

CHAPTER 20 - ENVIRONMENTAL GUIDELINES

20.1. ENVIRONMENTAL GUIDELINES: GENERAL

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
601	The House Builders’ Federation	4503	Prudential Assurance Company Ltd
1191	Mr C H Gray	5141	Tring Environmental Forum

Supports

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2142	Miss M Fraser	4228	Herts & Middlesex Wildlife Trust

Key Issues

- (a) Whether the Guidelines should be included in the Plan or form Supplementary Planning Guidance. (601, 5141)
- (b) Should the Guidelines be entirely deleted due to inconsistencies and omissions. (1191)
- (c) Will the Guidelines be applied appropriately. (4503)

Inspector’s Conclusions

(a) Inclusion in the Plan or as Supplementary Planning Guidance

- 20.1.1. I have commented throughout my report on the excessive length and complex format of the Plan, which in my view reduces its clarity and readability. I address the matter of the Environmental Guidelines in my initial comments on the Plan, where I find that they constitute an unhappy mix of bland statements of general strategy and detailed site-specific criteria (see paragraph 1.1.20). I appreciate the Council’s view that the Guidelines should be applied flexibly, so as not to stifle innovation. However, if they remained in the Plan there would be an inherent tension with Section 54A of the 1990 Act, which requires development to be in accordance with the development plan unless material considerations indicate otherwise. I conclude that the Environmental Guidelines do not contain guidance that is appropriate to a local plan, having regard to the advice in PPG12, which seeks to avoid excessive detail. Instead I consider that, for the most part, they would be suitable as supplementary planning guidance (SPG).
- 20.1.2. Paragraphs 3.15-3.18 of PPG 12 indicate the form and nature that SPG should take. In particular, it should:
- be consistent with national and regional planning guidance and the policies in the adopted plan;
 - be clearly cross referenced to the relevant plan policy which it supplements;
 - be prepared in consultation with the general public, businesses and other interested parties;
 - be adopted by the Council and then be issued separately from the plan and made available to the public.
- 20.1.3. The replacement of Part 5 of the Plan with equivalent SPG should not necessitate substantial alteration to the Environmental Guidelines, for the principles set out above are generally matters that would be required were the Guidelines to remain in the Plan. The main observation I have is that cross-referencing to the particular policies of the Plan should be provided, making clear the policy that is supplemented.

20.1.4. I have concluded that the Environmental Guidelines should be deleted from the Plan and reproduced as SPG. I have also re-iterated the PPG12 advice on the format that SPG should take. In the remainder of this chapter I shall deal briefly with the objections made to the Environmental Guidelines. Because the SPG would not be part of the development plan, there is scope for greater flexibility and discretion in the matters that can be included, and the way they are treated by the Council. I shall therefore confine my comments to those matters raised by the objectors, unless I find a clear conflict with national planning guidance or a Policy of the Plan that should be brought to the Council’s attention.

(b) Inconsistencies and omissions

20.1.5. It is almost inevitable in such a complex document that there will be some errors, inconsistencies and omissions. Indeed, one of the benefits of the much slimmer Plan I am espousing is that the scope for such faults will be reduced. However, this is not in itself sufficient reason for the deletion of the Environmental Guidelines.

(c) Appropriate application

20.1.6. In principle I agree that an over-rigid application of layout standards and design criteria has the potential to stifle innovation, though there is no evidence of it having an adverse effect on regeneration or enabling development. I consider that the greater flexibility in interpretation that would follow from the re-classification of the Environmental Guidelines as SPG would help to resolve this matter.

Recommendation

20.1.7. **The Environmental Guidelines be deleted from the Plan and be produced instead as supplementary planning guidance.**

NOTE: Unless otherwise stated, all the subsequent recommendations in this chapter are based on the premise that the Environmental Guidelines will be replaced by supplementary planning guidance.

20.2. ENVIRONMENTAL GUIDELINES: INTRODUCTION

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
4504	Prudential Assurance Company Ltd	4555	John Dickinson Stationery Ltd

Key Issues

- (a) Should reference be made to the need for early consultation in relation to the application of environmental guidelines. (4504, 4555)
- (b) Would the environmental guidelines constrain high quality design. (4504, 4555)
- (c) Whether the environmental guidelines would stifle regeneration and development. (4504, 4555)

Inspector’s Conclusions

(a) *The need for early consultation*

20.2.1. I share the Council’s view that early consultation frequently occurs as part of the normal development control process, and I do not believe that it warrants a specific mention in the environmental guidelines.

(b) *Constraints on high quality design*

20.2.2. I have some sympathy with the view that the over-rigid application of standards and detailed criteria can lead to unimaginative layouts and design, particularly in larger developments. As I have already indicated, however, I consider that the greater flexibility that would follow from the re-classification of the Environmental Guidelines as SPG should help to overcome this difficulty.

(c) *Stifling regeneration and development*

20.2.3. Although concerned that a prescriptive approach to the application of the Environmental Guidelines could stifle regeneration and enabling development, the objector produces no evidence to back up this assertion. In my view, any inflexible interpretation of fixed standards is far more likely to affect the quality of a development rather than to prevent it taking place. Once again, the treatment of the Guidelines as SPG should help.

Recommendation

20.2.4. **No additional modification be made in response to these objections.**

20.3. QUALITY OF LAYOUT AND DESIGN

Objection

<i>Rep No</i>	<i>Name</i>
1397	CPRE - The Hertfordshire Society

Support

5202	Herts & Middlesex Wildlife Trust
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Key Issue

(a) Whether the principles of Section 2 of the Environmental Guidelines would lead to uniformity. (1397)

Inspector’s Conclusion

20.3.1. This objection raises a similar issue to those made against the Environmental Guidelines in general, which I considered in the preceding sections of the chapter. As I indicated there, I tend to agree with the view that the over-rigid application of standards and detailed criteria can lead to unimaginative layouts and design, particularly in larger developments. Much depends on how the Guidelines are applied,

however, and I consider that the greater flexibility that would follow from the re-classification of them as SPG should help to overcome this difficulty.

Recommendation

20.3.2. No additional modification be made in response to this objection.

20.4. LAYOUT & DESIGN OF RESIDENTIAL AREAS

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1398	CPRE - The Hertfordshire Society	4043	HCC Environment Department
4012*	HCC Environment Department	4556	John Dickinson Stationery Ltd

Supports

2915	Environment Agency	5203	Herts & Middlesex Wildlife Trust
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Support for pre-inquiry changes

For pre-inquiry change 271	
5562PC	CPRE - The Hertfordshire Society

Key Issues

- (a) Do private roads and footpaths need to be designed to the same standard as public ones. (1398)
- (b) Should screening be required from existing and potential noise sources. (1398)
- (c) Whether additional wording is required to section (v) to ensure the provision of bus facilities. (4012)
- (d) Should the section on gardens and amenity be expanded to take into account local landscape character. (4043)
- (e) Are the standards for garden depths and space between dwellings appropriate. (4043, 4556)

Inspector’s Conclusions

(a) Private roads

20.4.1. It is right that private roads should be designed to the same standards as public roads in terms of safety and ease of circulation, for these considerations affect all users of the roads. I am less convinced that private roads need to be constructed to adoptable standards, however, as the standard of construction is essentially a matter for the developer. However, as the Guidelines refer only to design, and not to construction, I do not believe that a change is necessary.

(b) Protection from noise

20.4.2. I consider that adequate protection from existing noise sources should be secured as a result of the application of the Noise Exposure Categories and other standards set out in the Guidelines. It is not possible, in my view, to cater for potential future sources of noise.

(c) Bus facilities

20.4.3. The Council proposes PIC271 to address the concern of the objector, which I support.

(d) Gardens and local landscape character

20.4.4. I do not believe that it is necessary for the Guidelines to require the size and form of gardens to be related to local landscape character, for the issue is largely addressed in the section on Residential Character Areas.

(e) Standards for space between dwellings

20.4.5. I agree with the objectors that setting a minimum garden depth of 11.5m is a somewhat crude means of securing adequate garden space, for it takes no account of plot shape or overall layout. I also believe that to require a 23m distance between the main walls of dwellings is a similarly prescriptive and simplistic means of ensuring privacy and achieving adequate space between dwellings. To my mind these, and the other minimum distances stated, are all measures that could contribute to the type of regimented, bland development that PPG3 is seeking to avoid. It could also run counter to the objective of increasing housing density and avoiding the inefficient use of land.

20.4.6. With the publication of the Government practice guides “By Design” and the more recent “By Design: Better places to live”, it is questionable whether the conventional standards-based approach remains applicable. I recommend that the Council looks again at this matter and considers whether a more organic and flexible approach might be preferable. I recognise that the complexities of the design process make it difficult and time-consuming to produce advice that is both concise and capable of being understood by lay people. Nevertheless, one of the advantages of the Guidelines being replaced by SPG is that they could be prepared independently from the Plan if necessary.

20.4.7. Should the Council decide not to replace the standards-based residential guidance in its current format, or not to delete the minimum distance requirements, then I recommend at the very least that examples be provided of the types of situations in which variations from the standards are likely to be acceptable.

Recommendation

20.4.8. **The Guidelines be modified in accordance with PIC271.**

20.4.9. **The Council reviews the standards-based approach to separation distances and garden depths, and considers whether a more organic and flexible approach might be preferable. Should the Council decide not to replace the guidance in its current format, or not to delete the minimum distance requirements, then I recommend at the very least that examples be provided of the types of situations in which variations from the standards are likely to be acceptable.**

20.5. LAYOUT AND DESIGN OF EMPLOYMENT AREAS

Objection

Rep No Name
4013* HCC Environment Department

Support

2916 Environment Agency

Support for pre-inquiry changes

For pre-inquiry change 272
5563PC CPRE - The Hertfordshire Society

Key Issue

- (a) Whether additional wording is required to section (i) to ensure the provision of bus facilities. (4013)

Inspector’s Conclusion

20.5.1. The Council proposes PIC272 to address the concern of the objector, which I support.

Recommendation

20.5.2. The Guidelines be modified in accordance with PIC272.

20.6. FLOOD DEFENCE & THE WATER ENVIRONMENT

Objections

Rep No Name
636* HCC Environment Department

Rep No Name
2918* Environment Agency

Supports

2917 Environment Agency
4996L English Nature

5204 Herts & Middlesex Wildlife Trust

Supports for pre-inquiry changes

For pre-inquiry change 273
5564PC CPRE - The Hertfordshire Society
For pre-inquiry change 274
5565PC CPRE - The Hertfordshire Society

Key Issues

- (a) Should the provision of water butts in new developments be encouraged. (636)
(b) Should the Guidelines be amended in relation to the protection of floodplains. (2918)

Inspector’s Conclusions

- (a) *Provision of water butts*

20.6.1. The Council proposes PIC274 to address the concern of the objector, to which I have no objection.

(b) Protection of flood plains

- 20.6.2. The Environment Agency suggests that the Guidelines should include a reference to its policy document relating to the protection of flood plains. The Council addresses this through PIC273. However, since the close of the inquiry the Government has published PPG25: *Planning and Flood Risk*. This gives guidance on the role of the planning system in ensuring that flood risk is properly taken into account in the planning of developments, thereby reducing the risk of flooding and the damage which floods cause. It advised that policies in development plans should outline the consideration which will be given to flood issues, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result on climate change.
- 20.6.3. In the light of this new advice, I believe that the Plan’s approach to development and flood risk should be strengthened. As I indicate in the Environment chapter, I consider that a policy is required for the areas of flood risk, setting out the approach to development so as to minimise and manage the risk. The Environmental Guidelines also need to be revised to take account of PPG25, and should include indicative flood plain maps to indicate where consideration of flood risk is likely to be necessary. The Council should consider whether PIC273 remains appropriate as a result of the publication of PPG25.

Recommendation

- 20.6.4. **The Environmental Guidelines be modified to take account of recent Government advice in PPG25 and to include indicative flood plain maps. The change proposed by PIC274 be adopted, but the Council should consider whether PIC273 remains appropriate.**

20.7. PARKING PROVISION**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1192	Mr C H Gray	4014*	HCC Environment Dept
1399	CPRE - The Hertfordshire Society	4462	Aitchison Raffety
2165	Highways Agency	4557	John Dickinson Stationery
2923	Ms Maureen Parnell	4723	Mrs B J Brown
3074	Mrs B Lea	5016L	MSAS Global Logistics Ltd
4001	HCC Corporate Services Department	5129	Tring Environmental Forum

Support

4468 Mr R Burnell

Support for pre-inquiry change

For pre-inquiry change 275

5566PC CPRE - The Hertfordshire Society

Key Issues

- (a) Should the parking standards be revised to reduce the minimum parking requirement, or should they be updated to reflect maximum standards for car parking. (1399, 2165, 4014, 5129)
- (b) Are the guidelines incompatible with reducing car ownership and usage. (4723)

- (c) Should the parking guidelines include a reference to security, safety and pollution. (3074)
- (d) Is an additional statement required regarding early consultation on layout and design. (4557)
- (e) Do the parking standards for industry, warehousing and other commercial premises need to be reviewed. (1192, 4462, 5016)
- (f) Are the parking standards at educational establishments appropriate. (4001)
- (g) Are the parking standards for football pitches suitable. Would the Council retrospectively require an existing sports ground to provide new parking. (2923, 3074)

Inspector’s Conclusions

(a) Appropriateness of minimum or maximum parking standards

- 20.7.1. Some objectors argue that the parking standards in the Composite Draft are too high, and that they are inconsistent with the principles of sustainability promoted in other parts of the Plan. Others believe that they should be up-dated to reflect current Government advice on maximum standards of provision. The Council has responded by replacing the standards with those adopted in December 2000 by Hertfordshire County Council. The revised standards (CD33B) are produced as SPG to the Hertfordshire Structure Plan, and are intended for use by all local planning authorities in the County. The Borough Council proposes substantial amendments to the parking Guidelines in the Plan, replacing the Composite Draft version with the adopted County standards and making radical alterations to the text (FCs 165, 175, 176 and 184). As a consequence, PIC275 is deleted.
- 20.7.2. The County Council claims in CD33B that the revised standards are broadly compatible with evolving national and regional policies. It states that the standards are based on up-to-date surveys of actual demand, and a comparison with practice in adjacent authorities. It also proposes that, for non-residential development, a system of zone-based restraint should apply, based on accessibility to town centres and public transport and taking into account the economic health of the settlement. In highly accessible and buoyant zones, new development would be expected to provide no more than 25% of the maximum standard, whereas in the least accessible zones (including rural areas), between 75% and 100% of the standard would apply.
- 20.7.3. I agree that for most non-residential land uses, the revised standards are generally consistent with the advice in PPG13 Annex D and RPG9. Indeed, for retail and B1 uses they are more restrictive. The main discrepancies relate to further education establishments, where the County standard would permit about twice the number of parking spaces compared with the national standard, and cinemas, where an increase of 60% over the national figure would be permissible. Whether these higher figures can be justified on the basis that the application of zone-based restraint would normally bring them into line with the national standards is questionable, in my view. In any event, it is not clear whether (or how) the Borough Council is intending to introduce a system of zone-based restraint.
- 20.7.4. I appreciate that it is desirable for uniform standards to apply across as wide an area as possible, so as not to disadvantage one location over another. However, I believe that the further education and cinema standards are so significantly at variance with the PPG13 advice that they should be re-assessed. They should only be retained in their

current form if there is a strong justification for them. I also consider that the Borough Council should make clear in the Guidelines how the County Council’s zone-based restraint approach is to operate in Dacorum.

- 20.7.5. The greatest divergence from Government advice occurs with residential development, where the previous standards appear to be unchanged and range from 1.5 spaces for a bed-sit to 3.75 spaces for a 4+ bedroom house. Moreover, unless the location is likely to result in lower demand for parking (such as in town centres), the standards are regarded as both minimum and maximum levels, with all demand expected to be accommodated on-site. These standards are substantially different to the approach of PPG3. This indicates that, on average, development should be provided with 1.5 spaces per dwelling so as to reflect the Government’s emphasis on sustainable residential environments. PPG3 states that policies that would result in higher levels of off-street parking, particularly in urban areas, should not be adopted.
- 20.7.6. The County Council recognises that the residential standards are at variance with PPG3. It argues that insufficient residential parking could lead to accessibility and safety problems caused by excessive on-street parking, rather than influencing car ownership levels and car use. It also believes that the standard of 1.5 spaces per dwelling is ambiguous. There is no suggestion, however, that there are particular circumstances in Hertfordshire that warrant a different approach to that which applies nationally. The Borough Council has not commented on the detail of the revised standards, so I assume that it shares the County’s view.
- 20.7.7. There is no estimate of the likely average parking provision should the County Council standards be applied to the residential development proposed in the Plan. Nevertheless, it would seem reasonable to anticipate a level, on average, about 50% above the 1.5 spaces per dwelling target. In my view this degree of variation represents a significant conflict with PPG3, and runs counter to the objectives of seeking to reduce car dependence and making the best use of land. I therefore recommend that the Council reduces the parking standards for residential development in line with the aims of PPG3. It should also allow for lower levels of parking than the standard would require by indicating that the standards are solely maximum levels of provision, not (as stated in CD33B) both maximum and minimum.

(b) *Compatibility of standards with reduced car ownership and usage*

- 20.7.8. The Council believes that by adopting the County Council’s revised parking standards, the concern of the objector is met. I have discussed this in some detail in the preceding sub-section. Insofar as the standards relating to non-residential development are concerned, I generally agree. However, the residential standards are unacceptably high, and I recommend above that they be reduced.
- 20.7.9. The objector also contends that the residential standards make no mention of the availability of public transport, and the consequent opportunity for reductions in parking levels in accessible town centre sites. This is not entirely the case, as the acceptability of lower levels of parking in town centre and transport node locations is referred to in paragraph 10 of the SPG. While I agree that it does not feature prominently in the standards document, it does also form part of Policy 59. For these reasons, and because I am recommending that the treatment of the standards as minimum levels of provision is deleted, I do not believe that further changes are necessary.

(c) *Security, safety and pollution*

20.7.10. The Council argues that the Plan already provides an adequate framework to address the matters raised by the objector, primarily through the application of Policies 9 and 58. I have some sympathy with the views of the objector, however, for many of the matters covered in the section of the Guidelines on design and layout are also dealt with, in general terms, in the same policies. For the sake of consistency and completeness, I think it would be helpful if a brief reference to security and highway safety was included in the Guidelines. This might perhaps indicate that parking areas should preferably be subject to natural surveillance, stress the need for layouts and designs which do not cause hazards for pedestrians and other road users, and so on. I recommend that the Guidelines be amended accordingly.

(d) *Early consultation*

20.7.11. It seems to me that early consultation by developers on matters of layout and design is – or should be – part of the normal planning application process, and does not warrant a specific mention in these (or any other) Guidelines.

(e) *Standards for industrial, warehousing and other commercial premises*

20.7.12. The Council contends that the revised parking standards meet these objections by providing maximum rather than minimum standards for industrial and commercial uses. I agree, especially as most of the standards are also significantly reduced.

(f) *Parking at educational establishments*

20.7.13. The County Council as education authority argues that the standards set out in the Deposit (and Composite) Draft for education establishments are too high. It points out that provision for parents and older students with access to a car is not normally provided at schools, and believes that it runs counter to the attempts to reduce car journeys to education sites. I am aware that the revised parking standards address this matter to some extent by being a maximum rather than a minimum requirement. However it does seem to me that the stated figures are unreasonably high, in much the same way as those relating to further education that I addressed in paragraphs 20.7.3 and 20.7.4 above. I recommend that the standards for schools also be re-assessed, with the aim of reducing them.

(g) *Suitability of provision at recreational facilities*

20.7.14. The objector is concerned that the provision of parking spaces at a football pitches could be hazardous and unsafe if the facilities are surrounded by housing, schools or children’s play areas. As the Council points out, the standards are intended to relate primarily to new development and would not generally be retrospectively enforced. If parking were proposed at an existing pitch, issues of safety and congestion would form part of the normal assessment process. It seems unlikely that the Council would seek additional parking at Miswell Lane recreation area, which is of particular concern to the objectors, in view of the lack of vehicular access and the fact that it can be easily accessed on foot from most of the western side of Tring. Consequently, I recommend no change in response to this objection.

Recommendation

20.7.15. The Guidelines be modified in accordance with FCs 165, 175, 176 and 184, subject to the following variations:

- (a) the Council reduce the parking standards for residential development in line with the aims of PPG3, and indicate that the standards are solely maximum levels of provision rather than both maximum and minimum;
- (b) the revised maximum standards for further education, schools and cinemas be re-assessed with the aim of reducing them;
- (c) the design and layout section of the Guidelines be amended to include a reference to highway safety and security;
- (d) the Council make clear in the Guidelines how the County Council’s zone-based restraint approach is to operate in Dacorum.

20.8. LANDSCAPING

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
637	HCC Environment Department	4044	HCC Environment Department
1400	CPRE - The Hertfordshire Society		

Supports

4997L	English Nature	5205	Herts & Middlesex Wildlife Trust
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Key Issues

- (a) Does the guidance adequately reflect the Structure Plan objectives of promoting local landscape character and distinctiveness, and designing for safety, sustainability and quality of life. (637, 4044)
- (b) Is sufficient emphasis given to matters such as orchards, natural habitats for wildlife, and plants producing oxygen and consuming carbon dioxide. (637, 1400)

Inspector’s Conclusions

(a) Objectives of landscaping guidelines

20.8.1. The objectors believe that there is insufficient linkage between the landscape guidelines and the overall aims of the development plan. They argue that there is no encouragement to think of the range of environmental and social benefits that can be gained from recognising local landscape character in the design process, and insufficient emphasis on maintaining local distinctiveness. Consideration should be given to redrafting the section so that landscaping can further the objectives of safety, sustainability and quality of life. It is also suggested that the section could be integrated with that on nature conservation, which provides a better model for the approach to landscape that is sought.

20.8.2. To some extent I agree with the objectors, for the overall purpose of the landscaping guidelines is not immediately obvious, nor is it clear to me how they contribute to the

local context or relate to the nature conservation guidelines. The advice in section 7 seems to concern landscaping on development sites, and in my view it should have this as its title. It would then have a very clear function, and would give supplementary guidance (along with other guidelines) to Policy 9. Section 8 could then be re-titled Landscape and Nature Conservation; this would focus on the conservation aspect and supplement the policies in the Environment section of Part 3, particularly 95 and 105.

- 20.8.3. I believe that the concern about local landscape character and distinctiveness is well founded. As written, it seems to me that the landscaping guidelines could be applied to almost any development site nation-wide. It is important that a reference to the desirability of reflecting local landscape character and promoting local distinctiveness is included, together with some explanation of what this means and how it can be achieved in practical terms. The Council argues that these elements feature in other parts of the Plan, but in my view that is not sufficient – this is the document that developers and designers will be directed to for advice, and consequently that advice needs to be given here.
- 20.8.4. As to the objectives of safety, sustainability and quality of life, it seems to me that these should underlie the advice rather than form a structure around which the advice is given. I do accept, however, that the transparency and completeness of the guidelines would be improved if these matters were specifically mentioned at appropriate points within the document.

(b) *Emphasis on matters of detail*

Orchards

- 20.8.5. The objector suggests that the conservation of orchards and the planting of new orchards should be considered where possible. In response the Council has proposed through PIC278 to add a sentence to Section 8, the nature conservation guidelines. I agree that this is an appropriate way of treating this matter, for it would fit in better with the conservation theme of Section 8.

Natural habitats for wildlife

- 20.8.6. The guidelines state that plant species should, wherever possible, be native to the area and/or important for wildlife. Additional guidance on natural habitats is given in Section 8. In my view further emphasis is not necessary.

Plants and carbon dioxide emissions

- 20.8.7. Whilst there are clearly wider environmental benefits that derive from the growth of plant life, I do not believe that these warrant a specific mention in the Guidelines.

Recommendation

- 20.8.8. **Section 7 be re-titled “Landscaping on Development Sites”, and Section 8 be re-titled “Landscape and Nature Conservation”.**
- 20.8.9. **A reference to the desirability of reflecting local landscape character and promoting local distinctiveness be included in Section 7, together with some**

explanation of what this means and how it can be achieved in practical terms.

20.8.10. Section 7 be modified to include a reference to the matters of safety, sustainability and quality of life.

20.8.11. Section 8 be modified in accordance with PIC278.

20.9. NATURE CONSERVATION

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
638	HCC Environment Department	4274	Mrs B J Brown
639*	HCC Environment Department	4999L	English Nature
1401	CPRE - The Hertfordshire Society		

Counter Objection

To pre-inquiry change 279

5570PC CPRE - The Hertfordshire Society

Supports

4998L	English Nature	5206	Herts & Middlesex Wildlife Trust
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Supports for pre-inquiry changes

For pre-inquiry change 276

5567PC CPRE - The Hertfordshire Society

For pre-inquiry change 277

5568PC CPRE - The Hertfordshire Society

For pre-inquiry change 278

5569PC CPRE - The Hertfordshire Society

Key Issues

- (a) Are the Guidelines adequately expressed or is it necessary to make the suggested changes to the detailed wording. (638, 639)
- (b) Is the reference to countryside development and modern farming appropriate. (639, 1401)
- (c) Should golf courses or country parks be recognised for their nature conservation potential (4724, 5570PC)
- (d) Is the guidance on cuttings and embankments acceptable. (4999)
- (e) Whether the reference to traffic calming measures is appropriate. (1401)

Inspector’s Conclusions

(a) *Changes to wording*

20.9.1. The objector provides a detailed commentary on the Guidelines, suggesting numerous ways in which the wording could be amended. The Council has responded with a large number of modifications through PICs 276, 277, 280, 281 and FCs 172-174. I endorse these, for they appear to satisfactorily address many of the points raised.

20.9.2. Turning to the matters that the Council has decided not to change, whilst I agree with the objector that the human benefits could perhaps be better expressed, I am not persuaded that the lengthy explanation provided is either necessary or appropriate. The remaining suggestions are mainly matters of detailed elaboration, and would not in my

view add anything of substance to the Guidelines. I recommend no additional changes in response to these objections.

(b) Countryside development and modern farming

20.9.3. The Council has amended the section which comments on the impact of farming on the countryside to meet the objectors’ concerns. I support PIC279.

(c) Golf courses and country parks

20.9.4. I share the Council’s view that golf courses and country parks can have nature conservation value, particularly if constructed and/or managed with nature conservation principles in mind. As the Council points out, these benefits are particularly likely if the facility is created from damaged or intensively farmed land. I recommend no change in response to these objections.

(d) Cuttings and embankments

20.9.5. English Nature indicates that some road cuttings provide important geological exposures that could become inaccessible if sown or planted. I do not regard this as a significant problem, however, as rock exposed in road cuttings is typically left as steep faces that would be difficult to plant. In any event, a balance has to be struck between educational and scientific interests and those of stability and visual amenity. I accept that the fast growing species suggested by the Council might not be native, but again the issue of balance comes into play. I recommend no change in response to this objection.

(e) Traffic calming measures

20.9.6. It seems to me that the objection is broadly supportive of the measures for softer landscape proposed by the Council, and I see no need for further elaboration.

Recommendation

20.9.7. **The Guidelines be modified in accordance with PICs 276, 277, 279-281 and FCs 172-174.**

20.10. SMALL SCALE HOUSE EXTENSIONS

Objection

Rep No
1402

Name
CPRE - The Hertfordshire Society

Support for pre-inquiry change

For pre-inquiry change 282

5571PC

CPRE - The Hertfordshire Society

Key Issues

(a) Should asbestos sheeting be referred to. (1402)

- (b) Do the guidelines give adequate protection to adjacent dwellings. (1402)
- (c) Is it appropriate to sub-divide guidance on the siting of extensions . (1402)

Inspector’s Conclusions

(a) *Asbestos sheeting*

20.10.1. The Council proposes to delete the reference to asbestos sheeting with PIC282, which I support.

(b) *Protection of existing dwellings*

20.10.2. The CPRE considers that the words “unduly close” in relation to the proximity of an extension to a neighbouring dwelling require clearer definition. It seems to me, however, that a phrase such as this is appropriate, for it allows an individual assessment to be made of a particular proposal, and is ultimately the test that should be applied. Moreover the phrase is used in the part of the Guidelines dealing with the design and character of extensions, and further guidance on separation distances is given in the parts that deal with side and rear extensions. I recommend no change to the Guidelines in response to this objection.

(c) *Sub-division of the guidance*

20.10.3. The objector is concerned that the categorisation of advice into front, side and rear extensions may not be suitable to situations where dwellings are sited at different angles to each other. I agree with the Council that this sub-division is likely to be helpful to the majority of situations. I see no reason why the advice in more than one category should not be applied to circumstances in which unusual relationships exist, such as might be applied where, for example, an extension which ‘wraps around’ the side and rear of a dwelling is concerned. I recommend no change in response to this objection.

Recommendation

20.10.4. No modifications be made to the Guidelines in response to these objections.

20.11. DEVELOPMENT IN CONSERVATION AREAS OR AFFECTING LISTED BUILDINGS

Objections

Rep No Name
4079 HCC Environment Department

Rep No Name
4080 HCC Environment Department

20. Counter Objection

To pre-inquiry change 283
5572PC CPRE - The Hertfordshire Society

Support

4469 Mr R Burnell

Key Issues

- (a) Do the guidelines need to be amended to give more detailed advice on the assessment of the historic significance of a listed building. (4079)
- (b) Should more advice be given on the need for appropriate recording both before and during development affecting a listed building. (4080)
- (c) Is there a typographical error in PIC283. (5572PC)

Inspector’s Conclusions

(a) *Assessing the historical significance of a listed building*

20.11.1. The County Council considers that the guidelines fail to address the need to properly assess the historical significance of a listed building prior to the determination of a planning application, as required by Section 10(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15. The Council proposes PIC283 to address this matter, which I support.

(b) *Recording work to a listed building*

20.11.2. This is a related objection from the County Council suggesting the need for a programme of recording of historic features affected by alteration or demolition. This is also covered by PIC283.

(c) *Typographical error*

20.11.3. The Council acknowledges the typographical error, which is corrected by FC10.

Recommendation

20.11.4. The Guidelines be modified in accordance with PIC283 and FC10.

20.12. CONVERSION OF AGRICULTURAL BUILDINGS

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
443	East of England Tourist Board	1403	CPRE - The Hertfordshire Society
640*	HCC Environment Department	4081	HCC Environment Department
1063*	Ministry of Agriculture, Fisheries and Food	4776	Faulkners
1064	Ministry of Agriculture, Fisheries and Food		

Supports for pre-inquiry changes

For pre-inquiry change 284			
5573PC	CPRE - The Hertfordshire Society		
For pre-inquiry change 285			
5278PC	English Nature	5574PC	CPRE - The Hertfordshire Society

Key Issues

- (a) Are the guidelines unduly restrictive and unnecessary. (4776)

- (b) Is clarification needed on whether holiday accommodation is an appropriate re-use of rural buildings. (443)
- (c) Are the references to the redundancy of buildings appropriate. (1064, 4776)
- (d) Should conversion include modern buildings or not. (1063, 1403)
- (e) Is additional wording needed to cover modern buildings of architectural/historic merit. (4081)
- (f) Whether wording is required to prevent disturbance to protected species. (640)

Inspector’s Conclusions

(a) *Unduly restrictive and unnecessary*

- 20.12.1. Faulkners believes that the Guidelines should not be part of the development plan, but instead should have the status of SPG. It is also argued that they are not relevant to many rural building conversions, being unduly prescriptive, and should allow for greater flexibility of design and layout. My recommendation that all the Environmental Guidelines should become SPG clearly addresses this objection in part. As to their relevance in general terms, I do believe that it is appropriate to provide some detailed advice on the conversion of rural buildings, thereby supplementing the criteria in Policy 106.
- 20.12.2. It seems to me that the overall level of detail provided in the Guidelines is about right. I agree with the Council that the creation of a “mini-hamlet” in the countryside from the conversion of a large group of barns (paragraph 14.6) would normally be unacceptable, for the effect on the character of the countryside is usually substantial, and the location is often unsustainable. The sentence concerning small two-storey barns is unclear, in my view, for I am not sure whether the comparison is intended to relate to larger barns or to single-storey structures. It would be helpful if this were clarified.
- 20.12.3. Turning to the appearance of the converted building (paragraph 14.10), I think it unduly dogmatic to say that dormers, rooflights and chimneys, etc, will not be acceptable. There may be occasions where a business re-use requires natural light, for example, and where rooflights would be entirely appropriate. I regard this degree of prescription as unhelpful, and I believe that the Guidelines should allow for exceptions to be made to the norm when circumstances so dictate. As to the curtilage development (paragraph 14.12), I agree with the objector that the first sentence seems not to allow for the existence of original walls and hedges that often enclose spaces within a farmyard. Whilst I see no reason to object to the Council’s statement restricting new fences, sheds and other atypical urban features, existing forms of enclosure should be allowed to remain. I recommend that these matters be addressed.

(b) *The reuse of rural buildings for holiday accommodation*

- 20.12.4. Paragraph 14.6 of the Guidelines makes it clear that visitor accommodation is an appropriate re-use for agricultural buildings, and I do not believe that further elaboration is necessary. I recommend no change in response to this objection.

(c) Rural buildings and redundancy

- 20.12.5. The objectors argue that the emphasis given to the redundancy of a building in considering its suitability for conversion is contrary to the advice in PPG7. It is felt that the advice is misleading, and could hinder the contribution that the re-use of buildings can make to the needs of rural areas. I see no objection to the general statement about the availability of redundant buildings in paragraph 14.1. However, I do agree with the objectors that paragraph 14.3 does not properly reflect the advice in PPG7. In my view the meaning of the first part of the sentence is not apparent, and the sentence conveys an implication about redundancy that is contrary to paragraph G2 of PPG7 Annex G. This makes it clear that the need for a building for its present purposes should not normally be a consideration when assessing a proposed re-use. I recommend that the Guidelines be amended to accurately reflect the advice in PPG7.

(d) Conversion of modern buildings

- 20.12.6. The CPRE feels that modern agricultural buildings should not be converted, but instead should be demolished if they become redundant. MAFF, on the other hand, objects to the exclusion of buildings of “non-traditional materials ... which are unattractive”, believing that this excludes the re-use of modern buildings. It points out that PPG7 seeks an improvement to buildings that are considered to have a significant adverse effect on the landscape.
- 20.12.7. Paragraph 3.14 of PPG7 specifically refers to the suitability of modern buildings for business re-use, so the principal of such conversions is clearly appropriate. The Council proposes PIC284 to reflect the opportunities for improving the appearance of existing buildings as part of a conversion. I support this change, and recommend no other amendment in response to these objections.

(e) Modern buildings of architectural merit

- 20.12.8. The County Council considers that certain 19th and early 20th century farm buildings may have some architectural or historic interest, but are not old enough to be listed. It believes that these warrant the same assessment and recording procedures as if they were listed. The Borough Council points out that Policy 9 already contains a requirement for any historic or architectural features to be retained. In these circumstances I agree that it is not necessary for the procedure that is applied to listed buildings to have the wider remit suggested by the objector.

(f) Protected species

- 20.12.9. The County Council considers that precautions should be taken to prevent disturbance to protected species that might inhabit buildings that are proposed for conversion. The Borough Council suggests PIC285 to address this matter, which I support.

Recommendation

20.12.10. **The Guidelines be modified in accordance with PICs 284 and 285 and as follows:**

- (a) paragraph 14.3 be re-worded to better reflect the advice in PPG7 regarding the lack of need for a building to be redundant;**

- (b) the reference to small two-storey barns in paragraph 14.6 be clarified;
- (c) the blanket restriction against dormers, rooflights and chimneys, etc, in paragraph 14.10 be modified;
- (d) paragraph 14.12 be clarified to allow for the situation where existing agricultural curtilages are divided by walls and hedges.

20.13. DISABLED PERSONS’ ACCESS

Objection

Rep No
4057

Name
HCC Environment Department

Key Issue

- (a) Whether it is appropriate to provide guidance on provision of housing to take into account the physical disabilities and other special needs within the community. (4057)

Inspector’s Conclusion

- 20.13.1. This part of the Environmental Guidelines is intended to draw the attention of developers and designers to the main provisions of the statutory framework relating to disabled persons’ access to and within buildings used by the public. It is not meant to address the issue of the design of market housing suitable for people with physical disabilities and other special needs. I recognise that Structure Plan policy 11 gives support to policies in local plans that would secure housing for people with such needs, and I am aware that this matter is not addressed elsewhere in the Plan.
- 20.13.2. It seems to me, however, that this is more appropriately a matter for the Housing Chapter, and would be best included within Policy 19 in accordance with my recommendation at paragraph 7.6.26 of my report. I note the Council’s view that specific data on demonstrated demand is not available, but given the significant proportion of the population that suffers from some form of disability, that is not sufficient reason for doing nothing. The purpose of Policy 19 is to encourage particular types of housing provision, and I consider that catering for people with disabilities should be one aspect of this.

Recommendation

- 20.13.3. No change be made to the Guidelines in response to this objection.
- 20.13.4. **Modify Policy 19 to require 10% of new market housing on larger sites to be designed to be suitable for use by those with physical disabilities or other special needs in accordance with the recommendation in paragraph 7.6.26.**

20.14. EXTERIOR LIGHTING

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
641*	HCC Environment Department	4796	The National Trust-Thames/Chiltern Region
1469	Tring Rugby Union Football Club		

Supports

1648	Flaunden Parish Council	5207	Herts & Middlesex Wildlife Trust
500L	English Nature		

Support for pre-inquiry change

For pre-inquiry change 286

5575PC CPRE - The Hertfordshire Society

Key Issues

- (a) Are the guidelines unduly prescriptive in relation to existing sports and recreation facilities in urban fringe locations. (1469)
- (b) Are the Guidelines sufficiently strict to maintain dark landscapes in open countryside. (4796)
- (c) Should paragraph 4.5 (1) of the Guidelines be amended to refer to restriction in frequency of use. (641)

Inspector’s Conclusions

(a) *Sports facilities in urban fringe locations*

- 20.14.1. The objector raises a number of issues, including the negative wording of the policy approach, the manner in which the ‘environmental zones’ methodology would be applied to urban fringe locations, and the restrictive approach to lighting of existing grass pitches set out in section 3.2. Dealing firstly with the policy issue, I agree with the objector that it would be preferable for the policy to be phrased in a more positive way, and to be based on assessment criteria. However, I have a more fundamental concern about the place of a policy such as this, irrespective of how it is phrased, within the Environmental Guidelines. It appears that the policy is intended to be used in the determination of planning applications, and consequently I believe that it should be included within one of the main chapters in Part 3 of the Plan, probably the Environment chapter. The policy would then be supplemented by the remainder of the Guidelines, which would be appropriate as SPG.
- 20.14.2. I also question the use of the phrase *no adverse impact upon...* in the policy, for I suspect that in most situations which involve external lighting it is possible to argue that some adverse impact occurs. In my view the test would be more appropriately expressed as *no significant (or material) adverse impact upon....*
- 20.14.3. The objector opposes the way in which the Guidelines apply the Institution of Lighting Engineers ‘Environmental Zones’ to urban fringe locations, particularly insofar as it affects the TRUFC site at Cow Lane, Tring. It is argued that the presumption against sports pitch lighting ignores the fact that many such facilities are in urban fringe locations. Moreover, PPG17 acknowledges that the demand for recreation can be met in the countryside, including areas of designated landscape importance. The objector believes that the Environmental Zone approach should not be determinative, and considers instead that the criteria in the Guidelines provide a more appropriate basis for assessment. It is also felt to be unduly restrictive to limit the use of lighting, which is acceptable, to match days.

- 20.14.4. The Council recognises the prevalence of sports pitches on the edge of the main settlements, and points out that many of these have longstanding floodlights. Because it has taken a positive approach to the floodlighting of facilities within the urban areas, it argues that a more restrictive approach to new floodlighting proposals in Green Belt urban fringe locations is appropriate. I see no reason to question the Environmental Zone approach, for it is clear that it is based on a well-researched analysis which seeks to provide a balance between the demand for floodlit sports facilities and the protection of the countryside. Furthermore it is pertinent, in my view, that Sport England has not objected to the Guidelines. I note that the Table of Environmental Zones is proposed to be replaced (FC168) by an up-dated version from the Institution of Lighting Engineers, and I accept that consistency with this external source document should be maintained.
- 20.14.5. I do not believe that there is a conflict with the objectives of PPG17, for the tension between recreation provision and the conservation of natural beauty is recognised in the national guidance. Indeed, in the case of objector’s site, which is located within the AONB, PPG17 makes it clear that the conservation objective must prevail. I conclude that the approach to floodlighting of sports pitches in urban fringe locations that is set out in the Environmental Guidelines is appropriate. Other than the modifications to the policy aspect of the Guidelines that I outline above, and the change resulting from FC168, I recommend no further amendment in response to this objection.

(b) Maintenance of dark landscapes in countryside

- 20.14.6. The National Trust urges strict control over exterior lighting in open countryside so as to maintain dark landscapes, both for visual amenity reasons and for the impact that such lighting has on wildlife. I consider that the restricted approach to lighting in rural areas promoted in the Guidelines satisfies this objection.

(c) Restriction in frequency of use

- 20.14.7. The County Council’s suggestion that conditions can be used to restrict both the hours and frequency of use of external lighting is addressed by PIC286, which I support.

Recommendation

- 20.14.8. **The Guidelines be modified in accordance with PIC286 and FC168, and as follows:**
- (a) the policy at part 1 of the Exterior Lighting Guideline be deleted and transferred to Part 3 of the Plan;**
 - (b) the policy be re-worded in recognition of the fact that all external lighting could be argued to have some adverse impact;**
 - (c) consideration be given to rephrasing the policy in a more positive manner.**

20.15. ENFORCEMENT

Objection

<i>Rep No</i>	<i>Name</i>
1404	CPRE - The Hertfordshire Society

KEY ISSUE

- (a) Whether the Council should always take enforcement action against unauthorised development, which conflicts with the policies or objectives of the Borough Local Plan or is considered demonstrably harmful to amenity. (1404)

Inspector’s Conclusion

20.15.1. PPG18 advises that local planning authorities have a general discretion to take enforcement action, and gives guidance on the circumstances and nature of that action. It would be quite wrong, in my view, for the Plan or SPG to contain a provision that would fetter that discretion. I see no reason to question the presumption that action will normally be taken where unauthorised development conflicts with the local plan or is harmful to amenity. However, as the Council points out, there may be cases where the individual circumstances outweigh the conflict with policy or amenity. It is important that the policy framework maintains sufficient flexibility to deal with such matters, and I recommend no change in response to this objection.

20.15.2. However, in the light of my findings in respect of Policy 12 of the Plan I would recommend that the Council considers revising section 17 of the guidelines and issuing it as a separate Code of Practice (*see paragraph 6.5.5 of the report*).

Recommendation

20.15.3. **No modification be made to the Guidelines in response to objection 1404.**

20.15.4. **The Council considers revising the guidelines on enforcement and issuing them as a separate Code of Practice.**

20.16. ENVIRONMENTAL GUIDELINES: SUGGESTED NEW GUIDELINE

Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1193	Mr C H Gray	4020	HCC Environment Department
2047	Mrs D Harding	4725	Mrs B J Brown
4019	HCC Environment Department	4726	Mrs B J Brown

Counter-objections

<i>To pre-inquiry change</i>	<i>Rep No</i>	<i>Name</i>
5306PC	HCC Environment Department	5730PC The House Builders’ Federation

Key Issues

- (a) Do the Guidelines adequately cover traffic and/or pollution reduction. (1193, 2047, 4725)
- (b) Whether the Plan adequately addresses the issues of biodiversity and preservation of habitats or wildlife sites. (1193, 4726)

- (c) Is the wording of the proposed additional guideline for waste management sufficiently clear. Does it conflict with government advice. (5306PC, 5730PC)
- (d) Should a new Environmental Guideline be created to give guidance on design supporting sustainable development. (4019)
- (e) Should there be a new Environmental Guideline to cover energy efficiency and conservation in relation to design issues. (4020)

Inspector’s Conclusions

(a) *Transport, traffic and pollution reduction*

- 20.16.1. The objectors argue that the Environmental Guidelines should take account of the effects of traffic on air pollution, and should set targets for traffic reduction and pollution reduction. The Council has responded by proposing in PIC2 that environmental monitoring indicators, which would include air quality, should be added to the list of key areas of additional work at paragraph 2.33 of the Composite Plan.
- 20.16.2. Monitoring and the setting of targets are clearly important parts of the process of securing reductions. To my mind, however, they are matters that should underlie the preparation of the Local Plan, for the results should be among the factors that help to determine the development strategy. It appears that some of this work has been carried out at the County level, for the Local Transport Plan (CD71A) includes traffic reduction targets for the urban areas of Hertfordshire, and outlines a strategy for monitoring air quality. I accept that the lack of monitoring and target-setting at a local level is regrettable, but I do not believe that it seriously undermines the overall strategy of the Plan. Furthermore I am satisfied that the Plan - as recommended to be modified - is broadly consistent with Government advice on traffic reduction and the objectives of a sustainable transport strategy.
- 20.16.3. Nevertheless, I am concerned that without the inclusion of relevant environmental monitoring indicators within the Plan it will make it much more difficult to establish whether the policies of the Plan are being successful in implementing national, strategic and local objectives in respect of sustainable development. In the circumstances I believe that the Plan should be modified at this stage to include relevant monitoring indicators in accordance with my recommendation at paragraph 2.4.5 of my report. Whether or not such indicators should include traffic and/or pollution reduction is a matter I leave to the Council since they may be more appropriately dealt with outside the Local Plan process.

(b) *Biodiversity and the preservation of habitats and wildlife sites*

- 20.16.4. The objectors contend that the Guidelines fail to address biodiversity or the preservation of wildlife habitats. In the absence of any explanation about the nature of the perceived shortcoming, it is difficult to envisage what additional matters the objectors are seeking. In my opinion biodiversity and the safeguarding of wildlife sites are addressed thoroughly in the Local Plan (as modified), both in Policies 103-105 and in the Landscaping and Nature Conservation Guidelines. I recommend no change in response to these objections.

(c) New guideline on waste management

- 20.16.5. PIC287 introduces an additional Environmental Guideline designed to supplement the new Policy 122 on waste management. The County Council suggests that the phrase “reduce waste to a minimum” would be better expressed as “minimise waste”. I agree that the Borough Council’s wording is slightly unusual, but I also consider that the County Council’s alternative is not sufficiently emphatic. Instead, I suggest that the word “reduce” be replaced by “restrict”.
- 20.16.6. The HBF objects to the Council’s approach to the issue of waste, arguing that it conflicts with Government advice on the relationship between local plans and waste local plans, and that it duplicates policies in these different plans. This is part of a wider objection that is also made against Policy 122.
- 20.16.7. Insofar as these guidelines are aimed at issues related to the development process rather than to waste management planning I do not consider that their inclusion in the Plan would be in direct conflict with Government advice. However, I accept that there is a degree of overlap with the Waste Local Plan, which could lead to unnecessary duplication if they were retained in the Plan. This reinforces my view that this guideline would be better issued as supplementary planning guidance. Published in this form I do not consider its inclusion within the Environmental Guidelines would be unreasonable. I recommend that they are modified in accordance with PIC287

(d) Sustainability and design

- 20.16.8. In the light of the new overarching policy on sustainability that I have recommended should be included in the Plan at paragraph 6.7.15 of my report, the Council may wish to consider producing more detailed guidelines on the implications of sustainability issues for the design of new development. However, I do not consider the need for such guidelines is of such urgency as to warrant requiring them to be produced within any specific time period. I therefore leave it up to the Council to decide whether or not to include these guidelines in the list of further study and policy work in paragraph 2.33 of Part 1 of the Plan.

(e) Energy efficiency and conservation

- 20.16.9. The Council has already indicated under PIC2 its intention to produce guidelines on energy conservation in due course. I would encourage this course of action but in view of the likelihood that this will involve significant additional work I do not consider it would be reasonable to require this to be undertaken prior to the adoption of the Plan.

Recommendation

- 20.16.10. **The Plan be modified by the insertion of a new section on monitoring and implementation outlining in more detail the monitoring procedures that will be used in accordance with the recommendation at paragraph 2.4.5;**
- 20.16.11. **The Environmental Guidelines be modified in accordance with PIC287 subject to the word “reduce” in the second point of paragraph 16.4 be replaced with “restrict”.**