brownfield sites where soil and rubble should be able to provide a rooftop habitat for the flora and fauna that inhabited the site before the construction of the building. This is particularly important where habitat is often left to colonise naturally

Green walls- There are different types of green wall. Using climbing plants is the simplest method but it can also include a form of engineered solution, such as trellises or wires. Living wall systems are constructed with planter boxes or felt and do not require climbing plants.

- 7.31** Green or brown roofs should be incorporated into development where feasible. Green and brown roofs have many benefits as identified in the air quality and energy and carbon sections of this SPD, but are a useful way of enhancing biodiversity on sites of all scales, especially in urban areas. Intensive green roofs are effectively roof gardens, with a range of plants or shrubs that can be used for recreation purposes and to grow food. Extensive green roofs and brown roofs provide ecological value rather than recreational. Green roofs involve drought tolerant species of plants, such as sedums or wild flowers that require little maintenance.
- 7.32** Brown roofs are typically left without vegetation, with the growing medium selected to allow indigenous species to colonise an area over time. It is beneficial to use a variety of different local substrates (e.g. gravel in one area, topsoil in another area, crushed concrete in another area, to provide a number of different environments on the roof top, favouring different species.
- 7.33** Climbers and wall shrubs are the simplest way of adding interest to walls. In green wall systems, a range of herbaceous perennials, grasses, herbs, fruit and vegetables can be planted.
- 7.34** The potential for green and brown roofs should be considered early in the design process, to inform the scheme design. Feasibility will depend on the local context and the nature of the building, so it is important professional advice is sought. Consideration should also be given to any management and maintenance implications.



7.3 Submission Requirements

7.35 To ensure compliance with the relevant District Plan policies:

- All new residential and non-residential development must submit a completed Sustainability Checklist to demonstrate that relevant criteria below relating to biodiversity have been considered and explained.
- All applicants (except advertisements) should submit a completed Biodiversity Checklist to assess the likely presence of protected habitats or species within or in close proximity to the site.

7.36 In addition ecological survey(s) will be required, as follows:

- For all major developments;
- If there is a reasonable likelihood of protected species being present and affected by the development;
- If there is a reasonable likelihood of protected habitats being present and affected by the development.

7.37 Ecological information should be undertaken by a trained ecologist and presented in accordance with the British Standard on Planning and Biodiversity- BS42020 2013 Biodiversity- Code of practice for planning and development. Surveys should be up to date and ideally from the most recent survey season. It should include:

- Analysis of likely impact on protected species, if applicable
- A biodiversity impact assessment calculation using the locally approved biodiversity metric and demonstrate a minimum 10% net gain in ecological units.
- An analysis of the impacts of the development on fauna.
- Definitive avoidance, mitigation or compensation measures sufficient to demonstrate a net gain in biodiversity measures.

7.38 As mentioned above, data from Hertfordshire Biological Record Centre (HERC)⁽⁶⁴⁾ is a useful resource that can help inform surveys. Applicants should also consider sharing survey work with HERC to help expand Hertfordshire's environmental record. For further advice about ecological surveys and biodiversity please contact Herts Ecology at Hertfordshire County Council. Herts Ecology offer a pre-application service to applicants and can provide information about charging procedures.

7.4 Checklist

7.39 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in table 10 below. If relevant, more detail about the approach should be included in the Ecological survey.



Biodiversity		
Ref	Checklist Criteria	Summary of approach to address the criteria
Bio.1	Have you submitted the East Herts biodiversity checklist?	
Bio.2	n accordance with the biodiversity checklist, does the proposal affect a protected species or habitat?	
Bio.3	If a protected species or habitat has been identified, has an ecological survey, with sufficient information been undertaken?	
Bio.4	If a major development, has an ecological survey, with sufficient information been undertaken to assess the likely ecological impact of the development?	
Bio.5	Has the mitigation hierarchy been undertaken, to demonstrate an adverse impact on biodiversity has been avoided? If this is not possible, has the impact been mitigated and then subsequently compensated?	
Bio.6	Has a biodiversity net gain been achieved? Please explain	



Bio.7	Has a suitable biodiversity management and monitoring strategy for the site been proposed?	
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Table 10: Biodiversity checklist

7.40 The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.



8 Sustainable Transport

8.1 Policy Context

- 8.1** The role of sustainable transport provision in the development process has gained increased prominence over recent years. Congested roads and associated increased pollution have led to detrimental effects on air quality and knock-on effects on health, which mean that a new approach to achieving journeys is needed to ensure that this situation is not exacerbated. This policy position is recognised at both the national and local level and this section of the SPD seeks to provide advice on how sustainable transport can be achieved through new development going forward. It should be noted that the Council's approach regarding the air quality implications of pollution is covered in further detail in the Pollution Chapter of this SPD where the impacts of vehicle emissions are cited.
- 8.2** In considering new development and ensuring that the transport impacts are less damaging and more sympathetic to the environment, greater priority needs to be given now to reducing the overall need to travel and, where journeys are necessary, make certain that suitable hard and soft infrastructure and measures are provided to ensure that they can be undertaken in a more sustainable manner going forward. This section of the SPD discusses various mechanisms to assist in achieving these aims.
- 8.3** It should be noted that parking standards do not form a part of this SPD as they are incorporated within the Council's separate 'Vehicle Parking Provision at New Developments' SPD.

National Policy

- 8.4** The NPPF (2019) sets out the Government's position in respect of its sustainable transport objectives. It states (paragraph 102) that transport should be considered early in development proposals, so that:
- the potential impacts of development on transport networks can be addressed;
 - opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - opportunities to promote walking, cycling and public transport use are identified and pursued;
 - the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate



opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

- patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

8.5 Furthermore, in considering development proposals, it should be ensured that “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location”.⁽⁶⁵⁾

8.6 National Planning Practice Guidance (NPPG) expands on the objectives included in the NPPF and provides specific guidance around the need for, and use of, transport evidence bases, travel plans, transport assessments and statements to support sustainable transport provision. These strands also need to be taken into account in bringing forward development proposals and can be viewed on the Government’s website.⁽⁶⁶⁾

65 Paragraph 108

66 <https://www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking> <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>



Local Policy

District Plan policies

- Policy TRA1 Sustainable Development
- Policy TRA3 Vehicle Parking Provision
- Policy DES4 Design of Development
- Policy CFLR9 Health and Wellbeing
- Policy DEL2 Planning Obligations

Local Transport Plan 4, Hertfordshire County Council, May 2018

- Policy 1: Transport User Hierarchy
- Policy 2: Influencing land use planning
- Policy 3: Travel Plans and Behaviour Change
- Policy 4: Demand Management
- Policy 5: Development Management
- Policy 6: Accessibility
- Policy 7: Active Travel - Walking
- Policy 8: Active Travel - Cycling
- Policy 9: Buses
- Policy 10: Rail
- Policy 19: Emissions reduction
- Policy 20: Air Quality
- Policy 23: Growth and Transport Plans

Roads in Hertfordshire: A Design Guide, Hertfordshire County Council, 3rd Edition, January 2011 (currently under review)

Scale of Development

- All new development

Type of Development

- Residential and non-residential development

Submissions Requirements

- Sustainability Checklist
- Design and Access Statement
- Travel Plans, Transport Assessments and Statements (as appropriate)

Link to Sustainability checklist

- T1, T.2, T.3, T.4, T.5, T.6



- 8.7** East Herts District Plan **policies TRA1, TRA2, TRA3, DES4, CFLR9 and DEL2** provide the policy context in relation to the delivery of sustainable transport provision in the development process. Alongside national guidance and the Local Transport Plan (LTP4), produced by Hertfordshire County Council, the policies together promote the need to achieve sustainable development and provide the framework to both assist the formation of development proposals and the decision-taking process.

8.2 Topic Guidance

8.2.1 Sustainable Transport in East Herts

- 8.8** In seeking to engender modal shift away from private motorised trips to more sustainable means, the Council not only wishes to ensure that these occur in a way that has the least possible impact on the environment, but also to provide the right conditions through development to minimise the amount of journeys that need to be made in the first place. The policies detailed above set the context for achieving these aims.
- 8.9** In planning for major development, it is important that sustainable movement should be prioritised and proposals should therefore address:
- obviating the need to travel where possible;
 - providing walkable neighbourhoods (as part of place-making design);
 - delivering cycling, walking and passenger transport networks (facilitating and prioritising non-car borne movement);
 - adopting behavioural change initiatives (encouraging modal shift);
 - rebalancing car use and parking design (prioritising sustainable modes);
 - future-proofing developments (through use of adaptable technology);
 - and,
 - facilitating deliveries and servicing (while not disadvantaging non-motorised user groups).
- 8.10** The following sections discuss how the above aims can be achieved.
- 8.11** In respect of the procedural aspect of development proposals, it should be noted that, whilst East Herts Council determines most planning applications for development, Hertfordshire County Council (HCC) responds to the transport elements of them in its role as highway authority. While recognising that aspects relating to safe and suitable highway access arrangements and mitigation are key considerations to be taken into account in assessing applications, importantly, HCC also considers the sustainability credentials of development proposals in its responses. LTP4's Transport User Hierarchy, provided at Policy 1, provides the policy context for these considerations and is therefore particularly pertinent for guiding development schemes and informing movement relationships within them.



HCC Local Transport Plan, 2018

Policy 1: Transport User Hierarchy

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

8.2.2 Reducing the overall need to travel, particularly by private car

- 8.12** In applying LTP Policy 1 and District Plan Policy TRA1 in development proposals, as well as looking at ways in which to mitigate journeys, there are also various measures that can be introduced through development design that can reduce the overall need to travel in the first instance.
- 8.13** Location is a key determinant in this respect and the District Plan's guiding principles (paragraph 3.3.2) and its Development Strategy hierarchy (outlined in Policy DPS2) therefore seek to direct development to areas that minimise the need to travel, by means such as utilising and supporting existing local facilities and networks that lie in close proximity. Where larger scale allocations and developments are proposed which may be more distanced from existing facilities, measures can be introduced that aim to largely self-contain movement within a site, and these can be supplemented by sustainable travel measures where journeys beyond are required.
- 8.14** A good way of demonstrating that development is indeed putting sustainable transport at the heart of its design is through the production of a movement framework. This should articulate how different modes, including walking, cycling and passenger transport, are prioritised within and across a development to make it easier to use those modes than the private car, while recognising the need to accommodate necessary movements of private vehicles (including servicing and deliveries) where appropriate. The objective of a movement framework should be to make it more attractive and easier to use sustainable modes than private vehicles through the design of well integrated, safe and connected routes and safe, secure and convenient cycle parking and facilities. In seeking to reduce dependence



on private vehicles and focussing on active travel, it is important that services and facilities are planned to make them accessible to the widest number of people through sustainable transport modes.

- 8.15** Therefore, the relationship of the built environment to both new and existing services and facilities, including passenger or community transport services, alongside links to pedestrian and cycle networks, will be a crucial factor in ensuring that well-integrated and well-connected sustainable forms of development are achieved. Design and Access Statements, which are required in support of a planning application, should therefore contain a Movement Framework to demonstrate how these aims will be delivered through proposed development. While not currently HCC formal policy, Active Travel Zone (ATZ) techniques pioneered by TfL may be helpful tools in planning new development, where potential key destinations within and beyond the site are mapped and how movements to these can be facilitated in a sustainable way.
- 8.16** In looking at minimising the need to travel, lessons can be learned from the past, where, prior to mass use of motorised transport, historical development often involved mixed uses in relatively close proximity to each other. Shops and other services were often located within walking distance of much of the population, with movements being largely pedestrian based. Where not unneighbourly, mixed use schemes today can also either negate the need to travel or juxtapose uses within a 'walkable neighbourhood', a modern interpretation of the traditional form.
- 8.17** Increasingly, homeworking is becoming more common and, as has been seen during the Covid-19 pandemic, this can have a significant impact in reducing car borne travel. Internal spaces within new homes therefore need to be designed with the increased demand for this use in mind and the delivery of high speed broadband (FTTP) should be guaranteed to all premises from the outset to help facilitate successful home-working arrangements that minimise the need to travel, as well as for day-to-day living requirements.
- 8.18** Likewise, initiatives involving working at local office hubs can also help reduce the number of motorised trips made outside of a development and should be considered within larger proposals as part of self-containment mechanisms, as appropriate.



Launchpad

East Herts Council operates Launchpad - two thriving co-working, office and meeting space community facilities located in Bishop's Stortford & Ware, where each offer local flexible working environments to fit modern life patterns and reduce the need to travel further afield for standalone office accommodation. Details of the scheme can be found at:

<https://www.eastherts.gov.uk/businesses-support/launchpad-business-centres>

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- 8.19** Where car journeys are necessary, the introduction of car clubs can help reduce the number of vehicles at a development and, depending on usage, can also prove cost effective when compared to car ownership. Car sharing schemes can also help reduce the number of vehicles on the road, which helps in mitigating congestion and pollution. Likewise, Mobility-as-a-Service (Maas) can help in consolidating modes of travel. This involves a shift from using personally owned transportation, towards mobility being provided as a service. Further details of Maas is available online:

<https://maas-alliance.eu/the-alliance/> .



Car sharing

Many East Herts and County Council employees are signed up to the Council car sharing schemes



- 8.20** In order to avoid unsustainable mode journey patterns through private motorised trips becoming fixed and engendering behavioural change, it is important that green travel patterns become established at the outset of occupation of major developments through the early implementation of sustainable travel infrastructure, measures and initiatives.
- 8.21** Personalised travel planning is one strand that can be introduced through development delivery to raise awareness of local sustainable travel opportunities on an individual basis, which can have a positive effect in modal choice and behavioural change. Therefore, in combination, a mixture of both hard and soft measures can be very effective in achieving a good uptake of non-car travel modes.
- 8.22** It should be noted that, while the district of East Herts has a dispersed settlement pattern and therefore not all measures will be appropriate for every area, in highly sustainable locations it may be considered suitable to introduce measures which particularly impact on private motorised vehicle journey choices. Measures may include initiatives such as, but not limited to, prioritised junctions and/or carriageway assignment for sustainable modes and reduced parking provision in appropriate locations. For the latter, it should be noted that the Council's approach to parking standards as part of development proposals is covered in the 'Vehicle Parking Provision at New Developments SPD'



8.2.3 Pedestrian and cycle route provision- making journeys healthier and sustainable

- 8.23** In many developments over previous decades, pedestrians and cyclists have often been treated as subordinate to motorised traffic in the movement hierarchy. Therefore, in embracing LTP4's Policy 1 Transport User Hierarchy and seeking to provide sustainable communities with healthy journeys at their heart, it is important that new developments should have their movement networks designed around people, rather than cars, from the outset.
- 8.24** In respect of applying the above, where trips are made through cycle journeys it is important that these users are prioritised and their needs well catered for within the overall design of a development and not bolted on as an afterthought. Not only should routes be well connected and attractive, there must also be consideration of suitable parking arrangements (see more below). The Council will also be keen to support imaginative approaches to encouraging cycling, such as cycle hire and electric assisted bike schemes. Suitable shower and changing facilities should also be provided in appropriate locations to further encourage cycle usage.
- 8.25** The Government published guidance in its Cycle Infrastructure Design Local Transport Note 1/20, July 2020,⁽⁶⁷⁾ and states that it "aims to help cycling become a form of mass transit in many more places. Cycling must no longer be treated as marginal, or an afterthought. It must not be seen as mainly part of the leisure industry, but as a means of everyday transport. It must be placed at the heart of the transport network, with the capital spending, road space and traffic planners' attention befitting that role".
- 8.26** Similarly, in respect of prioritising walking and cycling, the Government is clear in its July 2020 publication Gear Change⁽⁶⁸⁾, that it "will ensure that all new housing and business developments are built around making sustainable travel, including cycling and walking, the first choice for journeys".
- 8.27** Therefore, planning sufficient and appropriate space to prioritise for cyclists and pedestrians to make their journeys successfully should be an integral part of schemes through the implementation of 'inclusive design' principles, alongside accommodating other modes. Intrinsic to the heart of design, routes for pedestrians and cyclists should be well thought out, making sure that linkages and permeation between existing and new developments can be successfully achieved so that maximum opportunities present themselves to engender green travel behaviours through active travel.



- 8.28** It is also important that the considerations of both pedestrians and cyclists are taken into account when planning footways and cycle paths within developments so as to avoid potential conflict between user groups.
- 8.29** Therefore, and in line with the Government's key messages in 'Gear Change', the aim should be to provide segregated provision for each user group where possible. The creation of "Mini-Holland's" in three outer London Boroughs was demonstrated to have had a significant effect where, after the installation of segregated lanes on main roads, low-traffic neighbourhoods were put in, and pedestrians were given thousands of metres of extra space. The results of the scheme in the first of the areas showed a single year increase in cycling by 18%, and 13% for walking. While it is recognised that the scale of London Boroughs' built environments differ markedly from many rural locations in East Herts, there are still parallels to be drawn in respect of how prioritising sustainable user groups in street layout can engender modal shift. The goal should therefore be to segregate pedestrian and cycle movement from each other and both should be removed from motorised traffic where at all possible.
- 8.30** 'Gear Change' further recommends a series of key principles when designing for cycling provision:
- Cyclists must be separated from volume traffic, both at junctions and on the stretches of road between them.
 - Cyclists must be separated from pedestrians.
 - Cyclists must be treated as vehicles, not pedestrians.
 - Routes must join together; isolated stretches of good provision are of little value.
 - Routes must feel direct, logical and be intuitively understandable by all road users;
 - Routes and schemes must take account of how users actually behave;
 - Purely cosmetic alterations should be avoided.
 - Barriers, such as chicane barriers and dismount signs, should be avoided.
 - Routes should be designed only by those who have experienced the road on a cycle.
- 8.31** With specific regard to pedestrians and ensuring that walkable neighbourhoods are achieved and to further support and encourage a culture of active and sustainable travel in bringing forward new development proposals, it is also important that the distances that active people are able or prepared to walk to access services and facilities are factored into design proposals.



- 8.32 In respect of recommended distances to bus stop locations, HCC seeks for these to be a maximum of 400m away from any property, which should be measured as the actual walking distance, and not through use of radius circles or 'as the crow flies' distances. Where rail stations are available, a maximum walking distance of 800m is sought.
- 8.33 As discussed in the 'measures to reduce the need to travel' section above, it is important that new developments can facilitate walking and cycling at the forefront of layout and design. Buildings need to be designed with pedestrian and cycle access to and between them as a key requirement.
- 8.34 Bus stops, transport hubs and other facilities for cyclists and pedestrian user groups should be both accessible and attractive for all users and should offer shelter, as appropriate.
- 8.35 Both hard and soft measures throughout a development can also serve to raise the profile of pedestrians and cyclists, for example by introducing priority measures for these user groups in certain situations that would traditionally have been dominated by motorised vehicles e.g. raised tables at junctions where, instead of the usual configuration whereby vehicular traffic dominates, motorists are required to give way to pedestrian and cyclist movements. This rebalancing of priorities can help ensure the feeling of safety by vulnerable user groups and is aimed towards increasing the propensity to travel by non-car modes.
- 8.36 Such initiatives encourage pedestrian and cyclist activity and also improve health outcomes.

Further Guidance

- 8.37 Useful sources of information and examples of healthy place making nationally can be accessed via the Town and Country Planning Association website: <https://www.tcpa.org.uk/healthy-placemaking-external-resources>.
- 8.38 Likewise, the Healthy Streets concept identifies key elements necessary for public spaces to improve people's health through 10 Healthy Street Indicators™, which also serve to deliver urban places which are socially and economically vibrant and environmentally sustainable. Further details of this initiative, which has also been used by TfL in its Transport Assessment approach, are available at: <https://healthystreets.com/home/about/>



Emerging TCPA Initiative- The 20- minute neighbourhood

The Town and Country Planning Association (TCPA) is working with Sports England in developing a 20-minute neighbourhood concept as an effective way of creating healthier, active communities. The 20-minute neighbourhood is “all about living locally, giving people the ability to meet most of their daily needs within a 20-minute walk from home, with safe cycling and local transport options”.

Details of the emerging scheme can be found on the TCPA website:

<https://www.tcpa.org.uk/the-20-minute-neighbourhood>

Fact Box: HCC Guidance

HCC has published guidance aimed at encouraging active travel and also a strategy for sustainable travel to schools:

<https://www.hertfordshire.gov.uk/media-library/documents/about-the-council/data-and-information/active-travel-strategy.pdf>

<https://www.hertfordshire.gov.uk/media-library/documents/schools-and-education/admissions/transport-policies-and-documents/sustainable-travel-strategy-for-schools.pdf>

- 8.39 Locally, the HCC ‘Roads in Hertfordshire – Highway Design Guide’ sets out how improvements to the highway network must be designed to follow a philosophy of sustainability, recommending new ideas about shared use and designs with less domination by motorised traffic and incorporates the policy and legal framework for developments⁽⁶⁹⁾
- 8.40 A new ‘Roads in Hertfordshire Design Guide’ is currently under preparation by HCC and is anticipated to be made available by December 2020.
- 8.41 The Gilston Area is being planned to deliver around 10,000 new homes as part of the emerging ‘Harlow and Gilston Garden Town’. The development of the Garden Town is following important Garden City principles and has developed its own transport strategy, aiming to achieve an ambitious target where 60% of all journeys within the new Garden Town Communities, and 50% of all journeys across Harlow, will be undertaken by sustainable modes. While, due to economies of scale, most developments will be unable to



achieve these levels of modal share, many of the measures being brought forward could be transferred to a smaller scale. Details of the Harlow and Gilston Garden Town Strategy can be found at:

<http://www.harlowandgilstongardentown.co.uk/>

8.2.4 Transport Statements, Assessments and Travel Plans

8.42 In March 2020, HCC issued its revised guidance on Travel Plans. This document updated advice in line with current Government guidance in the NPPF and also in respect of LTP4. It sets out requirements for applicants in respect of delivering sustainable transport solutions in bringing forward development.

8.43 The guidance makes it clear that to “ensure a Travel Plan meets the county council’s requirements and is realistic in its expectations, it should be developed in partnership between the developer (together with their consultants), future occupants and the local authorities. The strategy of the Travel Plan, including its measures and targets should be developed to deliver an agreed set of objectives”.

8.44 HCC’s suggested objectives include:

- Improve accessibility by non-car modes
- Reduce the need to travel
- Minimise single occupancy car travel
- Support commercial viability of public transport
- Reduce congestion
- Improve the local environment (including air quality and climate change)
- Reduce the cost of travel
- Improve health and wellbeing
- Improve road safety.

8.45 The full document, including such matters as contents, implementation and monitoring procedures, can be found at: <https://www.hertfordshire.gov.uk>

Further Guidance

8.46 Guidance on what is required to be included within Transport Assessments and Transport Statements is available on the Government’s website at: <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

8.2.5 Electric vehicle charging provision

8.47 As part of its commitment to cut vehicle emissions, the UK Government gave a commitment, as part of the Zero Emission Vehicle (ZEV) Alliance, at the International Climate Conference in December 2015 that all passenger



vehicle sales by 2050 would be of zero emission vehicles.⁽⁷⁰⁾ In 2018, the Government stated that it wished to “ensure the houses we are building over the coming years are EV ready. It is our intention that all new homes should have a chargepoint available”.⁽⁷¹⁾

Fact Box: Office for Low Emission Vehicles

The Government has set up the ‘Office for Low Emission Vehicles’ and is offering advice and assistance to aid the support of low emission vehicles and encourage greener travel. The latest updates can be found at:

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

- 8.48 Paragraph 110 of the NPPF, 2019, further states that applications for development: “should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.
- 8.49 Therefore, it is important that applications for new developments should recognise that there will be an increasing modal shift towards electric vehicles and that the design of development will need to accommodate them and their charging requirements as a norm. While it is recognised that supplying active electric charging points to every residential or commercial property may not be feasible in the short-term due to current energy network supply availability, the infrastructure to enable future connection should be provided from the outset of development. This would not only allow for the ability to connect in the future without expensive retrofitting, it would also avoid despoiling finished footways and road surfaces, to the detriment of the local environment.
- 8.50 Therefore, planning applications should include the delivery of an electric vehicle charging scheme for all developments, where possible. While the Council will seek to maximise provision to encourage the use of lower polluting vehicle technologies (with further details regarding standards provided in the Vehicle Parking Provision at New Developments SPD), it will consider each application on its individual merits, taking into account site specific factors.
- 8.51 East Herts Council has itself installed electric vehicle parking charging points in various public car parks across the district and also operates a fleet of electric vehicles through an e car club scheme which is available to employees to use on Council business during office hours and is also available for the general public to hire outside of those times.

70 <https://www.gov.uk/government/news/uk-government-pledges-bold-ambition-for-electric-cars>

71 HM Government (July 2018). The Road to Zero: Next steps towards cleaner road transport and delivering our industrial Strategy: <https://www.gov.uk/government/publications/reducing-emissions-from-road-transport-road-to-zero-strategy>



Electric vehicle car club

Many East Herts Council employees are signed up to the Council's Electric Car Club scheme, available for public use through a car hire scheme out of office hours:

<https://www.eastherts.gov.uk/highways-parking/access-e-cars-east-herts>



8.2.6 Contributions towards passenger and community transport initiatives

- 8.52** In bringing forward proposals, it is accepted practice for contributions to be sought towards measures that are intended to mitigate the transport impacts of development. Current guidance (in the process of being updated) can be found on HCC's website at: <https://www.hertfordshire.gov.uk>
- 8.53** In assessing the level of contributions (and/or provision of services) appropriate for each proposal, the Council will continue to work with HCC to determine the best solutions on a site specific basis, with a focus on obtaining the optimum sustainable measures. Outside of traditional transport provisions, the Council, in conjunction with HCC, is willing to explore innovative sustainable solutions with applicants, such as demand responsive initiatives (e.g. Dial-a-ride, Arriva Click etc.); App based schemes and other emerging technologies; and community transport schemes, etc.
- 8.54** As new innovations become more accepted practice and affordable, for example anticipated advances in emerging autonomous vehicle technology, such schemes will also be considerations to be taken into account.



- 8.55** An example of a successful community led scheme is the SawboBus, which operates through Sawbridgeworth, connecting to local areas throughout the town. The scheme, which was launched by Sawbridgeworth Town Council in 2009, receives grants from East Herts District Council and some local Essex councils, along with commercial sponsors who also help fund the service. The scheme is an excellent example of a community response to the axing of traditional bus provision and provided over 22,000 passenger journeys in 2015. The scheme may also serve as an example model for potential future community based services that may be brought forward through development.



Sawbobus

8.3 Submission Requirements

- 8.56** To ensure compliance with the relevant District Plan policies all new residential and non-residential development must submit a completed Sustainability Checklist to demonstrate that relevant criteria below relating to Sustainable transport have been considered and explained.
- 8.57** Applicants should also submit a Design and Access Statement (to include a movement framework) if development accords with the requirements in the national validation list for Planning and Listed Building Consent Applications:

<https://www.eastherts.gov.uk/planning-building>

- 8.58** Provision of electric charging points must comply with the requirements of the Vehicle Parking Provision at New Development SPD. A scheme for Electric Vehicle Charging Point Provision should therefore be submitted as part of the application submission.
- 8.59** In addition depending on the scale of development, all developments that will generate significant amounts of transport movement are required to submit the following:



- Travel Plan
- Transport Statement
- Travel Assessment

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8.60 Further details of submission requirements for applications can be obtained via the Council's website at:

<https://www.eastherts.gov.uk/planning-building/make-planning-application>.

8.4 Checklist

8.61 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in Table 11 below.

Sustainable Transport		
Ref	Checklist Criteria	Summary of approach to address the criteria
T.1	Have you demonstrated that the development includes measures that reduce the overall need to travel, and particularly by private car?	
T.2	Have you demonstrated how, as first principles of design, the scheme's proposals prioritise walking and cycling within the development and link with existing networks beyond the development to deliver healthy and walkable neighbourhoods?	
T.3	Where cycling facilities and any bus stops and/or transport hubs are to be provided, have you demonstrated that they accessible and attractive for all users and offer appropriate shelter?	



T.4	Have you included measures (traditional and/or innovative) to encourage uptake of more sustainable modes of transport and engender modal shift from the outset of development?	
T.5	Have you developed and submitted to HCC an appropriate Travel Plan, Transport Assessment and/or Statement (as appropriate)?	
T.6	Where car parking is to be provided, have you provided justification for the number of spaces proposed and made provision for electric vehicle charging in accordance with the Vehicle Parking Provision at New Developments SPD?	

Table 11: Sustainable Transport Checklist

8.62 The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.

9 Waste Management

9.1 Policy Context

9.1 There are three main categories of waste in the UK: construction; household; and commercial and industrial. The largest contributor to waste is the construction and demolition industry, which generates a third of all UK waste. Household waste recycling rates in England have risen from around 11% in 2000/1 to about 45%. Recycling rates in construction have also improved over the same period. But since 2013 rates for both have plateaued. The current goal is to ensure 65% of municipal waste is recycled by 2035 and to eliminate food waste from landfill.



- 9.2** Although waste reduction is not solely a planning issue, planning has an important role to play in ensuring all new development is designed to reduce construction waste and to facilitate future occupiers to reduce and recycle waste.

National Policy

- 9.3** A key aim of the Government's 25 year Environment Plan⁽⁷²⁾ is to eliminate unavoidable waste by 2050. To help deliver this goal, the national Resources and waste strategy⁽⁷³⁾ was published in 2018, focusing on the concept of the circular economy. The strategy seeks to ensure sustainability is at the core of resource management by keeping resources in use as long as possible and recovering and regenerating materials. It highlights the key role the planning system has in taking forward the circular economy concept both in terms of resource use and the integration of design for sustainable waste management.
- 9.4** The principles about the circular economy are reiterated in the Environment Bill (2020), which is currently progressing through parliament. The Bill includes a range of waste and resource measures to minimise the amount of waste disposed. To support recycling it will stipulate material that must be collected from all households and businesses, including food waste. It will set requirements about the frequency of collection, which will have implications for the Council's collection service.
- 9.5** The NPPF (2019) identifies the need to minimise waste through the planning system. The National Planning Policy for Waste (2014) provides more detail. Paragraph 8 states that when determining planning applications for non-waste development, local planning authorities should ensure new development supports the delivery of the waste hierarchy by making sufficient provision for waste management, promoting good design to secure the integration of waste management facilities and by maximising reuse/recovery opportunities for construction and operational waste, which minimise off-site disposal.⁽⁷⁴⁾

72 Greening the Future: A 25 Year Plan to improve the Environment (2018) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

73 Our Waste, Our Resources: A Strategy for England <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

74 NPPW (2014) <https://www.gov.uk/government/publications/national-planning-policy-for-waste>



Local Policy

District Plan policies

- DES4 Design of Development
- CC2 Climate Change Mitigation

Waste Local Plan

- Policy 12: Sustainable Design and Construction

Type of Development

- Residential and non-residential development

Submissions Requirements

- Sustainability Checklist

Link to Sustainability checklist

- W.1, W.2, W.3

9.6 The District Plan outlines that the design and construction of development should help reduce waste. **Policy DES4** Design of Development expects proposals to make provision for the storage of bins and ancillary household equipment. **Policy CC2** Climate Change Mitigation promotes the re-use and recycling of waste and recycling where possible.

9.7 Hertfordshire County Council is the waste planning authority and produces the Waste Local Plan, which forms part of the development plan for East Herts. The Waste Local Plan comprises of the Waste Core Strategy and Development Management Policies and the Site Allocations Document. It is underpinned by the objective to move waste management up the waste hierarchy as follows:

- Reduce the quantity of waste produced.
- Reuse waste materials without further processing
- Recover the value of waste materials through recycling, composting or energy recovery.

9.8 **Policy 12** of the Waste Core Strategy and Development Management Policies Plan relates to the design and construction of new development. It requires proposals to use construction and demolition methods that minimise waste generation and re-use/recycle materials and buildings, as far as practicable on site; minimise the use of primary aggregates and use

materials made from recycled and secondary sources. The policy also requires good and innovative design with layout principles that allow for the effective sorting, recycling and composting of waste where appropriate.

- 9.9** The County Council is currently in the process of reviewing the Waste Local Plan. An initial consultation took place in 2018 and a draft plan will be published for consultation later in the year. Details are available on their website: www.hertfordshire.gov.uk/planning.

9.2 Topic Guidance

9.2.1 Waste Management in East Herts

- 9.10** Hertfordshire County Council's Capacity Gap Report (2018)⁽⁷⁵⁾ produced to support the Waste Local Plan review, identifies Construction, Demolition and Excavation waste to be the most significant capacity gap for Hertfordshire (when compared to the other capacity gaps for the other waste streams in Hertfordshire) and therefore every effort must be made to reuse and recycle construction waste for any development.
- 9.11** In terms of waste management in East Herts, waste and recycling collections are predominantly wheeled bin collections for both residential and commercial developments. At residential developments waste storage and collections must comply with the Council's current waste collection service requirements and take account of any agreed future changes.
- 9.12** At commercial or industrial premises, adequate provision for waste and recycling storage and management is required; however this is assessed on an individual basis and may require collections from a specialist contractor, and the use of specialist infrastructure such as compactors or skips.
- 9.13** The household recycling rate in East Hertfordshire is currently around 50% and the Council aims to increase the recycling rate over future years, a reduction in residual bin capacity and an increase in recycling bin capacity should therefore be anticipated by developers.

9.2.2 Waste Hierarchy

- 9.14** The principles of the waste hierarchy can be applied throughout the life of a development. There are five basic strategies for dealing with waste: reduce, re-use, recycle, recovery and only as a last resort, dispose. This hierarchy is outlined below in Figure 11.

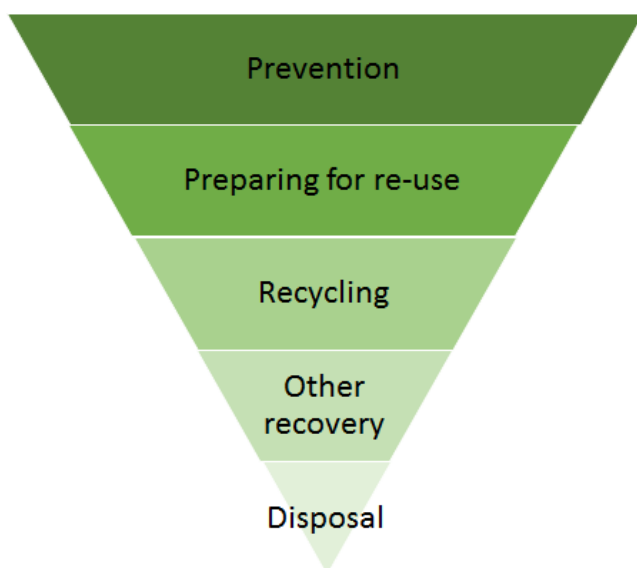


Figure 11: Waste Hierarchy

- 9.15** Waste prevention sits at the top of the hierarchy, making it the primary objective in any waste strategy. The UK Government has introduced a landfill tax, aggregate levy and other waste management regulations to encourage the diversion of waste from landfill, promote re-use and recycle strategies and emphasise environmental responsibilities. Waste prevention can be built into the design of many developments by using less materials or by using materials with a longer life span, as well as less hazardous materials.

9.2.3 Construction Waste

- 9.16** In accordance with the Waste Local Plan and District Plan Policy CC2 Climate Change Mitigation, applicants should outline how construction and demolition waste will be reduced and re-use and recycling encouraged.
- 9.17** The use of secondary and recycled aggregates will reduce reliance on the extraction of primary resources and reduce the waste sent for final disposal and is in line with the Circular Economy. The circular economy relates to the concept of recycling and re-using materials within the built environment sector and essentially aims to reduce the carbon footprint of a development from start to finish. The concept relates to guidance about embodied energy in the Carbon and Energy Reduction section of this SPD.



Reusable construction and demolition materials

9.18 There are a range of measures that can be applied at all scales of development, to reduce waste during the construction of development. WRAP (Waste and Resources Action Programme) have identified five key principles to reduce waste during the design process:

- Design for re-use and recovery
- Design for off-site construction
- Design for materials optimisation;
- Design for waste efficient procurement; and
- Design for deconstruction and flexibility.

9.19 Construction standards such as BREEAM or HQM can be used to gain credits under the waste section of the methodology. For larger developments (over 50 homes) conditions may be used to secure submission and implementation of Site Waste Management Plans. Hertfordshire County Council is planning to introduce guidance on these as part of the Local Waste Plan Review.

9.20 Resource Management Plans (RMPs) (these are similar too SWMPs) can also be encouraged to promote resource efficiency and to prevent illegal waste activities. Resource efficiency includes minimising waste at source and ensuring that clients, designers and principal contractors assess the use, reuse and recycling of materials and products on and off the site. Circular Economy Statements are also encouraged as good practice and something the County Council are planning to implement via their Local Plan Review.

Further Guidance

9.21 For an overview of circular economy statements:

- Mayor of London (2020) Draft Circular Economy Statements:

https://www.london.gov.uk/sites/default/files/ggbd_circular_economy_statement_guidance_2020_web.pdf



9.2.4 Designing Provision for Sustainable Waste Management

- 9.22** The design measures required to facilitate sustainable waste management depend on the scale and type of development.

Waste and Recycling Capacity - Residential Premises

- 9.23** Experience shows that residents who are responsible for their own individual waste containers are more likely to recycle and cause less contamination. Wherever possible, therefore, individual containers for each dwelling are preferred.
- 9.24** The Council acknowledge, however, that communal provision is sometimes necessary and can be more advantageous where space is at a premium. It is vital that adequate space and arrangements for the storage and collection of waste and recycling are considered at the earliest stage. The design must take space requirements and the on-going operational arrangements into account. If communal waste storage is likely to be required please refer to the section on flats below.

Internal Storage

- 9.25** Provision of sustainable waste management solutions requires the provision of internal storage capacity. This is fundamental in ensuring that residential premises have sufficient space to facilitate recycling by the separation of waste streams at the point of production.
- 9.26** As a minimum an internal capacity of 40 litres should be provided in the kitchen of each dwelling. This capacity should be divided to allow for the segregation of residual waste and recycling. In addition it is also recommended to allow for the separation of food waste to facilitate the government's vision of separate weekly food waste collections.

External Storage – General

- 9.27** As a minimum developers' are required to provide sufficient, off street, external storage space, for the containers required by the waste collection authority. This can be provided in purpose built bin stores. Waste and recycling collections are made utilising multiple receptacles. Details of the current receptacles and capacity requirements can be found on East Hertfordshire Councils' website.
- 9.28** The following principles should be taken into account:
- For developments with gardens on site composting facilities should be considered, either in the form of 'home' composting units or wormeries at houses, or garden composting facilities for grounds maintenance activities as part of the developments ongoing maintenance.



- The design of all waste storage areas should take account of additional fire risks associated with the storage of waste and any additional risks should be mitigated by the design. Where waste stores are integrated into the building sprinkler systems should be considered. Waste storage must not present a risk to any escape route in the event of a fire.
- The location of waste storage should also seek to minimise environmental impact i.e. by preventing the escape of litter or waste water runoff, and seek to prevent nuisance to users or residents. i.e. collection points not under windows, in particular bedroom windows which may be impacted by the noise from early morning collections.
- Storage areas should therefore be appropriately located with easy access for residents. Access to external storage areas should be at a distance of no more than 30m from the private entrance door to the property. Residents should not be required to move their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.
- The surface from the storage point to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, with a maximum gradient of 1:12.
- It is not recommended that residents or collection staff are expected to pull bins past parking bays. This often leads to bins being left out on the pavements or grassed areas and interrupts the design of the streetscape

9.29 For large scale developments innovative waste management solutions should be considered and early consultation with the Council (waste collection authority) is required. For areas with high density housing; solutions such as underground bin systems may provide benefits to the streetscape.



An example of underground waste storage



- 9.30** The design of underground bins varies considerable and in turn so can the collection methodology and impact on the street environment. The designs seen in the UK predominantly fall into three types: those relying on a hydraulic platform to house 'standard' bins, bottom opening crane lifted, and top opening crane lifted.



Top opening crane lift design at Eddington, Cambridge



Hydraulic platform

- 9.31** Where solutions are proposed which differ from the standard services being provided by the authority, the developer will be expected to fund any infrastructure required to facilitate collections.

External Storage – Flats

- 9.32** Waste and recycling collections are made utilising multiple receptacles. Details of the current receptacles and capacity requirements can be found on East Hertfordshire Councils' website, however as a guide provision should be made for the following as a minimum:

- Mixed dry recycling: 45 litres per person (fortnightly collection) (Up to 1100L bin size)
- Paper: 10 litres per person. (fortnightly collection) (Up to 360L bin size)
- Residual waste: 50 litres per person (fortnightly collection) (Up to 1100L bin size)



- 9.33** Capacity requirements for individual flats should not be considered in isolation but should account for the cumulative total of all capacity requirements for the properties serviced by the bin store.

Number of bedrooms	Assumed capacity	Capacity Requirements per flat
1	2	90L Mixed dry recycling 20L Paper 100L Residual Waste
2	3	135L Mixed dry recycling 30L Paper 150L Residual Waste
3	4	180L Mixed dry recycling 40L Paper 200L Residual Waste

Table 12: Recycling capacities required in flats

Fact box

As an example a flat block containing, 8 x 1 bedroom units, 6 x 2 bedroom units and 2 x 3 bedroom units would accumulate totals of: 1,890L mixed dry recycling, 420L paper, 2100L residual waste.

A bin store layout containing 2 x 1100L bins (mixed dry recycling), 2 x 240L bins (paper) and 2 x 1100L bins (residual waste) would therefore be considered appropriate.

- 9.34** The following principles should be taken into account:

- Access to external bin stores can be problematic for elderly residents and for those with disabilities. Their design should therefore encompass the needs of all potential residents. Bin stores should either have adequate natural lighting or artificial lighting as necessary to ensure residents can clearly utilise the correct bins and to ensure access does not pose a health and safety risk.



- There is no requirement for separate bin stores for residual and recyclable waste; however sufficient segregation of bins should be possible within the bin store to prevent confusion.
- Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins; this should therefore also give sufficient access space for residents in wheelchairs.
- Management arrangements should be put in place to ensure bin stores are regularly maintained, kept clean and tidy and free from pests.
- In bin stores housing multiple bins, drainage should be provided to allow for the washing down of storage areas and preventing run off. Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available. Doors to bin stores should be sufficient in width to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store. Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs. Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.
- The surface from the storage point to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

Further Guidance

- 9.35** Further guidance on storage design can be found in 'Avoiding Rubbish Design – NHBC Foundation':

<http://www.designforhomes.org/wp-content/uploads/2020/04/NF60-Avoiding-rubbish-design.pdf>

Waste and Recycling Capacity - Commercial Premises

- 9.36** Waste storage capacity in commercial or industrial premises is dependent on the activity taking place at the premises. Alternative treatment, storage and collection methodologies can be considered based on the needs of the business and availability of private contractors to undertake collections.
- 9.37** A minimum of one third of waste storage capacity for recyclable waste is required; however it is advised to consider space to allow for half of waste materials to be recycled. Where food is served or sold on the premises then additional separate space for storage or processing of food waste is required.



- 9.38** In all instances sufficient controls should be put in place to prevent the escape of waste from premises, in particular waste and recycling storage areas. For retail premises, in particular those selling food, sufficient controls should also be in place to prevent the escape of litter created by customers or users of the premises.

Waste Collection

- 9.39** Access for waste collection is required for all developments. It is therefore necessary to ensure that a waste collection vehicle can get access close to any waste collection points. In all instances pull distances from the storage or collection point to the collection vehicle should not exceed 15m for two wheeled bins and 10m for 4 wheeled bins in accordance with BS5906:2005.⁽⁷⁶⁾ It is expected that where bin stores are proposed in communal flat developments or commercial premises that collection operatives will collect bins from these locations. Bin stores should front onto the highway or vehicle access location where possible.
- 9.40** Applicants should note that waste and recycling collections from houses occur from the kerbside. Should a developer wish to propose an alternative collection point this should be discussed and agreed in advance of any planning application. It is recommended that the developer consider 'communal' kerbside collection points. This prevents cluttering of footpaths on collection days and ensures sufficient access is available for collection staff.
- 9.41** Where new access is proposed for waste collection vehicles it is necessary to demonstrate that a 26t mid-steer refuse collection vehicle can access and leave the site in a forward motion, vehicle tracking diagrams must therefore be provided. Access in residential developments is not usually required more than twice a week and therefore consideration could be given to specialist access routes similarly used by emergency vehicles, where the restriction of vehicular access is the preference. This type of access should be in consultation with the waste collection authority in advance of any planning application and all unadopted road surfaces must have sufficient weight bearing capacity to ensure vehicles do not cause damage during normal collection activities. No liability will be accepted by the Council for damage on unadopted roads where waste collection is required. Reversing manoeuvres should be avoided, however where these cannot be avoided they should be no more than 12m in accordance with BS5906:2005.
- 9.42** Dropped kerbs and gradients of no more than 1:12, should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.



9.43 Consideration should be given to visibility splays and parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited. This may apply to existing parking arrangement not just arrangements associated with the new development.

9.44 Local Authority waste collection will not commence until road surfaces are complete to base layer and access is not unreasonable (refer to Environmental Protection Act S.45) and not hindered by ongoing construction work. Until these criteria are met, and where a development requires a waste collection service, provision will have to be made by the developer at their cost.

Summary of requirements

9.45 Table 13 provides a summary of the design considerations that need to be addressed.

Houses	Flats	Additional requirements for developments requiring vehicle access	Commercial
Full complement of waste and recycling receptacles provided	Full complement of waste and recycling receptacles provided	Vehicle access point is suitable weight bearing standard	Reversing manoeuvres are less than 12m in a straight line
Off street bin storage area provided	Internal (kitchen) waste and recycling storage provision	Roadway has suitable visibility splays	Bins can be moved independently from the bin storage area without having to move other bins
Home composting facilities provided	Off street bin storage area provided	Roadway is drive in and drive out	Bin compounds/stores have keypad entry or fire brigade locks
Bin storage location within 30m of the main dwelling entrance/exit	Bin storage location within 30m of the private dwelling entrance/exit	Reversing manoeuvres are less than 12m in a straight line	Bin compounds/stores have protection strips on doors



Bin storage location within 25m of the kerbside or bin collection point	Bin storage location within 10m of the kerbside or bin collection point	Vehicle tracking is provided	Bin compounds/stores have doorways which are wider than 20cm plus the largest bin width
Bins are not required to be pulled through the house by residents.	Bin collection point is kerbside		Pathways are 1.5m wide
Bin collection point is kerbside	Bins can be moved independently from the bin storage area without having to move other bins		Pathways take the most direct route to the kerbside
Bins are not required to be pulled by collection crews past parked cars	Bin compounds/stores have keypad entry or fire brigade locks		Pathways have a gradient of no more than 1:12
	Bin compounds/stores have protection strips on doors		Pathways are smooth surfaced
	Bin compounds/stores have doorways which are wider than 20cm plus the largest bin width		Bins are not required to be pulled by collection crews past parked cars
	Pathways are 1.5m wide		
	Pathways take the most direct route to the kerbside		
	Pathways have a gradient of no more than 1:12		



	Pathways are smooth surfaced		
	Bins are not required to be pulled by collection crews past parked cars		
	A dropped kerb gives access to the vehicle access point		

Table 13: Summary of design considerations

9.3 Submission Requirements

9.46 To ensure compliance with the relevant District Plan policies all new residential and non-residential development must submit a completed Sustainability Checklist to demonstrate that relevant criteria below relating to Sustainable Waste Management have been considered and explained.

9.47 Applicants should also submit a Design and Access Statement (to include access details) if development accords with the requirements in the national validation list for Planning and Listed Building Consent Applications.

9.48 In addition the following information is required:

- Site plans indicating waste and recycling storage locations and collection locations.
- Transition pathways and distances from storage locations to collection locations, where these differ.
- Transition pathways and distances from collection locations to collection vehicle access points.
- Vehicle tracking for 26t mid-steer Refuse Collection Vehicles, where access to the development is required.
- Detail and design information for bin storage locations for flats and commercial or industrial businesses.
- Detail of internal waste and recycling storage provision in kitchens of residential premises.
- Detail of proposals for the ongoing management of litter at retail developments.

9.49 Further details of submission requirements for applications can be obtained via the Council's website at: <https://www.eastherts.gov.uk/planning-building>.



9.50 Further guidance and pre-application advice is available from the Council as the waste collection authority: WasteandRecycling@north-herts.gov.uk

9.4 Checklist

9.51 Reflecting policy requirements and the topic guidance, the following checklist principles need to be addressed as outlined in Table 14 below

Waste Management		
Ref	Checklist Criteria	Summary of approach to address the criteria
W.1	Have measures been proposed to reduce, re-use and recycle construction and demolition waste?	
W.2	How has the internal and external design of the development factored in effective sustainable waste management measures? Has sufficient detail been submitted with the application?	
W.3	Have all the relevant criteria identified in Table 13 been addressed?	

Table 14: Waste Management Checklist

9.52 The checklist needs to be submitted with applications for all new development. The level of detail submitted needs to be proportionate to the scale of application. A combined checklist is included in Appendix A. The checklist can also be used as part of the pre-application process.



10 Appendix A: Combined Submission Checklist

10.1 The sustainable design and construction submission checklist needs to be submitted with applications for all new development and can also be used as part of the pre-application process.. The level of detail submitted should be proportionate to the scale of application.

Reference	Checklist Criteria	Summary of approach to address the criteria
Energy and Carbon Reduction		
En.1	Have carbon reduction calculations been included in the Sustainable construction, Energy and Water Statement? (See Appendix B for a carbon reduction template)?	
En.2	How have the site layout and building orientation and form been designed to minimise energy use?	
En.3	What proportion of the total number of buildings, are orientated to secure optimum solar gain? (East-West axis)	
En.4	How has the energy hierarchy been applied to prioritise reducing the need for energy and implementing the 'fabric first approach'?	
En..5	How will you ensure that where renewable/ low carbon technologies have been included to reduce carbon, that these will be successfully integrated into the design of the development?	



En..6	How has the energy embodied in construction materials been reduced? (e.g. reuse and recycling/ sustainable materials/ locally sourced)	
Climate Change Adaptation		
CA.1	How have the site layout and buildings been designed to mitigate overheating, giving priority to measures in line with the cooling hierarchy?	
CA.2	Has an overheating assessment been undertaken?	
CA.3	What Green Infrastructure is proposed?	
CA.4	How have existing landscape features such as trees/woodlands and hedgerows been protected and incorporated within a Green Infrastructure network?	
CA.5	Have green roofs or walls been included. Please explain your answer?	
CA.6	Have measures been included to address surface water runoff?	
CA.7	If the application is major development, have details of SUDs been submitted?	
Water Efficiency		
Wa.1	For new residential proposals, have you demonstrated compliance	



	with the target for mains water consumption to be 110 litres or less per heard per day in the Sustainable construction, Energy and Water Statement?	
Wa.2	For non-residential development, have measures been taken to reduce water consumption in the proposed development?	
Wa.3	Have water recycling systems been considered and incorporated? Please explain your approach	
Pollution: Air Quality		
AQ.1	How has the proposal addressed the minimum air quality standards? These apply to all new development as set out in section 6.1.2.2 of the SPD.	
AQ.2	How does the proposal show consideration of air quality in the design of new development? Design should address the following principles: <ul style="list-style-type: none"> • Building and development layout and design • Emissions from transport • Sustainable energy 	



AQ.3	How has emissions mitigation been incorporated into the proposal?	
AQ.4	How will emissions be minimised through the construction and demolition phase of the development? Measures should follow the national guidance set out in section 6.1.2.7 of this SPD.	
AQ.5	Has an Emissions Assessment been carried out as part of the Air Quality Neutral Requirement? The assessment should utilise the Damage Cost Approach.	
AQ.6	Has an Air Quality Impact Assessment been submitted? This must be submitted if the proposal meets any of the criteria listed in section 6.1.3 of this SPD.	
AQ.7	Has an Air Quality Neutral Assessment been submitted? This must be submitted if the proposal meets the criteria listed in section 6.1.3 of this SPD.	



Pollution: Light Pollution		
LP.1	Does the proposal materially alter light levels outside the development and/or have the potential to adversely affect the neighbouring uses or amenity of residents and road users or impact on local ecology?	
LP.2	Is the proposed light design the minimum required for security and operational purposes?	
LP.3	Does the proposal minimise potential glare and spillage? Please detail the design measures adopted to ensure this	
Biodiversity		
Bio.1	Have you submitted the East Herts biodiversity checklist?	
Bio.2	In accordance with the biodiversity checklist, does the proposal affect a protected species or habitat?	
Bio.3	If a protected species or habitat has been identified, has an ecological survey, with sufficient information been undertaken?	
Bio.4	If a major development, has an ecological survey, with sufficient information	



	been undertaken to assess the likely ecological impact of the development?	
Bio.5	Has the mitigation hierarchy been undertaken, to demonstrate an adverse impact on biodiversity has been avoided? If this is not possible, has the impact been mitigated and then subsequently compensated?	
Bio.6	Has a biodiversity net gain been achieved? Please explain	
Bio.7	Has a suitable biodiversity management and monitoring strategy for the site been proposed?	
Sustainable Transport		
T.1	Have you demonstrated that the development includes measures that reduce the overall need to travel, and particularly by private car?	
T.2	Have you demonstrated how, as first principles of design, the scheme's proposals prioritise walking and cycling within the development and link with existing networks beyond the development to deliver healthy and walkable neighbourhoods?	



T.3	Where cycling facilities and any bus stops and/or transport hubs are to be provided, have you demonstrated that they accessible and attractive for all users and offer appropriate shelter?	
T.4	Have you included measures (traditional and/or innovative) to encourage uptake of more sustainable modes of transport and engender modal shift from the outset of development?	
T.5	Have you developed and submitted to HCC an appropriate Travel Plan, Transport Assessment and/or Statement (as appropriate)?	
T.6	Where car parking is to be provided, have you provided justification for the number of spaces proposed and made provision for electric vehicle charging in accordance with the Vehicle Parking Provision at New Developments SPD?	
Waste Management		
W.1	Have measures been proposed to reduce, re-use and recycle construction and demolition waste?	



	Have all the relevant criteria identified in table 13 of the SPD been addressed?	
W.2	How has the internal and external design of the development factored in effective sustainable waste management measures? Has sufficient detail been submitted with the application?	
W.3	Have all the relevant criteria identified in Table 13 of the SPD been addressed?	



11 Appendix B: Carbon Reduction Template

Notes:

- 11.1** The table should be completed for each unit proposed as part of a development. Where a building contains multiple dwellings, it is acceptable to assess this issue based on the average energy performance of all dwellings within the building (e.g. for apartments or terraced housing). The area weighted average DER and TER must be calculated in accordance with the block averaging methodology defined in clauses 2.7 and 2.16 of Approved Document L1A. For dwellings where area weighting does not apply, the carbon reduction requirement should be achieved for each unit.
- 11.2** The Target Emission Rate (TER) and Dwelling Emission Rate (DER) should be derived from the calculations carried out for Building Regulations compliance (Part L).
- 11.3** Sample SAP calculations should be appended to the Carbon Reduction Template as evidence of compliance in addition to submission of the table.
- 11.4** Alongside the table below, the main body of the Sustainable Construction, Energy and Waste (ScEW) Statement should include a summary of the measures proposed to reduce carbon emissions following the energy hierarchy. Where renewable energy technologies are proposed to meet some of the carbon reduction requirement, the location and layout of those technologies should be shown on relevant drawings (for example, roof plans should show the layout of any proposed photovoltaic panels).
- 11.5** Where SAP calculations are yet to be completed, the ScEW Statement should set out the general approach to meeting policy requirements, with an indication of how development performs on relation to building regulations. A planning condition can be used to secure submission of carbon calculations once SAP calculations have been carried out.

Address/ Unit number	Target Emission Rate (TER)	Dwelling Emission Rate (DER)	% improvement on Part L 2013



12 Appendix C: Air Quality Neutral Benchmarks

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- 12.1** Two good practice Building Emission Benchmarks (BEBs) have been defined for NO_x and for PM_{10} for a series of land-use classes. The benchmarks are expressed in terms of $\text{g/m}^2/\text{annum}$. The gross floor area (GFA) is used to define the area. For less common types of development it will be for the developer to provide convincing evidence for which BEB should be used.

Land Use Class	$\text{NO}_x (\text{g/m}^2)$	$\text{PM}_{10} (\text{g/m}^2)$
Class A1	22.6	1.29
Class A3- A5	75.2	4.32
Class A2 and Class B1	30.8	1.77
Class B2- B7	36.6	2.95
Class B8	23.6	1.90
Class C1	70.9	4.07
Class C2	68.5	5.97
Class C3	26.2	2.28
Class D1 (a)	43.0	2.47
Class D1 (b)	75.0	4.30
Class D1 (c-h)	31.0	1.78
Class D2 (a-d)	90.3	5.18
Class D2 (e)	28.4	16.3

Landuse	
$\text{NO}_x (\text{g/m}^2/\text{annum})$	
Retail	249
Office	68.5
$\text{NO}_x (\text{g/dwelling/annum})$	
Residential	1553
$\text{PM}_{10} (\text{g/m}^2/\text{annum})$	
Retail	42.9



Office	11.8
Residential	267

Source: Sustainable Design and Construction Supplementary Planning Guidance: GLA, April 2014



13 Appendix D: Advice note - Gas Fired Combined Heat and Power (CHP)

Background

- 13.1** Combined Heat and Power (CHP) is the co-production of electricity and heat and is considered to be a low carbon technology. They recover the heat that is a by-product of electricity generation and distribute it alongside electricity in the form of hot water for space heating. CHP systems are located at the point of consumption meaning there is very little loss of energy through transmission and distribution.
- 13.2** District Plan policies CC2 and CC3 are committed to minimising carbon dioxide emissions and developing sources of renewable energy. Gas fired CHP is a low carbon technology and may be a viable solution for meeting these policy requirements. However despite these benefits, CHP can lead to a localised worsening of air quality as fuel combustion gives rise to air pollutants if not correctly specified, installed and maintained.
- 13.3** This appendix adds guidance for applicants including heat and power through on-site low carbon technologies. It is emphasised that the energy hierarchy set out in the Energy and Carbon Reduction chapter of this document encourages developers to optimise options to reduce energy demand and increase energy efficiency in order to reduce carbon dioxide emissions before implementing on-site low carbon technologies.
- 13.4** As part of the planning process it is important to consider impacts on air quality not only within and near the boundary of the AQMA but also considering the cumulative impacts of development, as set out by Policy EQ4. The emissions from CHP should be considered alongside the wider emissions associated with the development such as plant installation, traffic impacts and where relevant the potential for cumulative impact of multiple CHP plants in a small geographical area, which could lead to localised hotspots of poor air quality.
- 13.5** This advice note focuses solely on gas fired CHP and therefore assumes that the pollutants of interest are nitrous oxides (NO^x). If fuel sources other than gas are being considered installations may fall under other regulatory regimes and other pollutants such as particulate matter (PM) and sulphur dioxide (SO²) may need to be considered.
- 13.6** The use of biomass CHP should be very carefully considered due to the potential impact on air quality within the local area. The use of biomass combustion is unlikely to be supported within an AQMA or where it may impact on residents unless it can be clearly demonstrated that there will be



no adverse impact on air quality. Consideration will also need to be given to the responsible sourcing of biomass fuel and of the transportation impacts of fuel delivery.

Minimising Emissions

- 13.7** It is important to give thought to the design and specification of the system including potential emissions early in the design phase. This will minimise the conflict that CHP can have with wider air quality issues on the area and help overcome any concerns regarding the health impacts of the proposed development. This advice note has been developed to assist with this process.
- 13.8** All CHP installed must meet the following emissions standards:⁽⁷⁷⁾
- Spark ignition engine: less than 250mgNO_x/Nm³
 - Compression ignition engine: less than 400mgNO_x/Nm³
 - Gas turbine: less than 50 mg NO_x/Nm³
- 13.9** Considering the wider environmental impacts of the system early on and ensuring the system is optimised for the proposed use not only helps reduce issues later on, but also helps minimise costs. The retrofitting of abatement equipment at a late stage is likely to be far more costly than giving time and consideration at the planning stage. Once installed it is important that the system is appropriately maintained and serviced throughout its functional life.
- 13.10** The impact on air quality will depend on many factors including location, emissions, size and type of plant, flue design and dispersion, what it is replacing, whether it represents intensification of site and whether abatement equipment will be installed. The emissions from CHP should be considered alongside other emissions associated with the development and proposed mitigation.

Type and Design of the Plant

- 13.11** The plant consists of the prime mover which provides the power for the system, electrical generator and heat recovery equipment (this captures waste heat from the prime mover most often for use as heating and hot water (HHW). CHP can also include cooling. In this case it is known as combined cooling, heat and power (CCHP) and the design will then include absorption chillers.
- 13.12** The type of prime mover has a major impact on the emissions of a system with standards applying to this and not the CHP system as a whole. The two most common prime movers used for gas fired CHP are the internal

77 These standards are set out in the IAQM national air quality guidance available online at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>



combustion engine and the gas turbine. Gas turbines produce the lowest emissions and are the most electrically efficient of the two, with modern gas turbines typically incorporating low NO_x burners as standard. They are therefore unlikely to require further abatement features to be in line with emission standards. The combustion engine typically has higher NO_x emissions and should be specified with lean burn technology. Catalytic converters can be installed to reduce NO_x emissions but require further capital outlay. Figure 1 below gives an indicative look at common prime movers and relative NO_x emissions.

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Indicative Relative NO_x Emissions Performance of Common CHP Prime mover Technology/Fuel Combinations

- 13.13** CHP is typically sized to meet base loads; over-specified systems run less efficiently and produce higher emissions. How the system will deal with variable heat loads is also an important part of the design which again will influence emissions. Where peaking plant is installed, emissions should also be considered; and low NO_x boilers should be installed to minimise the emissions of the wider development.

Dispersion of Emissions

- 13.14** Consideration should be given at an early stage to the location and the height of the chimney or flue serving the CHP plant. All combustion plant must terminate as a minimum 1 metre above the highest point of the building of which the plant serves, or as agreed with the planning authority. Ideally the chimney should be designed as high as possible to aid dispersion and consideration should be given to the height of surrounding buildings and the impact they may have on dispersion.



- 13.15** Under the Clean Air Act (CAA) 1993 details of all new 'furnaces' installed should be submitted to the Local Authority. In some cases chimney height approval may need to be sought and along with a chimney height calculation.⁽⁷⁸⁾
- 13.16** Dispersion modelling will be required as part of an Air Quality Impact Assessment where a CHP system is to be incorporated into a development.

Conclusion

- 13.17** It is important to consider the design of the proposed CHP system at an early stage. This should include:
- The type of CHP system proposed, the fuel it will use and system design to minimise emissions;
 - Whether further abatement equipment be required to meet emission standards;
 - Consideration of the flue design and dispersion of emissions;
 - Whether dispersion modelling are required as part of an Air Quality Impact Assessment.
- 13.18** This information is typically available in the manufacturer's specification and as part of the plant design.
- 13.19** The recommended emission standards have been established to minimise the impact of wider development on air quality within the local area. These emissions should be considered alongside other emissions from the development and the location of the development. Where a CHP system is proposed, emissions must be evaluated as part of an Air Quality Impact Assessment.

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Sustainability Supplementary Planning Document

Strategic Environmental Assessment Screening Statement

1. The Purpose of this Statement

- 1.1 This screening statement has been prepared to determine whether the proposed Sustainability Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Union Directive 2001/42/EC (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
- 1.2 The purpose of this SPD is to support the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development. It has been produced to expand particularly on the following District Plan policies:
 - DES4 Design of Development
 - TRA1 Sustainable Transport;
 - NE1 International, National and Locally Designated Nature Conservation Sites;
 - NE2 Sites or Features of Nature Conservation Interest (Non-Designated);
 - NE3 Species and Habitats
 - CC1 Climate Change Adaption;
 - CC2 Climate Change Mitigation;
 - Policy CC3 Renewable and Low Carbon Energy
 - WAT4 Efficient Use of Water Resource;
 - EQ2 Noise;
 - EQ3 Light Pollution;
 - EQ4 Air Quality
- 1.3 The key aims of the SPD are to provide transparent, holistic guidance for applicants, with more detail about District Plan policy requirements and expectations. By requiring submission of a sustainability checklist the SPD will ensure applicants consistently submit relevant information to demonstrate compliance with policy. It will also help officers and councillors assess the environmental credentials of developments and encourage developers to go further than current policy, to demonstrate excellence in sustainable development. Once adopted the SPD will be a material consideration in planning decisions.

2. Strategic Environmental Assessment – Regulatory Requirements

- 2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 of the Planning Practice Guidance (PPG), which states that "supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the local plan.
- 2.2 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 2.3 The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.
- 2.4 The 2001 Directive has been updated a number of times, with the most recent Directive issued in April 2014. While Article numbers cited in the 2005 guidance have been updated/removed, the principle of determining whether a Plan or Programme will have likely significant effects on the environment remain the same. Therefore, this screening statement uses the only Government guidance available.

3. The Strategic Environmental Appraisal Process

- 3.1 The first stage of the process is for the Council to determine whether or not the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The Council also has to consult the Environment Agency, Historic England and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted.
- 3.3 Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the

reasons for this determination. This statement is East Herts Council's Draft Regulation 9(3) statement.

4. Other Regulatory Considerations

Sustainability Appraisal

- 4.1 Whilst there is no statutory requirement to undertake a Sustainability Appraisal (SA) of the Sustainability SPD, the Council has considered whether an SA of this SPD is required. The Council has determined that the SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements. This SPD does not create new policies and only serves to provide useful guidance on how to effectively and consistently implement the environmental sustainability policies in the East Herts District Plan, which has been subject to a fully comprehensive SA process, incorporating SEA.
- 4.2 More information on the Sustainability Appraisal of the East Herts District Plan can be viewed on the Council's website.

Habitats Regulations Assessment

- 4.3 In addition to SEA and SA, the Council is required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects on the integrity of internationally designated site of nature conservation importance, known as European sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
- 4.4 As with the SA, the District Plan was also subject to a comprehensive HRA. The HRA screened out the housing policies at an early stage, concluding that they were unlikely to have a significant effect on the integrity of European Sites. As the purpose of this SPD is to expand upon these policies, the Council has determined that a HRA is not required.
- 4.5 More information on the Habitats Regulations Assessment of the East Herts District Plan can be viewed on the Council's website.

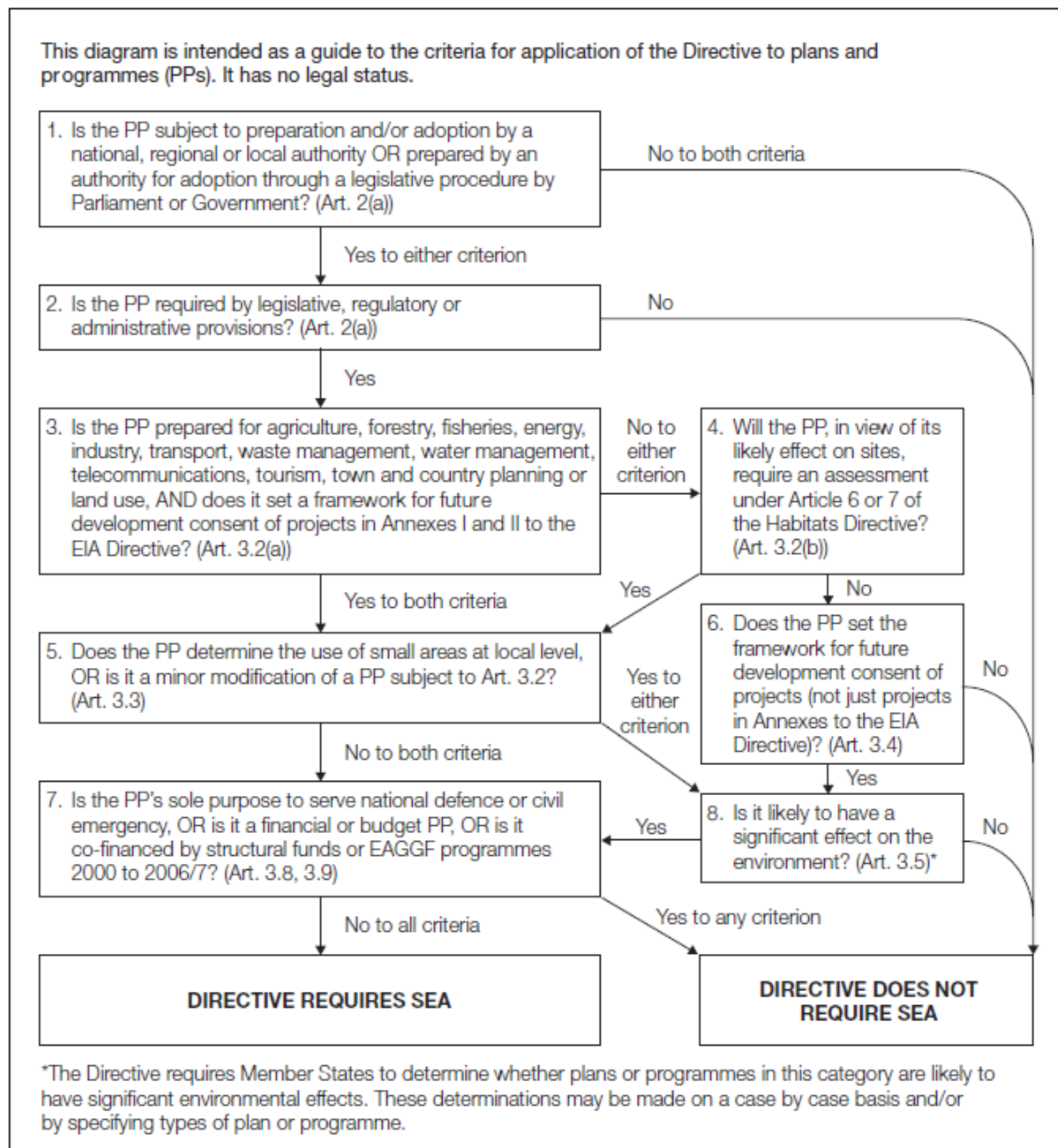
5. Conclusion

- 5.1 On the basis of the screening process, it is the Council's opinion that the Sustainability SPD does not require a Strategic Environmental Assessment or Sustainability Appraisal. This is because there will be no significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of District Plan policies.

Appendix 1

SEA Screening of the Sustainability SPD:

Figure 1: Application of the SEA Directive to plans and programmes guide



A Practical Guide to the Strategic Environmental Assessment Directive, ODPM 2005
Table 1: Establishing whether there is a need for SEA

Stage	Yes/No	Assessment
1. Is the PP (plan or programme) subject to preparation and/or	Yes to either criterion: proceed to question 2	The SPD has been prepared by East Herts Council to provide more detail to the

Stage	Yes/No	Assessment
adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))		policies contained in the East Herts District Plan, relating to the environmental sustainability of new development.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes: proceed to question 3	The SPD has been prepared by East Herts Council to provide more detail to the policies contained in the East Herts District Plan, relating to the environmental sustainability of new development.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes to both criterion: proceed to question 5	The SPD is prepared for the purpose of town and country planning. It supplements policies within the East Herts District Plan 2018, by providing guidance on sustainable design and construction good practice. AND the SPD sets the framework for development which may require an Environmental Impact Assessment under Schedule II of the EIA Directive such as 'urban development projects'. However, the SPD does not create new policy.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes to first criterion: proceed to question 8	The SPD supplements the District Plan policies on designing and constructing new development sustainably to ensure the policy principles are delivered consistently and effectively.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The principle of improving the environmental design and construction of new development has already

Stage	Yes/No	Assessment
		<p>been established in the District Plan, which was subject to comprehensive SA incorporating SEA. The SPD focuses on providing additional technical guidance to support and implement the District Plan policies. The SPD is therefore considered to have no significant effect on the environment.</p> <p>Directive does not require SEA</p>

Table 2: Assessment of the SPD against Schedule 1 of the SEA Directive

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
1. Characteristic of the SPD having particular regard to:	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD provides more detail on the policies and principles established in the East Herts District Plan 2018, which has been subject to comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the effective and consistent implementation of planning policies seeking to improve the environmental performance of new development.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the District Plan policies and it sits below the District Plan in terms of the Development Plan hierarchy. It will influence the preparation of masterplans relating to strategic scale or significant developments and any application which proposes net residential gain or an increase in non- residential floorspace.
(c) the relevance of the plan or programme for the integration of environmental	The SPD is focussed on providing guidance to support the District Plan policies in the

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
considerations in particular with a view to promoting sustainable development;	delivery of sustainable development. It addresses a range of topics so will positively ensure development preserves or enhances nature conservation, mitigates the impacts of climate change, adapts to climate change, reduces the use of resources, promotes sustainable transport use and addresses pollution.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to the SPD. The SA of the East Herts District Plan identified a number of benefits arising from the relevant District Plan policies which this SPD supplements.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Sustainability SPD is to provide guidance on the effective and consistent use of the District Plan policies to secure environmentally sustainable design and construction. The relevant plans have been considered in the development of the relevant East Herts District Plan policies, which were subject to a comprehensive SA, incorporating an SEA.
2.Characteristics of the effects and area likely to be affected having particular regard to:	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure effective and consistent implementation of District Plan environmental sustainability policies relating to the design and construction of new development. This should have positive effects by reducing the environmental impact of new buildings on the environment; improving biodiversity and enhancing health and well-being
(b) the cumulative nature of the effects	By providing guidance which seeks to ensure the effective and consistent application of policies, over time, the SPD

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
	will have a cumulative effect on the sustainable design and construction of new development.
(c) the trans-boundary nature of the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects beyond the District Plan policies, which were subject to a comprehensive SA, incorporating an SEA.
(d) the risks to human health or the environment (for example, due to accidents);	There are no anticipated effects of the SPD on human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The effective and consistent implementation of sustainable design and construction policies will have positive benefits for all East Herts residents and those who wish to move to East Herts.
f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. The SPD is not expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the East Herts District Plan 2018.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD is not expected to have any adverse effects on areas with national, community or international protection.

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Sustainability Supplementary Planning Document

Draft Consultation Statement

1. Introduction

- 1.1 This statement is the 'Consultation Statement' for the Sustainability Supplementary Planning Document (SPD) as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. This statement sets out early stakeholder engagement and how the public and other stakeholders will be consulted upon the SPD. Following the consultation period, this statement will be expanded to summarise the comments received during the consultation period, including details of how the issues raised have been dealt with in working towards a final SPD for adoption.
- 1.2 Supplementary Planning Documents (SPDs) provide guidance to supplement the policies and proposals in the District Plan. SPDs do not have to go through the formal examination process, but consultation with stakeholders and the wider community is still a vital part of the preparation process. The scope of consultation and decision on who will be consulted will reflect the nature of the SPD.

2. Town and Country Planning Regulations

- 2.1 The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.
- Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD.

- Regulation 12(b) requires the Council to publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent.
- Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps;
 - Make the document available at the principal office and other places within the area that the Council considers appropriate;
 - Publish the document on the Council's website.

3. Statement of Community Involvement (SCI)

- 3.1 The SCI explains how the council will involve the community in plan-making and in the consideration of planning applications. In October 2019 the Council adopted a new SCI to replace the previous SCI (adopted in 2013) and take into account changes to legislation and policy. This consultation will be undertaken in accordance with the SCI.
- 3.2 However, as a result of current advice from the Government on Covid 19, making hard copies of the consultation documents available at the Council's offices in Hertford and Bishop's Stortford, and at libraries across the district is not currently mandatory. In line with Government advice, the Statement of Community Involvement has been temporarily updated to clarify that whilst the Council offices and other deposit locations in East Herts remain closed, documents will be available on the website. If the offices and libraries are open at the time of the consultation, copies will be made available at these locations

4. Early consultation

- 4.1 As part of the scoping of the Sustainability SPD, a number of stakeholders have influenced the scope and content of the SPD. Planning and the Sustainability SPD were discussed in January 2020 at the Community and Stakeholder Climate Change Event. Feedback from stakeholders at the event and subsequently made it clear that development must be more sustainable and that planning has a key role in ensuring that compulsory standards are introduced and enforced. Discussion about the SPD favoured covering a range of topics, with particular emphasis on energy reduction, and ensuring developers were held accountable. Flooding was also raised as an issue to consider. The topics addressed within this SPD have been informed by this feedback. Whilst, the SPD cannot introduce mandatory targets, clear implementation measures have been included.
- 4.2 Early feedback from developers suggests general support for the topics and themes identified in the SPD, but the following comments were raised:
- Flooding and drainage should be considered;
 - Water efficiency is very difficult to enforce as it is not monitored;
 - Water efficiency should be governed by building regulations;
 - Rainwater harvesting can be associated with hygiene problems;
 - Clear air pollution mitigation strategies should be set out;
 - Generally flexibility is required to take account of local circumstances
 - Guidance is required in relation to electric vehicle charging points, but it needs to include a flexible approach;
 - Construction waste should be considered;
 - Biodiversity net gain should be addressed.
- 4.3 These comments have been considered and have helped shape the scope and content of the SPD.

- 4.4 The emerging SPD has also been informed by a range of East Herts Council's officers and colleagues at Hertfordshire County Council, with expertise in the various topics.

5. Proposed Consultation

- 5.1 The draft SPD will be published for consultation for four weeks between 10 September and 8 October 2020. If they are open at this time, the draft SPD will be available for public inspection during normal office hours at the East Herts Council Offices in Hertford and Bishop's Stortford, town council offices and in libraries across the district.
- 5.2 All consultation documents and further information on how to submit representations will be available to view on the East Herts Council website. All statutory and relevant consultees will be directly contacted, including those on the planning policy database.
- 5.3 Representations can be made via the Council's consultation portal available on the Council's website.
- 5.4 Alternatively representations can be emailed to planningpolicy@eastherts.gov.uk, or hard copy representations should be sent to; Planning Policy, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

East Herts Council Report

Executive

Date of Meeting: 1st September 2020

Report by: Cllr Peter Boylan, Executive Member for Neighbourhoods

Report title: Draft Updated East Herts Council Safeguarding Policy

Ward(s) affected: All

Summary

The report presents the latest updated version of the council's Safeguarding Policy. The Executive is asked to consider the draft policy, propose any amendments for the Executive Member to include prior to consideration by Council and recommend the policy, with any amendments, to Council for adoption.

RECOMMENDATIONS THAT:

- (a) The draft updated Safeguarding Policy be recommended to Council for adoption**
- (b) The Head of Housing and Health incorporates any amendments to the Safeguarding Policy suggested by the Executive, acting in consultation with the Lead Member for Neighbourhoods, prior to presentation to Council for adoption.**

1.0 Proposal(s)

- 1.1 It is proposed that the Executive reviews the changes made to the council's Safeguarding Policy and recommend it to Council for adoption having first proposed any amendments they see fit.

2.0 Background

- 2.1 East Herts Council, as a second tier local authority, has a statutory responsibility and a duty of care which, in the simplest of terms, means it has a duty to co-operate and report issues relating to safeguarding to the appropriate authorities.
- 2.2 The council firmly believes that children, young people and adults at risk have the right to be safe when using our services. They have the right to be protected from being hurt or suffering abuse regardless of age, race, disability, culture, sex or sexual orientation.
- 2.3 The purpose of the policy (attached at Appendix A) is to safeguard and promote the welfare of children, young people and adults at risk by:
 - a) respecting their rights, wishes, feelings and privacy
 - b) ensuring all employees understand the different forms abuse can take, how to identify them and how to act on their concerns
 - c) taking any concern raised seriously and sensitively
 - d) implementing effective procedures for recording, reporting and responding to any allegations, incidents or suspicions of abuse
 - e) ensuring that contracted, commissioned and grant funded services have safeguarding policies and procedures consistent with the council's commitment to protecting those at risk
 - f) encouraging safeguarding best practice at the council
 - g) ensuring unsuitable people are prevented from working with children, young people and adults at risk through a robust recruitment policy
- 2.4 The council required the Safeguarding Policy to be reviewed every three years (or sooner if there are any changes in legislation or best practice). The existing policy was reviewed in April 2020 having previously

been reviewed in April 2017.

- 2.5 The latest review of the policy took place via the Safeguarding Policy Group and has taken in to account the latest guidance and best practice relating to safeguarding. These include recommendations made by the Hertfordshire Adult Safeguarding Board including:
- updating and raising awareness of Mental Capacity Assessment guidance
 - including Making Safeguarding Personal
 - expanding safeguarding training for contractors.
- 2.6 Key differences from the previous policy include:
- a) additional definitions of forms of abuse added to the current definitions table – see table in section 3.3 of the revised Safeguarding Policy
 - b) recognition of the Mental Capacity Act and where this may be applicable – see section 3.5
 - c) updated guidelines for staff on dealing with disclosures – see section 6
 - d) a new section on official visits and VIPs – see sections 9.19 – 9.24
 - e) a more rigorous approach to safer recruitment – see section 11.

3.0 Reason(s)

- 3.1 The Safeguarding Policy has been thoroughly updated in line with the three year review cycle the council has agreed for this policy.

4.0 Options

- 4.1 Do nothing, that is, maintain the existing Safeguarding Policy in force without updating it. NOT RECOMMENDED as both guidance and best practice have advanced since the existing policy was formulated in 2017 and thus the council could be at risk of not recognising or handling

effectively as suspected or actual safeguarding issues in the district.

- 4.2 Recommend the policy to Council without first considering the changes to the existing policy. NOT RECOMMENDED as an integral element of the policy is that it is understood and owned by all members and officers. Consideration of the draft by the Executive, with or without amendments being proposed, clearly signals the importance placed on the policy by the Executive.
- 4.3 Review and recommend the latest draft of the Safeguarding Policy to Council for adoption. RECOMMENDED as a means of ensuring that East Herts Council has an up-to-date, fit-for-purpose Safeguarding Policy in place which supports members and officers to identify, report and act on safeguarding issues in an appropriate and timely way which underlines the paramount importance placed on this issue by East Herts Council.

5.0 Risks

- 5.1 Types of abuse, legislation and best practice are ever changing. This policy is reflective of current known types of abuse, legislation and best practice but could become outdated leaving the council at risk of not identifying or reacting appropriately to a potential safeguarding issue. To mitigate this, the policy states that it will be reviewed every three years or when changes are made to legislation or best practice, whichever is the sooner. A Safeguarding Policy Group has been established to stay abreast these developments.

6.0 Implications/Consultations

- 6.1 This Safeguarding Policy has been developed through consultation with the Safeguarding Policy Group, which include representatives of the Housing and Health service and Human Resources and Organisational

Development and is chaired by the Executive Member for Neighbourhoods. The review has also taken on board best practice identified by the Hertfordshire Safeguarding Children Partnership and the Hertfordshire Safeguarding Adults Board.

Community Safety

Yes – this policy furthers the aspirations of the Community Safety Partnership to protect vulnerable people and develop community safeguarding.

Data Protection

Yes – the investigation of a safeguarding concern is likely to cover a considerable amount of sensitive information about individuals. This policy gives detailed guidance on confidentiality and data protection when sharing a safeguarding concern.

Equalities

Yes – this policy aims to safeguard the interests of the potentially most vulnerable residents of East Herts, including a number of people with protected characteristics such as, though not limited to, older people and disabled people, and has been developed with this in mind. By the time this policy is proposed to Council an Equalities Impact Assessment will have been completed. It will accompany the report for members of full Council to refer to when considering adoption of the policy.

Environmental Sustainability

No

Financial

No – there are no financial implications arising from either consideration or subsequently adoption of the revised policy. The costs associated with the member and officer training required by the policy can be met from existing budgets.

Health and Safety

No

Human Resources

Yes – this policy outlines the requirements for safer recruitment and safeguarding training for staff.

Human Rights

Yes – this policy outlines the rights for children, young people and adults at risk to be safe and protected from mistreatment or abuse, regardless of age, race, disability, culture, sex or sexual orientation.

Legal

Yes – this policy outlines East Herts Council's statutory responsibility and duty of care relating to safeguarding.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – draft updated East Herts Safeguarding Policy.

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East Herts Council

**Safeguarding Policy and Procedure
Children, Young People and Adults at
Risk**

Policy Statement Number XXX

Policy Owner: Jonathan Geall

Date of last review: XXX 2020

Date of next review: April 2023

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1. Introduction

- 1.1 This policy applies to all East Herts Council employees, contractors, elected members, licensees and third party recipients of grants.
- 1.2 The council firmly believes that:
 - children, young people and adults at risk have the right to be safe when using our services
 - children, young people and adults at risk have a right to be protected from being hurt, mistreated or suffering abuse – in body or mind, regardless of age, race, disability, culture, sex or sexual orientation.
- 1.3 This policy has been drawn up with the principles of 'Making Safeguarding Personal' firmly in mind. The council strongly believes that when assisting people facing abuse, interventions should, wherever possible, be person-led and outcome-focused. We will always make our best efforts to engage the people we are working with in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety.
- 1.4 The council recognises that some people may express desired outcomes or wishes that are not possible. This, however, can provide opportunities for the council and/or our partners to have frank discussions to establish what the next best option may be. For other people their desired outcomes may not be possible, for instance if they don't want the police involved but the person who has abused or neglected them is in a position to do the same to others. Again, we see such situations as opportunities to explain the situation honestly and to find ways to most closely match the person's wishes.
- 1.5 The council is committed to ensuring that the needs and interests of children, young people and adults at risk are considered by elected members, employees, volunteers and contractors in the provision of services and decision-making.
- 1.6 East Herts Council, as a second tier local authority, has a statutory responsibility and a duty of care which, in the simplest of terms, means it has a duty to cooperate and report issues relating to safeguarding to the appropriate authorities.

- 1.7 East Herts Council works closely with colleagues from the Hertfordshire Safeguarding Children Partnership and Hertfordshire Safeguarding Adults Board to share best practice and learning. Through engaging with both partnership boards, the council ensures it keeps up to date with the latest developments, protocols and policies.
- 1.8 Of particular importance, local authorities have a duty under Section 11 of the Children Act 2004 to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions. Furthermore, The Care Act 2014 sets out specific safeguarding duties for local authorities and their partner agencies. The safeguarding duties apply to an adult who (a) has needs for care and support, (b) is experiencing or at risk of abuse or neglect and/or (c) due to these care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.
- 1.9 The Working Together to Safeguard Children guidance issued in 2018 reiterates the important role second tier authorities, such as East Herts Council, as providers, for example, of housing, environmental health services and leisure services, have to play in working collaboratively across agencies to maximise safeguarding in their localities.

2. Policy statement

- 2.1 The purpose of this policy is to safeguard and promote the welfare of children, young people and adults at risk, by:
 - respecting the rights, wishes, feelings and privacy of children, young people and adults at risk
 - ensuring all employees understand the different forms abuse can take, how to identify them and how to act on their concerns
 - taking any concern made by an elected member, employee, contractor or child/young person/adult at risk seriously and sensitively
 - implementing effective procedures for recording, reporting and responding to any allegations, incidents or suspicions of abuse
 - ensuring that contracted/commissioned and grant-funded services have safeguarding policies and procedures consistent with the council's commitment to the protection of children, young people and adults at risk

- encouraging safeguarding best practice at the council
 - ensuring that unsuitable people are prevented from working with children, young people and adults at risk through a robust recruitment process.
- 2.2 The policy helps the council ensure there is a clear and effective approach to safeguarding across the organisation and that all employees, elected members, volunteers and contractors delivering services directly by the council or on the council's behalf are aware of their legal obligations to safeguard children, young people and adults at risk.
- 2.3 This policy applies to all services within the scope of the council. In addition to all internal provision of services, it also applies to:
- outside organisations delivering services involving children, young people or adults at risk on behalf of the council
 - contractors
 - grant-funded organisations.
- 2.4 Safeguarding is not a practice that operates in isolation. The issues covered in this policy cut across every service and function that the council undertakes and so is embedded within the organisation and has direct links to other Human Resources policies and the council's Prevent Action Plan.
- 2.5 This policy is inclusive of all children, young people and adults at risk irrespective of their age, race or ethnicity, religion, disability, sex or sexual orientation.
- 2.6 Compliance and guidance will be reviewed on an annual basis by the Head of Housing and Health and Service Manager – Community Wellbeing and Partnerships.

3. Definitions and how abuse can be experienced

Definitions

- 3.1 The phrase 'children, young people and adults at risk' refers to:
- a **child** – anyone under the age of 18 years
 - a **young person** – a person aged over 16 but under 18 (those aged 16-18 are included in the legal definition of a child)

- an **adult at risk** –any person aged 18 or over who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or serious exploitation. Vulnerability and risk may arise from:

- a mental health problem or mental illness, including dementia
- a physical disability
- a sensory impairment
- a learning disability
- frailty
- a temporary illness
- old age.

3.2 The term **parent** is used in the broadest sense to include parents, carers and guardians.

Experience of abuse

3.3 East Herts council recognises that people can experience abuse in individual and unique ways. The table below gives examples of the different dimensions of how abuse can be experienced.

Types of abuse	Examples of how abuse can be experienced
Physical abuse	Slapping, pushing, kicking, rough handling, twisting of limbs/extremities, misuse of medication, or inappropriate sanctions or
Sexual abuse	Non-contact abuse such as voyeurism, involvement in pornography. Sexual acts to which the vulnerable adult has not consented, could not consent or was pressured into consenting. Rape and sexual assault.
Psychological and/or emotional abuse	Verbal assault or intimidation, deprivation of contact, threats of harm or abandonment, humiliation or blaming, overriding of consent, choices or wishes.

Types of abuse	Examples of how abuse can be experienced
Financial abuse	Theft, fraud, exploitation, and pressure often in connection with savings, wills, property, possessions or benefits.
Neglect and/or acts of omission	Ignoring someone's medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
Self-neglect	Lack of self-care, including neglect of personal hygiene, nutrition and hydration, or health. Lack of care of a person's environment, including living in domestic squalor. Refusal of services such as care services, health assessments or interventions.
Hoarding	Where someone acquires an excessive number of items and stores them in a chaotic manner, usually resulting in unmanageable amounts of clutter. The items can be of little or no monetary value.
Discriminatory abuse	Discriminatory and oppressive attitudes based on race, gender, cultural background, religion, physical and/ or sensory impairment, sexual orientation or age.
Institutional abuse, neglect and/or poor practice	Repeated and pervasive mistreatment and/or isolated incidents of poor or unsatisfactory professional practice.
Domestic Abuse	An incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been partners or family members, regardless of gender or sexuality.

Types of abuse	Examples of how abuse can be experienced
Forced Marriage	Someone is coerced into marrying someone against their will. This may be by means of other types of abuse such as physical and/or emotional
Honour Based Abuse	Violence and abuse in the name of honour, covering a variety of behaviours, mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family.
Child Sexual Exploitation (CSE)	Exploitative situations, contexts and relationships where young people (under 18) receive 'something', for example affection, gifts, money, food, accommodation, drugs, alcohol, cigarettes, as a result of them performing, and/or another or others performing on them, sexual activities.
Child Criminal Exploitation (CCE)	Where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology. CCE includes, for instance, children forced to work on cannabis farms or to commit theft.

Types of abuse	Examples of how abuse can be experienced
County Lines	County Lines is the name given to describe drug dealing by criminal gangs from urban areas expanding their activities into smaller towns and rural areas. It often involves the exploitation of children, as gangs use young people and those with mental health or addiction problems to transport drugs and money.
Female Genital Mutilation (FGM)	A collective term used for illegal procedures, such as female circumcision, which include the partial or total removal of the external female genital organs, or injury to the female genital organs for a non-therapeutic reason.
Modern Slavery	Being forced to work through mental or physical threat, owned or controlled by an 'employer' usually through mental or physical abuse or the threat of abuse, dehumanised and being treated as a commodity or bought and sold as 'property'.
Human Trafficking	Someone is moved from one place to another for the purpose of exploitation, this could be through sexual exploitation, domestic servitude, forced labour, forced criminality or organ harvesting.
Radicalisation	Typically tackled as part of the Government's Prevent programme, radicalisation is essentially a safeguarding issues. It covers incitement, whether face-to-face or through publications or the Internet, to promote or carry out acts of terrorism or extremist behaviour. This can covers all manner of political, religious or ideological positions.

Types of abuse	Examples of how abuse can be experienced
Cuckooing	A practice where people take over a person's home and use the property to facilitate exploitation. The prevalent examples of this are when drug dealers take over the home of a vulnerable person in order to use it as a base for drug dealing.

- 3.4 It is recognised that from time-to-time different risks to children, young people and vulnerable adults may emerge or different forms of abuse may become more prevalent. Also, different ways of identifying, reporting or tackling abuse may become available.
- 3.5 The council recognises that the Mental Capacity Act 2005 provides a framework to empower and protect people who may lack capacity to make some decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. Someone who lacks capacity due to an illness or disability (such as a mental health problem, dementia or a learning disability) may have one or more of the following issues:
- cannot understand information given to them to make a particular decision
 - cannot retain that information long enough to be able to make the decision
 - cannot use or weigh up the information to make the decision
 - have difficulty in communicating their decision.
- 3.6 The Mental Capacity Act 2005 defines who can take decisions, when they can take them and how they should go about this. East Herts safeguarding leads will work with the appropriate partners to take the mental capacity act provisions in to account when responding to reported abuse in their district. Officers who have a responsibility to work with the public to make decisions about their affairs are expected to be aware of the key aspects of the Mental Capacity Act 2005. Officers are expected to discuss any concerns regarding mental capacity with either the Head of Housing and Health or the Service Manager – Community Wellbeing and Partnerships.

4. Roles and responsibilities

4.1 **Safeguarding is everyone's responsibility** so there are key roles and responsibilities for everyone:

- **Executive Member holding responsibility for Safeguarding** – has the political oversight for East Herts Council's safeguarding policy
- **Chief Executive Officer** – holds the overall strategic responsibility for the safeguarding of children, young people and adults at risk
- **Head of Housing and Health** – lead role for the council for promoting and addressing the safeguarding of children, young people and adults at risk
- **Service Manager – Community Wellbeing and Partnerships** – this post-holder, within the Housing and Health service, holds the deputy lead role for the council for promoting and addressing the safeguarding of children, young people and adults at risk
- **Human Resources** – supporting the promotion of the council's safeguarding duties and responsibilities, notably with regard to training and recruitment vetting
- **All Heads of Service** need to ensure contractors agree to comply with the council's Safeguarding Policy and where relevant have their own policy and procedures in place
- **All elected members** must:
 - adhere to this policy at all times
 - follow best practice regarding safeguarding, including participating in relevant training and keeping as up-to-date as possible about safeguarding issues
 - remain vigilant to abuse being experienced by anyone and report this as soon as possible, following this safeguarding policy
 - report any concerns about and/or whistleblow on any employee, elected member, staff, volunteer or contractor.
- all **employees** of the council, **temporary staff, contractors and volunteers**, must:
 - adhere to this policy at all times
 - follow best practice regarding safeguarding, including participating in relevant training and keeping as up-to-date as

possible about safeguarding issues, particularly those relating to their areas of work

- remain vigilant to abuse being experienced by anyone and report this as soon as possible, following this safeguarding policy
- report any concerns about and/or whistleblow on any employee, elected member, staff, volunteer or contractor.

- **outside organisations** that deliver services involving children, young people and adults at risk on behalf of the council must:
 - comply with the council's Safeguarding Policy
 - have their own policy and procedures in place.

4.2 The council participates fully in multi-agency groups and statutory Safeguarding Boards.

Hertfordshire Safeguarding Children's Partnership (HSCP)

4.3 The HSCP is a statutory, multi-agency organisation formed by Hertfordshire County Council in line with Section 13 of The Children Act 2004. The organisation brings together agencies who work to safeguard and promote the welfare of children.

4.4 The objective of the HSCP is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children and young people in the area of the authority by which it is established.

4.5 The council is committed to maintaining an effective working relationship with the HSCP to help achieve its mutual aims in respect of child safeguarding.

Hertfordshire Safeguarding Adults Board (HSAB)

4.6 The HSAB is an inter-agency forum for co-ordinating how the different services and professional groups should cooperate to safeguard adults at risk across Hertfordshire. It ensures that arrangements work effectively to identify abuse or inadequate care, help vulnerable people and plan and implement joint preventative strategies.

4.7 The HSAB aims to raise awareness and promote the welfare of adults at risk by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. The council is committed to maintaining an effective working relationship with

the HSAB to help achieve its mutual aims in respect of the safeguarding of adults at risk.

5. Recognising and responding to potential abuse

- 5.1 Even though elected members, employees, volunteers and contractors may have limited contact with children, young people and adults at risk as part of their duties and responsibilities for the council, everyone should be aware of the potential indicators of abuse and bullying and be clear about what to do if they have concerns.
- 5.2 It is not the responsibility of any elected member, employee or contractor to determine whether abuse is taking place. Concerns, incidents or allegations must be reported. The role of the elected member or employee is to refer the case to the appropriate person, not to investigate or make a judgement.
- 5.3 Where an employee is concerned about the **immediate** safety of a child, young person or adult at risk they should:
- call the Police on 999
 - call an Ambulance on 999 if the person needs urgent medical assistance.
- 5.4 Where an employee has concerns that a child, young person or adult at risk is being harmed or neglected, or is at risk of this, they should complete an online referral form on the staff intranet and contact either the Service Manager – Community Wellbeing and Partnerships or the Head Housing and Health.

6. Guidelines for staff on dealing with disclosures

Do

- Be ready to listen to what the person is saying (it's important to listen and capture the disclosure rather than suggesting they speak to someone else which could then stop the disclosure being made)
- Reassure the person, acknowledging that they have been brave to tell you

- Make sure the person is comfortable and in a secure environment where they cannot be overheard
- Take what they say seriously
- Offer practical help i.e. glass of water or tissues
- Remind the young person or vulnerable adult that you have a duty to follow the Council's safeguarding policy in order to safeguard and support them, and that you will inform a member of the Council's Safeguarding team
- Assure the person that you will only share the information with the people who need to know
- Tell the person that they will be contacted by a safeguarding officer to advise them of what the next steps will be after you have spoken to the safeguarding officer
- Refer the matter to either the Head of Housing and Health or Service Manager – Community Wellbeing and Partnerships immediately
- Avoid any delay in reporting the cause for concern or disclosure to the designated officer as this could increase the risk to the person concerned
- Keep a factual record
- Stay calm.

Don't

- Promise confidentiality or to keep what you are being told secret
- Appear to be shocked or upset by what the person is telling you, even if what they are saying is distressing
- Take the person home
- Touch the person to comfort or reassure them
- Question the person about the alleged abuse, beyond the minimum necessary to understand what is being alleged i.e. 'Could you explain that part?'
- Give false reassurances in order to comfort the person
- Stop the individual who is freely recalling significant events
- Make the individual tell anyone else. They may have to be formally interviewed later and it is important to minimise the number of times information is repeated
- Make any suggestions to the individual about how the incident may have happened
- Discuss the information with anyone other than a Council safeguarding officer (or if the employee is related to the safeguarding officer, the Head of HR and Organisational Development or the Chief Executive).

7. Allegation of abuse by an East Herts Council officer or elected member

- 7.1 It is essential in all cases of suspected abuse by an officer or elected member that action is taken quickly and professionally in the interest of the person's welfare.
- 7.2 In the rare event that any officer or elected member is suspected of abusing an individual or a previous history of abuse is discovered, it is the responsibility of the individual who becomes aware of this information to discuss their concerns with the Head of Housing and Health or the Head of HR and Organisational Development or the Chief Executive. These officers may determine it appropriate to discuss the matter with the Head of Legal and Democratic Services (the council's statutory Monitoring Officer) if the allegation involves an elected member.
- 7.3 The Head of Housing and Health or the Head of HR & Organisational Development, with agreement from the Chief Executive (or in their absence the Deputy Chief Executive), will contact the relevant Local Authority Designated Officer (LADO) to report the matter and seek guidance. The Police are also likely to be contacted through the LADO. Again, it may be determined appropriate to discuss the matter with the Head of Legal and Democratic Services (the council's statutory Monitoring Officer) if the allegation involves an elected member.
- 7.4 If it is suspected or reported that an officer is implicated in the abuse of a child, young person or adult at risk the council's Disciplinary Policy will be followed except where the employee is in their probationary period. In that circumstance the Probationary Procedure will be used. This process does not apply to elected members for whom the appropriate process will be determined by the Head of Legal and Democratic Services (the council's statutory Monitoring Officer).
- 7.5 Nothing in the council's processes for handling allegations against an officer or elected member replaces the need for the council to refer cases to Hertfordshire County Council, the Police and other agencies as appropriate in line with county-wide safeguarding policies and the requirements under the Children Act 2004 and Care Act 2014.

8. Confidentiality and data protection

- 8.1 Employees have a duty to share information relating to a safeguarding concern with either the Head of Housing and Health or the Service Manager – Community Wellbeing and Partnerships (in the case of suspected abuse by an employee it can be shared with the Head of HR and Organisational Development or the Chief Executive).
- 8.2 Employees must not:
- discuss details of any safeguarding concerns with anyone who does not have a legitimate professional need for the information
 - discuss any safeguarding concerns with any other interested party, including parents and relatives of the child, young person or adult at risk without the express permission of the person with overall responsibility for the investigation.
- 8.3 Consent is not required to breach confidentiality and make a safeguarding referral where:
- a serious crime is believed to have been committed
 - where the alleged perpetrator may go on to abuse others
 - other vulnerable persons are at risk
 - the person at risk is deemed to be in serious risk
 - there is a statutory requirement to do so
 - the public interest overrides the interest of the individual
 - when an employee of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.
- 8.4 All copies of referrals to Hertfordshire County Council relating to children, young people and adults at risk should be retained by the Head of Housing and Health to ensure confidentiality. This information will be retained in accordance with data protection periods. No other copies should be kept.

9. Impacts of the Safeguarding Policy of specific elements of East Herts Council's work

Homelessness

- 9.1 The council has a legal duty to provide temporary accommodation to individuals whose status and circumstances meet certain criteria as defined in the Housing Act 1996 as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017. Employees may need to refer families or individuals to Hertfordshire County Council outside of the safeguarding process, as follows:

Persons affected	Reason for contacting Hertfordshire County Council
Homeless 16-17 year olds	A 16 or 17 year old should be referred to Hertfordshire County Council for assessment to determine if they are a child in need with a duty owed to them by Hertfordshire County Council.
Intentionally homeless household with children	If a household with children is found to be intentionally homeless, Hertfordshire County Council should be advised in writing so that they can ascertain whether a duty is owed under the Children Act 1989.

- 9.2 If children, young people and/or adults at risk are placed in temporary accommodation pending a referral to Hertfordshire County Council, Housing Options Officers should complete a homelessness assessment and identified needs and vulnerabilities should be notified to Hertfordshire County Council.

Use of Contractors

- 9.3 When procuring contractors to provide public facing services on behalf of the council, tenderers approaches to safeguarding will be part of the tender evaluation process. Lack of appropriate safeguarding policies will exclude a tenderer from being selected.

- 9.4 Any contractor or sub-contractor engaged by the council in areas where workers are likely to come into regular contact with children, young people or adults at risk, should have its own equivalent safeguarding policies and training, or failing this, must comply with the terms of this policy. This requirement should be written into the contract.
- 9.5 Heads of Service, in consultation with the council's legal services, must take reasonable care that contractors doing work on the council's behalf are monitored appropriately.
- 9.6 Where contact with children, young people and adults at risk is a necessary part of the contracted service, it is the responsibility of the manager who is monitoring the services of the contractor to ensure that satisfactory Disclosure and Barring Service (DBS) checks have been completed where appropriate.

Grant Applications

- 9.7 All organisations in receipt of grants from East Herts Council must have appropriate safeguarding policies and procedures in place, as a condition of payment of grant.
- 9.8 In addition, satisfactory DBS checks may be required from appropriate individuals working with children, young people and adults at risk which seek funding from the council. Such requirements are subject to relevant legislation including the 'regulated activity' criteria contained within the Protection of Freedoms Act 2012. This information will be requested at the application stage and applications will not be processed without the relevant documentation.

Licensing

Premises

- 9.9 The council is responsible for carrying out certain licensing functions. Protection of children from harm is a licensing objective that the council is legally obliged to consider as part of its licensing function, for example when licensing, though not limited to, premises under the Licensing Act 2003 or the Gambling Act 2005. This Safeguarding Policy should be referred to as appropriate when assessing license applications.

Taxis

- 9.10 The council sees taxi drivers and operators as being vital in maintaining a vigilant approach to safeguarding in the district. We therefore provide training to all new applicants and at point of license renewal every 3 years.
- 9.11 The council considers taxi drivers and operators conduct with regard to safeguarding as being important in our assessment of whether they are fit and proper to hold a license under the Local Government (Miscellaneous provisions) Act 1976.
- 9.12 The council takes a robust approach to any reports of abuse perpetrated by taxi drivers or operators and will act accordingly.

Work Experience

- 9.13 The council supports work experience placements across the organisation for a number of young people each year. This is beneficial to both the young person and the council. When the council offers a work experience placement, the HR team supports the managers when completing the educational provider's paperwork to ensure appropriate supervision is in place and the responsibilities are clear regarding the young person's health, safeguarding, safety and welfare.
- 9.14 Any student under taking work experience with the council will be under the supervision of a more senior member of staff.
- 9.15 Any student undertaking work experience with the council is expected to comply with this safeguarding policy.

Photography

- 9.16 Elected members, employees and contractors who use cameras or film recorders for, or on behalf of, the council must have either completed media consent forms from the parents of children being photographed or filmed, or have checked with the parent or guardian, before the activity commences. When commissioning professional photographers or inviting the press to cover the organisation's services, events and activities, the council will ensure that expectations are made clear in relation to child protection.
- 9.17 There are some easy steps to take:
- check the credentials of any photographers and organisations used

- ensure identification is worn at all times
- do not allow unsupervised access to children or adults at risk including through one-to-one photographic sessions
- do not allow photographic sessions outside of the activities or services, or at a child's home
- it is recommended that the names of children or adults at risk should not be used in photographs or footage, unless with the express permission of the parent/carer of the child, young person or adult at risk.

9.18 Employees should contact the council's Communications Team for advice and a copy of the Media Consent Form before the activity commences.

10. Official visits and VIP

10.1 All officers and elected members are responsible for implementing this guidance and managing visitors to services operated by East Herts Council. All officers and elected members have a responsibility to ensure that visitors are welcomed and managed safely. The guidance applies to all visitors equally.

10.2 Guidance objectives

- Ensure there is no risk to the safety of adults and children at risk arising from visits by approved or invited visitors such as VIPs, celebrities or media representatives
- Ensure staff and visitors are aware of their responsibilities
- Ensure systems are in place to effectively manage risks and to ensure that any issues arising are learnt from
- Ensure the council or hosting organisation meets its safeguarding responsibilities.

10.3 Types of visitor

There are a number of different types of legitimate visitors to services operated by East Herts Council.

- Employees of partner organisations such as funders including the lottery, Sport England etc.

- Visitors in connection with the building, grounds or equipment i.e. builders, contractors, maintenance contractors
- Staff working for the local media including journalists or photographers
- VIPs – Very Important People including celebrities.

10.4 **Procedures for ALL visitors**

- Wherever possible, visits should be pre-arranged.
- All visitors must report to reception or a main entrance first or where visits involve an outdoor space, a meeting point should be agreed
- All visitors should explain the purpose of their visit and who has invited them.
- All visitors should be ready to produce formal identification.
- All visitors will be asked to sign the visitors' record book where available.
- All visitors should be accompanied by a member of staff at all times. Visitors should not be alone with children / adults at risk.
- On departing, visitors should leave via reception, sign out and return their visitors badge where applicable and be seen to leave the premises / site.

10.5 **VIPs**

A VIP is usually an external visitor of importance or influence, who commands special treatment, including:

- Royalty and Royal Representatives
- Government (Members of Parliament, including government ministers and politicians)
- Diplomats and Senior Public Servants
- Chairpersons/ Chief Executive Officers of major companies and organisations
- Senior Officers from Charitable Trusts
- Religious leaders
- Civic and local community leaders
- Notable academics, Olympians, authors, high profile prize winners and those with celebrity status in particular fields such as sport, music, the arts, media including celebrities and who are likely to inspire others.

10.6 **Important considerations for VIP visits**

- An invitation to a VIP should be made in advance with sufficient time to enable appropriate planning for a safe and successful visit recognising how the visit will be hosted and importantly who will be escorting and supervising the visitor at all times.

- In general terms VIPs should be treated in a very similar way to any other visitor but a degree of common sense should prevail i.e. it is unlikely that the Queen or another senior member of the Royal Family would be expected to show or wear ID. Members of their entourage though should be expected to follow normal procedures. All VIPs and any entourage should be accompanied at all times by a member of staff.
- All visits by media, VIPs, celebrities or other high profile partners must involve the Communications team and the Chief Executive because of the high profile they can attract. Any requests for celebrity or VIP visits must be referred to the Communications team. Discussions as to the appropriateness of the visits to certain locations should then take place with the Named Safeguarding Officer, the Chief Executive and approval sought. Visit supervision may be delegated to service teams, if appropriate.

11. Safeguarding training

- 10.1 Safeguarding training is a crucial way in which the contents of this policy are communicated to employees, elected members and volunteers and contractors as appropriate.

Staff

- 11.2 The council's induction programme for all **new employees** will include safeguarding issues and provide signposting information to key contacts and to the council's policy and training programme.
- 11.3 **All employees** will be required to complete a short awareness training session on a yearly basis through Skills Build (the council's online learning platform). Completion of safeguarding training will be monitored through the Performance and Development Review (PDR) process. Failure to complete safeguarding training will result in the PDR not being signed of which could lead to the disciplinary process being invoked.
- 11.4 Specific or specialist training shall be provided for all **employees who come into direct contact with children, young people and adults at risk** as part of carrying out the requirements of their job. The Head of Housing and Health and the Service Manager – Community Wellbeing and Partnerships will undertake Designated Officer training every two years in line with requirements. HR staff will be trained in safer recruitment so they can support and train/brief recruiting managers as appropriate.

Members

- 11.5 Training and awareness-raising extends to the elected members of the council and appropriate training is provided including annual mandatory 'refresher' training as part of the council's ongoing elected member development programme.

Contractors

- 11.6 Heads of Service and /or contract managers will satisfy themselves, on at least an annual basis, that contractors providing public facing services on behalf of the council will have mechanisms in place to train new starters on safeguarding and provide periodic refresher training to all staff.

Taxi drivers and operators

- 11.7 All new applicants receive training on safeguarding as a condition on being given a license. Furthermore, at point of license renewal refresher training is required.
- 11.8 The council consults with the Hertfordshire Safeguarding Children Partnership and the Hertfordshire Safeguarding Adults Board about which categories of employees require specific training.

12. Safer recruitment

- 12.1 The council understands the importance of safer recruitment and adheres to a strict Recruitment Policy. Officers can access the Recruitment Policy via the staff intranet.
- 12.2 The council's approach to safer recruitment takes into account the following factors:
- all job descriptions include the duty of safeguarding
 - a statement of commitment to safeguarding is made in job advertisements
 - there is a requirement for applicants to demonstrate an understanding of, and commitment to, safeguarding, equality and diversity at application and interview stage

- at least one member of the interview panel must have undertaken appropriate interview training.
- 12.3 Recruiting officers should consult the Recruitment Policy to ensure they understand the safer recruitment process and should contact HR, the Head of Housing and Health or the Service Manager – Community Wellbeing and Partnerships if they are uncertain on any aspects.

13. Key contact information

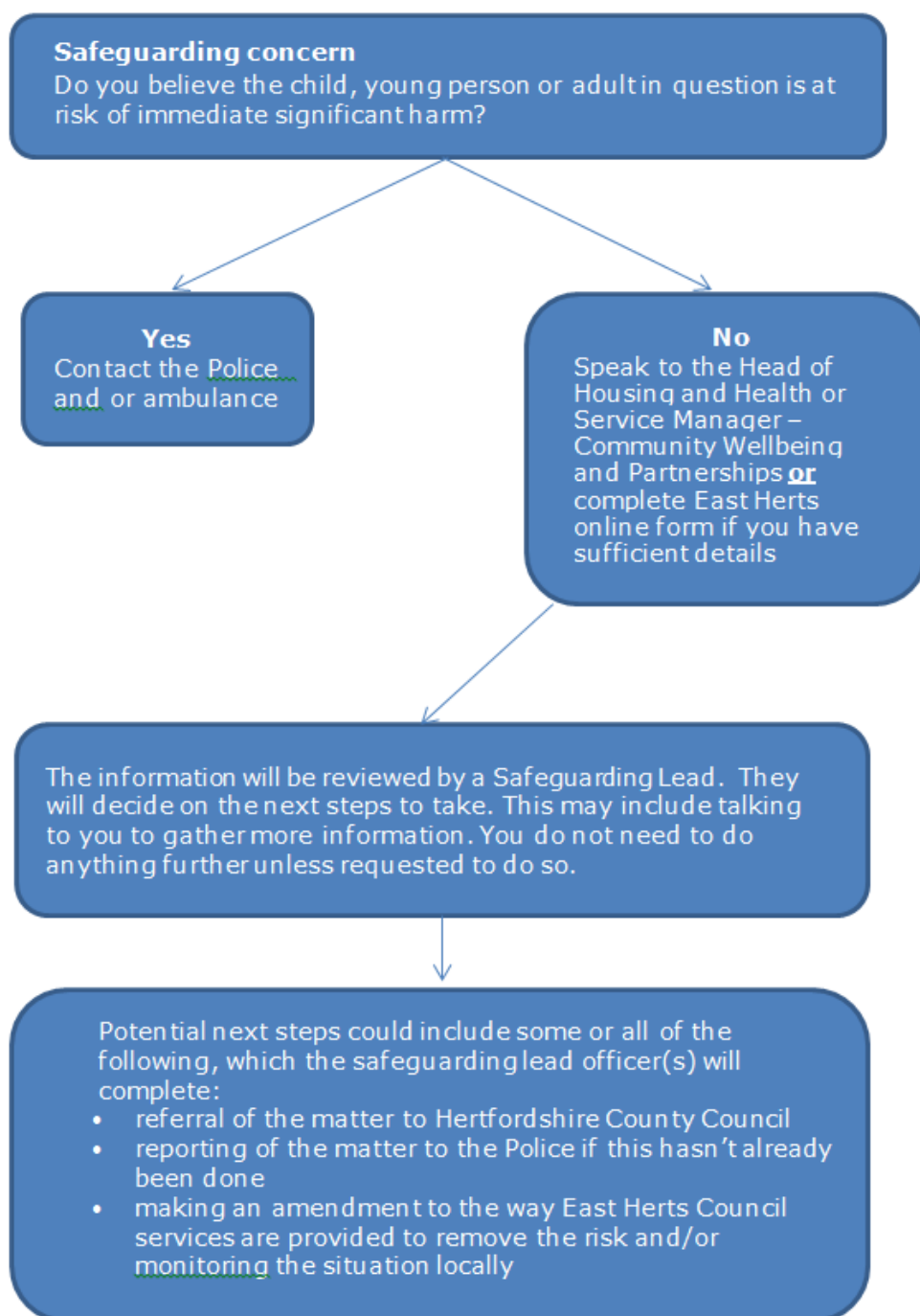
- 13.1 Where an employee, elected member, volunteer or contractor is concerned about the **immediate** safety of a child, young person or adult at risk, they should:
- call the Police on 999
 - call an Ambulance on 999 if the person needs urgent medical assistance.
- 13.2 Where there is not an immediate risk, but there are safeguarding concerns these should be reported via the online safeguarding form. If you wish to discuss a safeguarding concern either before or after completing the online safeguarding form, you should contact either the Head of Housing and Health or the Service Manager – Community Wellbeing & Partnerships.

14. Monitoring and policy review

- 14.1 Actions required under this policy will be regularly monitored via:
- East Herts Council Safeguarding Policy Group
 - external audits
 - internal audits
 - recording of employee training
 - engagement with the Hertfordshire Safeguarding Boards and Partnerships
 - review of the council's Strategic Risk Register.
- 14.2 The policy will be reviewed every three years or sooner if there are any changes in legislation or best practice requiring amendments to be made.

15. Recording and reporting safeguarding concerns – a quick guide

Here's what to do if you have concerns about the welfare of a child, young person or an adult at risk (sometimes referred to as a vulnerable adult) – **act immediately.**



Key contact details

East Herts Council Lead Officer for Safeguarding

Jonathan Geall, Head of Housing and Health

Direct Dial: 01992 531594

Mobile: 07921 941239

Email: jonathan.geall@eastherts.gov.uk

East Herts Council deputy Lead Officer for Safeguarding

Nick Phipps, Service Manager – Community Wellbeing and Partnerships

Direct Dial: 01992 531547

Mobile: 07834 150517

Email: nick.phipps@eastherts.gov.uk

safeguarding@eastherts.gov.uk

East Herts Council Report

Executive

Date of Meeting: 1 September 2020

**Report by: Cllr Geoff Williamson, Deputy Leader & Executive
Member for Financial Sustainability**

Report title: Financial Update

Ward(s) affected: All

Summary

A Financial Update report was made to the Executive on 2 June 2020 and this report provides an update on developments since June.

The full impacts of the pandemic will not be known for some time but by monitoring the financial impact and looking at both the short and medium term, the Council will be able to take informed decisions on resource allocation and plan more effectively for the future.

RECOMMENDATIONS FOR EXECUTIVE:

(a) That the potential impacts of Covid 19 on the budget for 2020/21 and the Medium Term Financial Plan be noted.

(b) That a review of the Capital Programme and the updating of business cases for major projects be undertaken as part of the 2021/22 budget setting process.

1.0 Proposal(s)

- 1.1 This report proposes that the Executive note the potential impacts of Covid 19 on the Council's finances over the short and medium term.
- 1.2 It is also proposed that a review be undertaken of the Capital Programme and that the business cases for major projects are updated to include any impacts from the pandemic.

2.0 Background

- 2.1 It has been three months since the previous financial update report and there have been some significant developments during this period. To assist the Executive in managing the Council in the most efficient and effective manner it is important that financial information is regularly updated.
- 2.2 There is still no certainty on when and how restrictions will be fully lifted and how long it will take for previous levels of activity to return. Recently we have seen outbreaks causing areas to be subjected to local lockdowns and a second spike over the winter is a real possibility. This means it is not possible to precisely set out the exact impacts of Covid 19. However, using the best information currently available it is possible to set out some of the key items and provide indicative figures.
- 2.3 The report will consider the impacts of the pandemic on both the budget for 2020/21 and the Medium Term Financial Plan. It will also provide some commentary on the Capital Programme and the need for updated business cases for major projects.

Issues for 2020/21 Budget

2.4 The 2 June financial update predicted additional use of reserves in 2020/21 of between £1.4 million and £3 million. Since then the Council has been notified of an additional £200,000 of grant funding that takes the total unbudgeted grant received to £1,702,811.

2.5 The Government has also announced a compensation scheme for lost fees and charges income. Detailed guidance has not yet been provided, but the following features of the scheme have been announced –

- To reflect income fluctuations that could happen in any year, the scheme does not cover the first 5% of any loss.
- Losses will be measured against the budgeted figures for 2020/21.
- Income items that are not fees and charges, for example rents, are excluded.
- Compensation will be paid for 75% of the loss above the first 5% of non-qualifying loss.
- The scheme only covers the 2020/21 financial year.

2.6 The previous financial update set out the Council's various income streams, the budgets for the whole year and a comparison of the budget at the end of April against the actual income received. Total budgeted income for the year was £12.3 million, adjusting this for items likely to be excluded by the scheme reduces the annual budgeted figure to £7 million. After allowing for the first 5% of the loss, the monthly compensation due should be approximately £400,000.

- 2.7 The table below sets out the updated projection for the additional use of reserves in 2020/21. The original prediction was based on loss of income in a range between three and five months and an additional month has now been added to give a range of four to six months. Then the additional grant and the compensation for losses on fees and charges are deducted to get to the new predicted range of outcomes.

	Optimistic £	Less optimistic £
Previously predicted	1,400,000	3,000,000
Additional month of lost income	800,000	800,000
Additional grant funding	-200,000	-200,000
Fees & Charges compensation – amounts for 4 & 6 months	-1,600,000	-2,400,000
Revised projection	400,000	1,200,000

- 2.8 The projected additional use of reserves in 2020/21 has reduced from a range of £1.4 million to £3 million to a range of £0.4 million to £1.2 million. Even though the pandemic will impact for longer, this has been more than off-set by the compensation scheme for losses to fees and charges. This has reduced the level of concern for the financial position for the current year.

Medium Term Financial Plan

- 2.9 Initially it is worth reminding ourselves where we got to in setting the Budget for 2020/21 and the Medium Term Financial Plan (MTFP) at Council on 29 January. The savings proposals and additional income generation plans had completely closed the budget gap for 2020/21 but there were still budget gaps of £420,000 for 2021/22, £551,000 for 2022/23 and £610,000 for 2023/24. So before the pandemic we already had identified a need for net savings of nearly £1.6 million over the next three years.
- 2.10 The income generation plans in the MTFP relied on three key areas. Additional income of £200,000 per annum was targeted for Financial Sustainability investments and £100,000 per annum for Millstream. Whilst these targets will not be achieved for 2020/21, it is still possible that they could be achieved over the medium term and so no adjustment has been made to these assumptions.
- 2.11 The other significant area of income generation was car parking, which had an additional income target of £200,000 per annum. Charging in the Council's car parks was reintroduced late in June. Evidence so far is that some users have returned to short stay parking but there has been very little long stay parking, often associated with commuting. On this basis, increases in fees and charges will be needed on an annual basis to return parking income, over the medium term, to previous levels. It is clear that the additional amounts of income allowed for will not be achieved and should be removed from the MTFP.
- 2.12 Since the previous update, it has become clear that additional costs need to be allowed for the waste service. The costs of adding new properties in the district to the contract add £150,000 in each year of the MTFP.

2.13 In 2023/24, the final year of the MTFP, it is likely that the Council will be required to add a separate food waste collection to the service. It is anticipated that the annual costs of this service would be in the order of £1 million per annum.

2.14 Other costs that should now be included in the MTFP are £82,000 to support work on the Harlow Gilston Garden Town and £50,000 for additional resource on information governance. These are included in the table below -

	2021/22 £'000	2022/23 £'000	2023/24 £'000
Budget gap previously identified	420	551	610
Remove increase in parking income – 400 in 21/22 includes amount for 2020/21	400	200	200
Waste – cost of new properties	150	150	150
Waste – separate food collection			1,000
HGGT	82		
Information Governance	50		
Updated budget gap	1,102	901	1,960

2.15 This update still has the additional income of £400,000 in 2021/22 for introducing charging for green waste. There is still a lot of work to do on this and any further disruption to the service will obstruct implementation of this scheme. It is evident that introducing this scheme by 1 April 2021 will be a challenge.

- 2.16 In summary, the combined budget gap has increased from £1.6 million to nearly £4 million. This means net savings of £1 million will need to be achieved in 2021/22 and 2022/23 and £2 million of net savings will be needed in 2023/24. This is a significant increase in the savings target and the reductions needed to net expenditure are unlikely to be achieved without some difficult decisions.

Capital Programme

- 2.17 Since disposing of the housing stock in 2002 the Council has had ample capital resources and has not had to ration capital or limit schemes being added in to the capital programme.
- 2.18 The ambition of the Council and the availability of capital led to a four-year Capital Programme of more than £122 million being agreed as part of the budget on 29 January. This included nearly £30 million for the Arts Centre at Old River Lane, more than £20 million for the Grange Paddocks Leisure Centre, another £20 million for Hertford Theatre, nearly £16 million for the Multi-storey car park at Northgate End and another £10 million for the Hartham Leisure Centre.
- 2.19 It should be remembered that the original intention was not to deliver all of these schemes at the same time but judicial reviews and archaeological finds have caused considerable delays and produced the bumper crop of capital schemes.
- 2.20 Given the greater savings needed over the MTFP, it is important to consider the impact of the Capital Programme on the revenue account. Either later this financial year, or more probably in 2021/22, the Council will have used up its own capital resource and will be borrowing to finance capital activity.

- 2.21 Once the Council starts to borrow it will need to allow in the revenue account for the cost of both Minimum Revenue Provision (MRP) and the interest on the borrowing. MRP is a statutory requirement aimed at ensuring sufficient resource is put aside to repay debt. The amount of MRP is linked to the useful life of the asset financed by the borrowing. If we assume on average that assets will have a 40 year life span it would be appropriate to charge MRP of 2.5% per annum and use PWLB 40 year borrowing at 2.65% per annum.
- 2.22 Given that both MRP and interest will be cumulative as the £122 million of the capital programme is spent, this could mean additional charges to the revenue account by 2023/24 of £5 million. It is important to state here that a capital scheme could have positive revenue consequences but in future for this to be the case it will need to generate a return in excess of 5.5%.
- 2.23 Because of the delays mentioned earlier, some of the figures in business cases need to be updated for the effects of inflation. The impact of the pandemic also needs to be allowed for as this may have reduced capacity and consequently income and may have caused costs to rise. It is also worth considering potential Brexit impacts as we get closer to the end of the year. The consultants working on Grange Paddocks have recently highlighted that the imposition of World Trade Organisation tariffs from January 2021 could increase the costs at Grange Paddocks by £200,000.
- 2.24 Given the significant elements of change and uncertainty set out above, it is appropriate to update the business cases for the major capital schemes and consider the overall size of the Capital Programme. Members may well decide to continue with the programme in its current form but it is crucial that decisions on the programme are based on up to date information.

Overall Summary

- 2.25 Additional grant and compensation for lost fees and charges mean that the Council is likely to suffer only limited financial damage in the current year. The previous prediction for the need to use additional reserves in 2020/21 of between £1.4 million and £3 million has now been revised down to between £0.4 million and £1.2 million.
- 2.26 The need to remove the planned additional car parking revenue from the MTFP, together with other new costs coming forward has substantially increased the budget gap. At the time of the budget the MTFP had a cumulative budget gap of £1.6 million; this has now increased to nearly £4 million. Substantial new initiatives are needed to reduce costs or increase income over the next three years.
- 2.27 Capital can no longer be treated as a free good and appropriate allowance needs to be made in the MTFP for the consequences of the Capital Programme. In reviewing the Capital Programme for the 2021/22 budget, the business cases for major schemes should be updated and the overall size of the programme should be considered.

3.0 Reason(s)

- 3.1 For the Executive to take reasoned and informed decisions they need to be aware of the council's financial position.

4.0 Options

- 4.1 The main content of the report is presented as an update for noting and so has no options associated with it.

5.0 Risks

- 5.1 There is a risk that without significant new initiatives to reduce net costs the Council will be using up a high proportion of reserves over the medium term.
- 5.2 There is also a risk that inappropriate decisions could be made on the Capital Programme if up to date information is not produced to base those decisions on.

6.0 Implications/Consultations

- 6.1 No formal consultation has been undertaken on the content of this report.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

As set out in the body of the report.

Health and Safety

Health and safety will have to be carefully considered and government guidelines followed as the council transitions service provision back to normal.

Human Resources

A small number of staff have been furloughed but the majority have been able to work from home or have been re-deployed to other duties.

Human Rights

No

Legal

If the Council was in imminent financial difficulties it would be necessary to consider restrictions on spending, this is not currently the case.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 None

Contact Member

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