

Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
24.1	24.1.1 (now 23.1.1)	Support from HCC for the recognition that pollution control is important and that light pollution in particular can have a negative impact on wildlife.	Support noted and welcomed.	No amendment in response to this issue
Contaminated Land and Land Instability				
24.2	EQ1	Contaminated land should not be used for house building as there is not sufficient technology to stop leakage. If allowed, the fact the house is on contaminated land should be disclosed to subsequent owners and ongoing testing of contamination should be carried out.	Land can be remediated and used for new purposes. Policy EQ1 states that the Council will require evidence to indicate that the land can be successfully remediated.	No amendment in response to this issue
24.3	EQ1	The Environment Agency supports the policy but suggest that a new sentence is added to either the policy or supporting text to say: 'Competence would be demonstrated by conforming to the requirements of 'BS10175: Code of Practice for the Investigation of Potentially Contaminated Sites'	The document is not readily available on the internet without paying a significant purchase price. It is therefore considered inappropriate to include a link in the District Plan to this document. The policy does state that the developer shall carry out an 'adequate investigation' to inform a risk assessment and it is considered that this requirement is sufficient.	No amendment in response to this issue
Noise Pollution				
24.4	EQ2	Stansted Airport Ltd state that development should be limited/mitigated within the airport's 57dB Leq (16hr day) contours and not permitted beyond the 66dB Leq (16hr day) contours. STAL would welcome discussions on an amended policy.	It is considered that the issue of aircraft noise should be considered on a site by site basis dependent on the location and nature of development proposals.	No amendment in response to this issue

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Light Pollution				
24.5	EQ3	Support from Canal & Rivers Trust and the Environment Agency	Support noted and welcomed	No amendment in response to this issue
24.6	EQ3	A statement about lighting being switched off when not required should be included. There are floodlights that are left on all night and cause considerable light pollution.	It is considered that this issue is adequately addressed by the policy and supporting text.	No amendment in response to this issue
24.7	EQ3	HCC state that the policy should include a statement to the effect that the Council will have regard to the 'Guidance Notes for the Reduction of Obtrusive Light' produced by the Institution of Lighting Professionals.	Agreed.	<p>Amendment to text (para 23.4.2):</p> <p>...Schemes will be considered against the latest national guidance and lighting standards <u>including the 'Guidance Notes for the Reduction of Obtrusive Light (2011)'</u>.</p> <p>New 'orange box'</p> <p><u>Guidance Notes for the Reduction of Obtrusive Light (2011) can be accessed on the website of the Institution of Lighting Professionals here:</u> https://www.theilp.org.uk/documents/obtrusive-light/</p>
Air Quality				
24.8	24.5.3 (now) 23.5.3	Section 24.5 should be augmented to highlight the full severity of the air quality issue. The SA states that the proposed development would have significant negative effects on traffic congestion in Hertford. Public Health England states that there are more	It is considered that Policy EQ4 and the supporting text adequately highlight the issue of air quality and the ways in which the issue should be addressed through	No amendment in response to this issue

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		deaths from particulate air pollution in Hertfordshire than anywhere outside of London. With the presence of an AQMA, the situation in Hertford as likely to match or exceed these levels.	development proposals.	
24.9	EQ4	Thames Water state that the policy should be expanded to ensure that development does not only impact on air quality but also that proposed development and land uses should not be affected by existing uses unless suitable mitigation can be provided.	The purpose of Policy EQ4 is to ensure that regard is had to air quality issues.	No amendment in response to this issue
General Issues				
24.10		Natural England indicates that there is little reference to soils, geodiversity and the best and most versatile agricultural land. Decisions on development should take account of the impact on soils. Paragraphs 109 and 112 of the NPPF refer to the conservation and sustainable management of soils. The Council must ensure that it has access to Agricultural Land Classification maps to inform decision making. There is also a Code of Practice produced by Defra which advises on protecting soil resources during construction.	As the representation indicates, the NPPF contains provisions for the conservation of soil resources and the best and most versatile agricultural land. It is therefore not considered necessary to repeat this within the District Plan.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/Paragraph Number	Issue	Proposed Amendment
Introduction		
23.1.2	Reference to the Chapter on Water needs updating.	Policies relating to water quality and water pollution are contained within Chapter 23 <u>22</u> : Water.

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Noise Pollution		
23.3.2	Airports are not the only source of noise pollution in the district. The M11/A120 and the increase in traffic movement related to an increased level of flights at Stansted Airport will make these issues worse.	<p>Amendment to text (para. 23.3.2)</p> <p>One of the most common causes of noise pollution is from traffic noise. In East Herts the proximity of both Luton and Stansted Airports to the district has a specific impact which needs to be taken into account when development proposals are considered. <u>The M11 and A120 are the main roads serving Stansted Airport. Any increase in activity associated with the airport will subsequently increase the level of traffic on surrounding roads, exacerbating the potential for noise pollution.</u></p>
New 23.3.5 and new 'orange box'	<p>The Council is currently preparing a new Noise Assessment Planning Guidance Document. This is a technical document that will require certain developments to undertake noise assessments and to ensure impacts are mitigated. It is considered helpful to refer to this document.</p> <p>A text box should also be inserted with a link to the document.</p>	<p>Amendment to text (new para. 23.3.5)</p> <p><u>23.3.5 The Council is preparing a Noise Assessment Planning Guidance Document to provide advice for applicants of noise generating and noise sensitive developments. It will also set out criteria for the preparation of such assessments as part of the application process.</u></p> <p>New 'orange box'</p> <p><u>The Council's (emerging) Noise Assessment Planning Guidance Document can be found on the Council's Website at www.eastherts.gov.uk/envhealth</u></p>
Policy EQ2	The policy should also refer to the impacts on human health through noise pollution.	<p>Amendment to Policy EQ2</p> <p>I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, <u>and in particular, the potential impact of development on human health.</u></p>
Policy EQ2	Policy EQ2 should be amended to refer to the emerging Noise Assessment Planning Guidance Document. Part II becomes Part III.	<p>Amendment to Policy EQ2</p> <p><u>II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.</u></p>
Air Quality		
23.5.4 and	Original paragraph deleted and replaced with new paragraph 23.5.6 which clarifies the intention of 23.5.4	<p>Amendment to text (new para. 23.5.6)</p>

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new 23.5.6	with reference to Policy DES1.	<p>Some renewable forms of energy used for heating may also, cumulatively or in isolation, result in a rise in particulates which can be harmful to human health. For this reason such technologies will not be permitted within or near the urban areas of settlements.</p> <p><u>23.5.6 In line with Policy DES1, the Council will expect proposals to embrace renewable, zero and low-carbon technology to fulfil some, if not all, of the expected energy use of the proposed development. Where proposals are within or near the urban areas of settlements, applications should be supported by an air quality assessment, which details proposed mitigation measures where necessary.</u></p>
New 23.5.4, new 'orange box', Policy EQ4	The Council is currently preparing a new Air Quality Planning Guidance Document. This is a technical document that will set criteria for when an Air Pollution Assessment is required.	<p>Amendment to text (new para. 23.5.4)</p> <p><u>23.5.4 The Council is preparing an Air Quality Planning Guidance Document which defines the Council's expectations of developers to ensure a consistent approach and sets criteria for when an Air Pollution Assessment is required and a range of mitigation options. In some cases it may be necessary to place conditions where permission is granted in order to ensure mitigation is delivered.</u></p> <p>New 'orange box'</p> <p><u>The Council's (emerging) Air Quality Planning Guidance Document can be found on the Council's Website at www.eastherts.gov.uk/envhealth</u></p> <p>Amendment to Policy EQ4</p> <p>I. Development and land uses should minimise potential impacts on local air quality both during construction and operation including the operation of heating, cooling and extraction units. <u>Applications should be supported by an Air Pollution Assessment in line with the Council's Air Quality Planning Guidance Document.</u></p>
New 23.5.5	New technology such as hybrid and electric vehicles are a key contributor to improving air quality.	<p>Amendment to text (new para. 23.5.5)</p> <p><u>New vehicle technology, such as hybrid and electric engines, has significant potential to improve air quality by reducing the use of traditional fuel vehicles, which are a main source of pollutants. New technology takes time to establish and the lack of electric charging points is cited as one of the main deterrents for individuals considering switching to such vehicles. While some developers may argue that there is currently insufficient demand to justify the</u></p>

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		<u>installation of charging points, a shift to this type of technology will only be achievable if charging points are in place to offer choice to users at locations of both journey origin and destination. So, while initial users of developments may drive traditional petrol/diesel vehicles, as older vehicles reach the end of their lifespan there will be the opportunity for a greater numbers of hybrid and electric vehicles to replace them if sufficient access to charging points is in place and available. It is therefore considered that, as the increased availability of charging points will of itself be likely to generate its own demand, all major developments should incorporate sufficient numbers of electric vehicle charging points.</u>
Policy EQ4, New III	Policy EQ4 should also be updated to refer to new vehicle technology and to cross reference the design chapter for clarification.	Amendment to Policy EQ4 <u>III. New developments should make provision for electric vehicle charging points in safe and accessible locations in accordance with Policy DES3 Design of Development.</u>
New 23.5.6	Additional wording is required to introduce policy criterion (relocated from Policy TRA1 Sustainable Transport),	Amendment to text (new para. 23.5.6) <u>In order to minimise the environmental impact of buses on local air quality, and in light of the district having declared AQMAs in three of its five towns, it is considered important that where major developments involve the introduction of new bus routes or significant changes to existing routes, low emission vehicles should be provided to help mitigate the effects of the generated trips.</u>
Policy EQ4, New IV	In order to minimise the impact of emissions on the district, Policy EQ4 should be amended to refer to the need to ensure that buses serving new or significantly changed routes as part of major developments should either be of 'hybrid' type or meet the latest 'Euro' emissions regulations.	Amendment to Policy EQ4 <u>IV. In order to minimise the impact of travel on local air quality, where major developments involve the introduction of new bus routes or significant changes to existing routes, service providers will be required, in agreement with Hertfordshire County Council's Transport, Access and Safety Unit, to ensure that the vehicles serving these locations will either be of 'hybrid' type or meet the latest 'Euro' emissions regulations.</u>