

Part 1: Issues Raised Through the Preferred Options Consultation

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

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

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

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

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

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

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

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

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			<p>identified as being water stressed in the following Environment Agency publications:</p> <ul style="list-style-type: none"> • Thames River Basin Management Plan, December 2009 • Water Stressed Areas Final Classification, July 2013 	<p><u>it is considered appropriate to apply this standard.</u></p> <p>Amendment to Policy WAT4</p> <p>c) Designing residential development so that mains water consumption will meet a target of 10¹⁰05 litres or less per head per day.</p>
23.27	WAT3 (now WAT4)	The Environment Agency strongly supports this policy. Water consumption could be reduced through retrofitting and an awareness campaign. Support also from Thames Water.	Support noted and welcomed.	No amendment in response to this issue
Sustainable Drainage				
23.28	23.5.1 (now 22.5.1)	The list should be amended to reflect all SuDS benefits including reducing flood risk, providing additional biodiversity and reducing pollution of watercourses. The heat island effect may also be reduced by greater use of green roofs.	It is considered that paragraph 22.5.2 and Table 22.1 adequately identify these benefits.	No amendment in response to this issue
23.29	Table 22.1	Support including from Environment Agency and HCC Ecology.	Support noted and welcomed	No amendment in response to this issue
23.30	23.5.3 (now 22.5.3)	Support	Support noted and welcomed	No amendment in response to this issue
23.31	WAT4 (now WAT5)	Support including from Environment Agency and Thames Water.	Support noted and welcomed.	No amendment in response to this issue
23.32	WAT4 (now WAT5)	Policy must apply equally to infilling, not just new development so that flood risk in Stanstead Abbots	The policy applies to all forms of development including infilling.	No amendment in response to this issue

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

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

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

Part 2: Other Proposed Amendments

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

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