

CHAPTER 6 – DEVELOPMENT CONTROL

6.1. POLICY 9 : QUALITY OF DEVELOPMENT

Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
643	HCC Environment Department	4002	HCC Environment Department
1206	British Horse Society – Hertfordshire	4015	HCC Environment Department
1272	CPRE - The Hertfordshire Society	4318	Mrs A J Nobbs
1580	Chilterns Conference	4527	John Dickinson Stationery Ltd
1853	Countryside Agency	4658	HCC Corporate Services Department
2152	Highways Agency	5063	Tring Environmental Forum

Supports

1151	Herts & Middlesex Wildlife Trust	4953 L	English Nature
1742	Berkhamsted Town Council		

Supports for pre-inquiry changes

For pre-inquiry change 15	
5393 PC	CPRE – The Hertfordshire Society
For pre-inquiry change 16	
5394 PC	CPRE – The Hertfordshire Society
For pre-inquiry change 17	
5395 PC	CPRE – The Hertfordshire Society

Key Issues

- (a) Should criterion (b) refer to the importance of planting appropriate locally native species as part of landscaping. (643)
- (b) Whether criterion (f) ought to include reference to cyclists, equestrians and the disabled. (1206)
- (c) Should criterion (f) be amended to ensure access to new developments is considered for all modes of transport. (4002)
- (d) Does criterion (g) need to be reworded to emphasise the importance of ensuring the safe and free flow of traffic for road users. (2152)
- (e) Whether criterion (h) should be amended to seek the lowest possible provision of parking space, and to seek the provision of any excess need as commuted payments or as cycle parking. (5063)
- (f) Should criterion (j) give greater emphasis to the avoidance of light pollution. (1272)
- (g) Is it appropriate for infrastructure issues to be addressed by a design policy.
- (h) Ought Policy 9 to emphasise the impact on the aquifer and associated ecosystems caused by demands for water generated by new developments. (1580)
- (i) Should the Policy refer to energy efficiency and conservation and require all new buildings to be constructed to high environmental standards with in-built energy efficiency measures. (4015, 4318)
- (j) Does Policy 9 need to refer to the role and status of planning briefs. (4527)
- (k) Whether the Policy should make reference to social, community and leisure facilities. (4658)
- (l) Should the background to Policy 9 refer to the use of the Countryside Design Summary and Village Design Statements as supplementary planning guidance. (1853)

Inspector’s Conclusions

(a) *Planting native species*

- 6.1.1. Although the planting of native species can be extremely beneficial in some areas it may not be appropriate in all cases. Consequently, it would not be sensible, in my opinion, to include a blanket requirement for all landscaping schemes to include native species. Clause (b) already requires, amongst other things, that measures enhance the local landscape. When this is read together with Policy 101, which states that all tree planting should, wherever possible, be with appropriate native broad-leaved species, I am satisfied that the Plan gives sufficient encouragement for the use of native species. Accordingly, I see no need to make any change to clause (b) and I recommend that no modification be made to the Plan in response to objection 643.

(b) *The definition of other road users*

- 6.1.2. Although I understand the Council’s desire for simplicity, it seems to me that in this case it has resulted in a lack of clarity. By referring to pedestrians clause (f) effectively singles out one form of road user from the rest. This appears to give greater weight to the needs of pedestrians than other road users. I am not sure this is what was intended.
- 6.1.3. I appreciate that the other categories of user referred to by the objector would fall within the term “road users”. They would therefore be covered by clause (f). However, I am not convinced that this would be entirely clear to the layman. In my view, they would be more likely to equate the term “road users” with motorised forms of transport.
- 6.1.4. For the sake of precision and in the interests of fairness, I believe that the clause (f) ought to be modified to make specific reference to other forms of road user. The alternative description of “motorised and non-motorised road users”, which was used in the Hertsmere Local Plan, would be balanced and accurate. However, I am concerned that its meaning may not be entirely obvious to some people. While consistency of approach is important, I think in this case it would be better to use plain English. In my view the definition originally suggested by the objector is much clearer. I therefore, recommend that clause (f) be modified to refer to “pedestrians, cyclists, equestrians and other road users”. I see no need to refer to the disabled as their access requirements are separately covered under clause (i).

(c) *Access for all modes of transport*

- 6.1.5. To my mind clause (f) appears to be predominantly directed at ensuring the safety of vulnerable road users. This is clearly a relevant design consideration. I accept that ensuring that a wide range of transport modes can access new development is also important. However, this is already addressed by Policy 50. It will be further reinforced if the additional strategic policy on sustainable development, which I have recommended in paragraph 6.7.15 of my report, is included within the Plan. To insert an additional reference within Policy 9 would, in my view, merely create repetition and add to the length of the Plan without any significant benefit. I therefore see no need for the Plan to be modified in the light of objection 4002.

(d) *Safety and free flow of traffic*

- 6.1.6. The objector is concerned that the Plan does not do more to reduce the level of traffic using the trunk roads for local journeys as this reduces the network’s ability to handle long distance traffic. Annex B to the revised PPG13 indicates that this continues to be an important consideration. I appreciate that clause (g) does seek to deal with issues of safety and the free flow of traffic. However, I am concerned that by referring merely to “surrounding roads” it could be seen as excluding the impact on the wider strategic road network. In my view it is important that the policy makes clear that this will also be taken into account when considering development proposals.
- 6.1.7. I am also disturbed by the reference to accommodating traffic without serious detriment to safety. In my view, this could be seen as encouraging the acceptance of lower safety standards. While there may be justification in some cases for flexibility in relation to amenity and traffic flow, where safety is involved there would have to be very strong justification for allowing development that would have a detrimental impact since by definition this would be harmful. I consider, therefore, that the wording of clause (g) would benefit from some revision to address these concerns. I recommend that the Plan be modified accordingly in response to objection 2152.

(e) *Appropriate levels of parking provision*

- 6.1.8. Policy 9 is a general design policy. Its wording is intended, therefore, to deal with a wide variety of development proposals. In the circumstances, it is understandable that the criteria are expressed in fairly broad terms. Although the policy gives no definition as to what would constitute a satisfactory level of parking, this will obviously have to be assessed in the light of other policies of the Plan that deal specifically with parking. As the Plan must be read as a whole I consider that this is an acceptable approach, in this instance. To amend clause (h) to seek the lowest possible provision of parking spaces at this point of the Plan would only add to the length of the policy without, in my view, improving its clarity.
- 6.1.9. I accept that the parking policies of the Deposit Draft do not accord with the aims of current national policy, which seeks to limit parking provision. However, I note that the Council proposes to make a number of further changes¹ to the relevant policies in the Transport section of the Plan that deal with parking. Subject to these and the additional changes recommended in Chapter 10 of my report, I am satisfied that the amended policies will address the concerns of the objector. Consequently, I find no reason for Policy 9 to be modified in answer to objection 5063.

(f) *Light pollution*

- 6.1.10. Clause (j) clearly refers to the need for new development to avoid harm from light pollution. In my view this is adequate to address the general issue of light pollution. I see no need in this instance for reference to be made to the specific guidelines on external lighting, as the Plan should be read as a whole. The lack of any reference would not prevent other relevant policies also being taken into account. I, therefore, see no need for any modification to be made to Policy 9 in the light of objection 1272.

¹ The most relevant changes are FC126 in respect of Policy 50 and FC139 to FC153 in respect of Policies 58, 59 and 60.

(g) *Infrastructure requirements*

- 6.1.11. For the reasons I have already set out earlier in my report, I consider that it would be more appropriate for clause (k) to be contained within a new strategic policy on infrastructure provision rather than within a general design policy. However, I do not see the need for such a policy to include detailed criteria on foul sewage provision. In my view this would be more effectively dealt with either as supplementary guidance or as supporting text (either in the background to the policy or in an appendix to the Plan). I therefore recommend that clause (k) be deleted and a new policy on infrastructure is inserted earlier in the Plan.

(h) *Impact of water demand on aquifer and ecosystems*

- 6.1.12. The impact of new development on existing water resources and the ecology is clearly of fundamental importance to achieving a sustainable development strategy. While the monitoring and regulation of the water system is principally a matter for the Environment Agency, the Local Planning Authority also has a significant role to play. They have the power to control new development in order to avoid a damaging over-abstraction of water. In my view, this will be particularly vital within the Chilterns AONB, since a serious reduction in the level of water retained in the aquifer could have significant consequences for the landscape and wildlife of the area. With global warming and consequent changes in weather patterns this is likely to become an increasingly important consideration.
- 6.1.13. I appreciate that the Council intends to formulate detailed guidelines on water conservation at a later stage, but I believe it is essential that the general policy considerations relating to water abstraction and conservation should be addressed within the Plan at this stage. In my view, this issue is closely aligned with the provision of the appropriate infrastructure. Consequently, I find that it constitutes a strategic consideration rather than a design issue. I believe therefore that a new strategic policy should be inserted in the Plan to address this matter.

(i) *Energy efficiency and conservation*

- 6.1.14. The need for all new development to be energy efficient, both in terms of the methods of construction and the subsequent levels of energy use, is of increasing significance in the light of the Kyoto agreement and the government’s commitment to reduce CO2 emissions. I consider therefore that it ought to form a vital link in the development of a coherent sustainable planning strategy for the area. In the circumstances, I do not believe it would be appropriate to leave this matter to a later stage, as appears to be suggested in PIC2.
- 6.1.15. While it would be reasonable, in my view, for detailed guidelines to be drawn up as supplementary planning guidance after the Plan has been adopted; they will clearly need to be consistent with the Plan if they are to carry weight. The Plan, therefore, needs to address the primary policy considerations relating to energy efficiency in the context of new development proposals in order to set the proper context for any subsequent detailed guidelines.

- 6.1.16. These policy considerations could, in my view, be incorporated into Policy 9 with relative ease as they could be said to constitute a design issue. However, this would add to what is already a very lengthy policy. In the circumstances, I feel that it would be better for them to be included in a separate policy. Alternatively, they could be highlighted, as a consideration under the policy on sustainable development that I have recommended is included in the Plan in paragraph 6.7.15 of my report. I therefore recommend that the Plan be modified to include a policy on energy efficiency and conservation.
- 6.1.17. In reaching this conclusion, I have taken account of the fact that the new building regulations will address some of these considerations. Nevertheless, I consider that energy conservation will continue to be a material planning consideration. Consequently, I am satisfied that it should also be addressed in the Local Plan.

(j) *Role and status of Planning Briefs*

- 6.1.18. I have already dealt with the issue of the status of planning briefs in paragraph 2.7.1 of my report. While, I appreciate that they will play an important role in achieving quality development I see no real benefit in referring to them in Policy 9. It is clear that this Policy relates to all development proposals whether a planning brief covers them or not. Consequently, I see no need for any modification to be made to Policy 9 in response to objection 4527.

(k) *Social, community and leisure facilities*

- 6.1.19. Although the Council argues that the impact on existing social, community and leisure facilities is addressed by criterion (k), this is far from clear in my view. I believe that most readers would interpret this clause as relating to services such as gas, electricity and water. This impression is reinforced by PIC15, which deals specifically with foul sewage and by the supporting text. I am not satisfied, therefore, that Policy 9 does address the issue of the need to mitigate the impact of new development on existing social, community and leisure facilities.
- 6.1.20. Policies 69, 70, 71, 74, 75, 76 and 77 of the Plan address the provision and retention of social, community and leisure facilities. However, while they deal with the loss of existing facilities they do not appear to address the issue of mitigation measures that may be required to address the adverse impact of new development. Policy 11, which relates to the use of planning obligations and conditions, does refer to the need to meet the adverse effects of development proposals. However, clause (e) merely refers to the contribution the development should make to the infrastructure of the area without defining what is meant by infrastructure. I do not consider, therefore, that it is of any assistance in clarifying clause (k) of Policy 9.
- 6.1.21. The Council proposes under FC21 to insert reference to social and physical infrastructure in clause (e) of Policy 11. This in my view would include meeting the adverse effects on existing social, community and leisure facilities. I am satisfied that subject to this change Policy 11 would allow the Council to require appropriate mitigation measures in respect of such facilities. To include an additional clause within Policy 9 to cover the same issue would merely lead to unnecessary duplication.

- 6.1.22. I acknowledge that Policy 9 as a principal development control policy is of particular importance. However, in my view it is primarily aimed at the design of new development. In the circumstances, I do not believe it is the appropriate location to address the issue of the need for mitigation measures in respect of existing social, community and leisure facilities. I therefore, recommend that no modification be made to Policy 9 in answer to objection 4658.

(l) The Countryside Design Summary and Village Design Statements

- 6.1.23. I have already recommended that PIC’s 9 and 10, which seek to make reference to Village Design Statements in the background text to Policies 4 and 6, should be adopted. In my view this is the most appropriate place for the inclusion of such references as those policies deal specifically with villages.
- 6.1.24. In contrast Policy 9 is a general design policy. It is intended to cover both urban and rural areas. I am not satisfied that the inclusion of a further reference to Village Design statements or to the Countryside design summaries within the background text would actually constitute an improvement to the Plan. Accordingly, I recommend that no modification be made to the Plan in response to objection 1853.

Recommendation

- 6.1.25. **The Plan be modified as follows:-**

- (a) the wording of Policy 9 be amended as set out below:-**
 - (i) clause (f) be amended to read:-**
“it provides a satisfactory means of access that will not cause or increase danger to pedestrians, cyclists, equestrians and other road users;”
 - (ii) clause (g) be deleted and the following alternative wording inserted**
“(g) the traffic generated would neither compromise the safe and free flow of traffic on the existing road network nor have a detrimental impact on the safety of other road users or on the amenity of the area;”
 - (iii) clause (k) be deleted.**
- (b) insert a new policy earlier in the Plan dealing with the need for adequate infrastructure provision in accordance with the recommendation in paragraph 4.2.26 a) iii) of my report.**
- (c) add new policies on water and energy conservation.**
- (d) amend the supporting text to Policy 9, particularly paragraphs 6.5 and 6.8 to take account of the modifications to the Policy and the creation of new policies on infrastructure provision and water and energy conservation.**

6.2. POLICY 10 : ENVIRONMENTAL GUIDELINES

Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
355	Great Gaddesden Parish Council	1273	CPRE - The Hertfordshire Society
586	The House Builders Federation	1795	Water End & Upper Gade Valley Conservation Society

Supports

1152 Herts & Middlesex Wildlife Trust

Key Issues

- (a) Whether the Environmental Guidelines should be published separately from the Plan, as supplementary planning guidance to allow for them to be reviewed and amended during the Plan period. (586)
- (b) Whether the policy should state that the Council would consult with appropriate environmental organisations, parish councils and others for any type of development that is proposed. (355, 1273, 1795)

Inspector’s Conclusions

(a) The Environmental Guidelines as supplementary planning guidance (SPG)

- 6.2.1. As PPG12 indicates, it is important that Plan policies should not attempt to delegate the criteria for decisions on planning applications to SPG. However, PPG12 also makes clear that SPG can play a valuable role in supplementing plan policies and proposals and will be given substantial weight where it derives out of and is consistent with the Development Plan, and has been prepared in the proper manner.
- 6.2.2. I appreciate that in the light of section 54A, deciding what should be included in the Plan and what can appropriately be left to SPG can be a delicate balance. However, there is a danger in seeking to cover every matter in the Plan in order to provide greater certainty. It can result in an unduly lengthy and complex document that, as PPG12 warns, makes development control decisions more complicated and less transparent. It can also reduce the necessary flexibility to address changing circumstances during the Plan period.
- 6.2.3. As I have already indicated earlier in my report, I consider that the Council has unfortunately fallen into this trap. Since much of the Environmental Guidelines is primarily intended as general guidance I consider that it would be appropriate for most of it to be dealt with as SPG. Those aspects of the Guidelines, which relate to important policy considerations, could be moved into the main body of the Plan as recommended in paragraph 1.1.51 of my report.
- 6.2.4. My view is strengthened in this case by the Council’s obvious desire to review the Guidelines from time to time. If they form part of the Plan they can only be revisited as part of the review of the Plan. As the Council has discovered this can be a very lengthy process. While PPG12 now encourages more regular reviews of local plans and the current government review of the planning system may result in such reviews being more expeditious in future, this cannot be guaranteed at this stage. I consider therefore that to retain the Guidelines in the Plan will result in them being more cumbersome and less flexible. In my view this is likely to make the Council’s job of assessing planning applications speedily more difficult.

- 6.2.5. The fact that they would be reviewed outside the local plan process does not mean that the issues they involve cannot be aired in public. Indeed if they are reviewed independently it may allow the public to have a greater say on their formulation. I therefore recommend that most of the Environmental Guidelines should be deleted in accordance with my recommendation in paragraph 1.1.51 of my report.
- 6.2.6. In respect of the remainder, I recommend that the important policy considerations they contain be incorporated into the main body of the Plan. This review will also allow the Council the opportunity to assess whether the detailed guidelines in respect of residential layouts would unnecessarily impede the achievement of the higher residential densities that PPG3 requires. In the light of these recommendations I consider that it would also be appropriate for Policy 10 to be omitted from the Plan.

(b) Consultation with environmental organisations

- 6.2.7. The Town and Country Planning Regulations already lay down a statutory obligation for the Council to consult various organisations about development proposals, including Parish Councils. However, the fact that an organisation may not be on the statutory list would not prevent the Council from consulting it, if they considered this appropriate. Indeed the Best Value Review system is placing increasing emphasis on the involvement of stakeholders in the planning process. I have no reason to believe that the Council would not consult widely in respect of any subsequent review of the guidelines or on any development proposals which involved important environmental considerations. I am not persuaded, therefore, that there is any need for this section of the Plan to specifically require such consultation to take place. Consequently, I recommend that no modification be made to the Plan in response to objections 355, 1273 & 1795.

Recommendation

- 6.2.8. **The Plan be modified as follows:-**

- (a) delete Policy 10;**
- (b) incorporate the principal policy elements of Part 5 into the main part of the Plan;**
- (c) delete the remainder and reissue the Environmental Guidelines as supplementary planning guidance.**

6.3. POLICY 11 : PLANNING CONDITIONS AND PLANNING OBLIGATIONS

Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
587	The House Builders Federation	3830	Old Road Securities plc
1233	The Chiltern Society	4003	HCC Environment Department
1274	CPRE - The Hertfordshire Society	4488	Prudential Assurance Company Ltd
1743	Berkhamsted Town Council	4506	Sainsbury's Developments
3705	Silvermere Developments	4528	John Dickinson Stationery Ltd
3786	Mrs S Gregory	4688	Mrs B J Brown
3795	Mr & Mrs M Tomlinson	5064	Tring Environmental Forum
3820	Mr D Chandler		

Supports

1854 Countryside Agency

Supports for pre-inquiry changes

For pre-inquiry change 18

5349 PC British Horse Society - Hertfordshire

5396 PC

CPRE – The Hertfordshire Society

Key Issues

- (a) Whether the Policy should also respect Design Bulletin 32 and “Places, Streets and Movement”.² (3705, 3786, 3795, 3820)
- (b) Should the form and mix of development be based on a needs’ surveys. (3705, 3786, 3795, 3820)
- (c) Would it be appropriate for restrictions to be imposed on permitted development. (3705, 3786, 3795, 3820)
- (d) Is clarification required as to what is meant by “satisfactory completion”. (587)
- (e) Should point (ii) in the Background text be amended to make acceptance of funding for undetermined facilities less open-ended or should the requirement be deleted. (1233, 1274)
- (f) Whether a further point ought to be added to the policy regarding the enforcement of planning control. (1743)
- (g) Do references to planning conditions have no relevance and if so should they be deleted. (3830)
- (h) Should the Policy be modified so that it merely states the general tests that have to be met before an obligation can be sought, as set out in Circular 1/97, and gives principal examples where they may be sought. (3830)
- (i) Whether Policy 11 ought to make reference to modes of transport other than the car and refer to contributions being made towards the provision of passenger transport. (4003, 4688)
- (j) Does the first sentence of the Policy need to be amended to refer to planning conditions and planning obligations being used “where necessary” rather than “where appropriate”. Should it also refer to the “adverse impact” of development, rather than the “adverse effects”. (4488, 4506, 4528)
- (k) Should the Policy include a standard list of sustainable development considerations. (5064)

Inspector’s Conclusions

(a) *Design Bulletin 32*

- 6.3.1. I appreciate the importance of Design Bulletin 32 and its subsequent companion document “Places, Streets and Movement”. However I cannot see how Policy 11 fails to respect the guidance in these documents. In my view, the specific elements mentioned by the objectors would be more appropriately addressed within other policies of the Plan. Indeed many of the issues raised are covered by the proposed further changes to the policies on transport in section 7 of Part 3 of the Plan. In the circumstances, I find nothing to warrant modifying Policy 11 in response to this part of these objections.

² “Residential Roads and Footpaths (Layout considerations) Design Bulletin 32 Second Edition” HMSO 1992
 “Places, Streets & Movement – A companion guide to Design Bulletin 32” DETR 1998

(b) Needs surveys and the form and mix of development

- 6.3.2. PPG3 encourages local authorities to develop balanced and mixed communities. In particular, it states that they should formulate plans that secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions. While it makes clear that local authorities should take account of assessments of local housing need in determining the type and size of additional housing, I do not take this to mean that this should be the sole criterion for formulating such policies. In any case Policy 11 seeks to deal with all forms of development, not just housing. In the circumstances, while I accept that needs surveys will form an important factor in directing the appropriate form and mix for new housing developments, I do not believe it is either necessary or appropriate to refer to such surveys within the Policy 11 or its background text. I therefore see no need to modify the Plan in this regard.

(c) Permitted development (pd)

- 6.3.3. Circular 11/95 makes clear that the removal of pd rights can be justified in exceptional circumstances. This advice will clearly need to be taken into account by the Council when considering this issue. I do not see the need therefore for amending the policy to specify that the removal of pd rights is only justified where there is an over-riding reason. Not only is this a different test to that set out in Circular 11/95 but in my view it is also already covered by the words “where appropriate”, which are included in the first sentence of the policy. Consequently, I conclude that no modification should be made to the Plan in the light of objections 3705, 3786, 3795 and 3820.

(d) “Satisfactory completion”?

- 6.3.4. The reference to “satisfactory completion” in clause (b) of the policy is, in my opinion, unclear. It would appear to imply that the Council wants to use conditions or obligations to ensure the completion of the whole development. As the Council has powers under section 94 of the 1990 Act to achieve this end, I do not consider it would be appropriate to seek to impose such a requirement by condition or obligation.
- 6.3.5. The Council now accepts this and proposes to change the wording of clause (b), under FC31, so that it relates to the satisfactory completion of essential elements. Paragraph 62 of Circular 11/95 makes clear that conditions may be needed to ensure that a particular element of a scheme that the developer might be inclined to omit is completed. It also allows for such conditions where it is important that a specific element be provided by a particular stage in the development. This advice may also be relevant in some cases to planning obligations, especially those relating to the provision of affordable housing. I find, therefore, that the amended wording accords with current government advice and I am satisfied that it would meet objection 587. I therefore recommend Policy 11 be modified in accordance with FC31.

(e) Funding for unspecified facilities and infrastructure

- 6.3.6. I can understand the concerns of the objectors about the wording of clause (ii) in paragraph 6.16 of the background text. At first reading the reference to accepting funding for future infrastructure or facilities which are non-scheme specific could be taken to mean that the Council will accept funding for such matters where they are not directly related to the development. Such an approach would be contrary to the advice

in Circular 1/97, and could be seen as an attempt to extort money from developers for unrelated projects.

- 6.3.7. However, I am not convinced that this is in fact what clause (ii) implies. There could be cases where it would be reasonable for developers to be expected to make a contribution to non-site specific schemes. For example if a new bypass were proposed that would provide access to a number of development sites, it would not be unreasonable to expect the developers of each site to make a contribution towards the cost of the new road. Indeed the courts have endorsed such an approach. In my opinion, it is this scenario that clause (ii) actually seeks to address.
- 6.3.8. I have considered whether the clarity of clause (ii) could be improved by revising the wording but I do not believe this is necessary. Paragraph 6.14 of the background sets out the relevant tests in Circular 1/97. Clause (ii) has to be read in this context. I am satisfied, therefore, that it should not lead to the unacceptable scenario envisaged by the objectors. My view is strengthened by the changes the government is proposing, which will help to make obligations under section 106 of the 1990 Act more transparent. Consequently, I see no need to modify or delete clause (ii). I recommend no modification be made to paragraph 6.16 of the Plan in response to objections 1233 and 1274.

(f) *Enforcement*

- 6.3.9. The enforcement of conditions is an important element in ensuring that new development proposals do not cause serious harm to the environment or to neighbouring residents. I can, therefore, understand the Town Council’s desire to see the District Council making greater use of its enforcement powers. However, such powers are discretionary. I am not satisfied that including a reference to them within Policy 11 would actually make their use more or less likely. In any case Policy 11 is primarily directed at identifying the circumstances where conditions or obligations are likely to be required. I do not consider that a clause relating to their subsequent enforcement would fit well within this context. I therefore recommend no modification be made to Policy 11 in the light of objection 1743.

(g) *Relevance of planning conditions*

- 6.3.10. There is nothing within national guidance to suggest that the inclusion of a policy within a local plan on the use of conditions is inappropriate. Indeed paragraphs 6 and 9 of the Annex to Circular 11/95 make clear that development plans should specify the policies which the authority propose to implement regularly by means of planning conditions. In the circumstances, I do not consider it is irrelevant for Policy 11 to indicate that the Council will seek to impose conditions to ameliorate the adverse effect of development proposals in certain circumstances. I am not satisfied, therefore, that there is any justification for deleting the reference to conditions in Policy 11.

(h) *The tests in Circular 1/97*

- 6.3.11. To my mind Policy 11 is relatively simple and straightforward. I see no advantage in merely reiterating the general tests for when an obligation will be sought within the policy. These are clearly set out in Circular 1/97 and are reiterated in the background text to Policy 11. There can be no doubt, therefore, that they underpin the Council’s approach to planning obligations.

6.3.12. I appreciate that the policy does not specify actual examples of the matters for which obligations are likely to be required. However, while the list suggested by the objector covers a number of examples it is not exhaustive. I believe the alternative approach adopted by the Council of specifying the matters they are likely to seek to control by conditions or obligations is an equally acceptable approach. My view is reinforced by the fact that paragraph 6.15 of the background text gives examples of the situations where planning obligations are likely to be sought. I, therefore, see no merit in modifying the Policy along the lines suggested by the objector.

6.3.13. Having said this, I consider that the meaning of paragraph 6.15 would be clearer if the text were simplified and the examples set out in bullet point style as suggested by the objector. I also consider it would be appropriate to omit the reference to the “Rural Area” in relation to the provision of affordable housing. In my view, planning obligations are likely to be of equal, if not greater, importance in achieving the provision of low-cost housing within urban areas as well. I therefore, recommend paragraph 6.15 be modified accordingly in response to objection 3830.

(i) *Alternative modes of transport and financial contributions towards it*

6.3.14. I have no doubt that planning obligations have an important role to play in implementing a sustainable transport strategy. Circular 1/97 makes clear that it is reasonable in certain situations to require developers to make a contribution to improving existing passenger transport. It could also be appropriate, in some circumstances, to require improved access and/or storage facilities for cyclists. However, although I understand the desire of the objectors to see such matters included within Policy 11, it actually does not preclude such obligations from being sought. Indeed Policy 52, as proposed to be amended by FC131, specifically indicates that planning obligations will be sought in such circumstances. I am satisfied, therefore, that the Plan does address the issue of using obligations to encourage the use of alternative modes of transport and to seek financial contributions towards this.

6.3.15. However, while Policy 11 would not strictly prevent the use of obligations for this purpose, I am concerned about the wording of the final paragraph. This places considerable emphasis on obligations requiring capital works. In my opinion, it could be taken to mean that such obligations will be the norm and that financial contributions will only be acceptable where such works cannot be carried out. I do not believe this was what was intended.

6.3.16. In the light of the general nature of Policy 11, I accept that it would not be appropriate to make a specific reference to passenger transport improvements within it. However, I believe that the policy would be improved if the last sentence were amended to make absolutely clear that obligations might also require financial contributions towards the provision or improvement of facilities, services or infrastructure. It would also be helpful if provision or improvement of passenger transport services was included within the examples given in paragraph 6.15 of the background text. Consequently, I recommend that Policy 11 and its supporting text are modified to refer to the use of planning obligations to seek revenue as well as capital funding. I am satisfied that this, in conjunction with the proposed modifications to the transport policies, would meet the aims of objections 4003 and 4688.

(j) Other textual amendments

- 6.3.17. Circular 11/95 makes clear that one of the six tests for conditions is that they should be necessary. Paragraph 7 of Circular 1/97 advises that the same test should be applied in respect of planning obligations. Paragraph B2 of the latter document reiterates that planning obligations should only be sought where they are necessary. In my view, therefore, the objectors’ suggested wording would accord more closely with national advice. I also consider that it carries greater precision than the words “where appropriate” which I find to be rather vague.
- 6.3.18. I note the Council’s suggestion that paragraph 15 of the Annex to Circular 11/95 recognises that conditions may be justified where they are unnecessary and that the Courts³ have held that this also applies to obligations. However, in my opinion, this not only indicates a serious misunderstanding of paragraph 15 but also fails to take account of the fact that Circular 1/97 post-dates the Tesco decision³.
- 6.3.19. Paragraph 15 of the Annex to Circular 11/95 states quite clearly that a condition should not be imposed unless there is a definite need for it. Although the Courts have held that an obligation does not have to meet the test of necessity to be material, it is clear such an obligation would be contrary to current government policy. In the circumstances, I do not believe it would be right for the Council to adopt a policy that could be seen to be in conflict with national guidance, unless there were specific local circumstances that justified a different approach. There is no evidence that this applies in this case.
- 6.3.20. In contrast, I can see no real advantage in substituting the word “impact” for the word “effects”. It is clear from the definition of the former word in the Concise Oxford Dictionary that the two words can mean the same thing. I can find nothing in either Circular 11/95 or Circular 1/97 to suggest that the objectors’ alternative wording is preferable. I am not satisfied, therefore, that it would make the Plan any better. Accordingly, I recommend that Policy 11 should be modified by the deletion of the word “appropriate” and the insertion of the word “necessary” in the first sentence, but that no other modification be made in response to objections 4488, 4506 and 4528.

(k) Sustainable development considerations

- 6.3.21. Although Circular 1/97 does refer to the important role planning obligations can play in encouraging a more sustainable pattern of development I am not convinced that it is necessary to revise Policy 11 to cover the sustainability topics mentioned by the objector. Not only would these not sit well with the more general nature of the policy, but some of the examples would also appear to extend beyond pure planning matters. In any case, the policy, as currently worded, would not prevent the Council from seeking obligations relating to such matters if they were satisfied that it would be directly related to the development and to planning.
- 6.3.22. While I have found that the Deposit Draft does not address the issue of sustainability in sufficiently explicit terms, I am satisfied that the new policy on sustainability that I have recommended be included (*see paragraph 6.7.15*), along with the other changes I have suggested, would be sufficient to address the concerns about the deliverability of sustainability objectives. I see no need, therefore, for any modification to be made to

³ *Tesco Stores Ltd V Secretary of State for Environment and West Oxfordshire District Council* [1995] JPL 581

Policy 11 in the light of this objection. However, I believe it would be useful if some of the topics listed by the objector were included within the examples in paragraph 6.15 of the background text. Consequently, I recommend that the wording of the background text be modified in response to objection 5064.

Recommendation

6.3.23. The Plan be modified as follows:

(a) Policy 11 be amended by:-

- (i) the deletion of the word “appropriate” in the first sentence of the policy and the insertion of the word “necessary”;
- (ii) the rewording of clause (b) in accordance with FC31;
- (iii) the rewording of clause (e) in accordance with FC21;
- (iv) the deletion of the final paragraph and the substitution of the following wording:-
“Planning obligations will often require the developer to undertake works relevant to their proposal. They may also require financial contributions to be made towards the provision or improvement of related facilities, services or infrastructure. Financial contributions in lieu of works may be acceptable in certain limited circumstances.”

(b) Paragraph 6.15 of the background text be amended to read:-

“Provided they fit into the context of the Government advice above, planning obligations have a wide applicability. A developer may meet an obligation by undertaking works, by agreeing to limit the use of the development or by making a financial contribution, depending upon the particular circumstances of the case. Examples of the most common instances where planning obligations will be used include the following:-

- (i) to secure necessary off-site roadworks including traffic calming and traffic reduction measures;
- (ii) to seek contributions towards the provision of new highways;
- (iii) to control the provision and subsequent management of car parking;
- (iv) to enable the provision or improvement of cycle routes, bridleways and footpaths and associated facilities;
- (v) to secure the provision or improvement of public transport facilities and services;
- (vi) to secure the provision and subsequent management of parks, playing fields and amenity open space;
- (vii) to secure provision and/or improvement of social, educational, recreational, sporting or other community facilities;
- (viii) to secure the provision of affordable housing and to control its subsequent occupation.

6.4. POLICY 12 : ENFORCEMENT

Objections

<i>Rep No.</i>	<i>Name</i>
5065	Tring Environmental Forum

<i>Rep No.</i>	<i>Name</i>
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Supports

133	Chipperfield Parish Council
1275	CPRE – The Hertfordshire Society

1744	Berkhamsted Town Council
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Key Issues

- (a) Whether the policy is too simplistic, inaccurate, superfluous, and should be deleted. (5065)

Inspector’s Conclusions

- 6.4.1. Policy 12 is a simple statement of the Council’s intention to use their powers to enforce planning controls. I appreciate that it does not go into any detail in respect of the required processes but this does not mean that it is contrary to Circular 10/97 or to the spirit of the Good Practice Guide on ‘Enforcing Planning Control’. Nor can I find any justification for concluding that the policy would obstruct action by the planning authority in any way. I consider that any addition to the policy to make reference either to the required processes or to relevant government documents would only add to its length without improving its clarity. As I have previously indicated I believe the Plan is already unduly lengthy.
- 6.4.2. More importantly, I question whether Policy 12 is necessary. The policy will not, in itself, make the taking of enforcement action any more or less likely, since such action is entirely discretionary. Although the Good Practice Guide encourages the Council to adopt an enforcement policy statement, it does not suggest that this should form part of the Development Plan. Indeed, in view of the matters that paragraph 1.3 of the Guide indicates should be included in the statement, I consider the Plan is not the most appropriate place for setting out the Council’s enforcement strategy. I can understand the reasons the Council may have wanted to include a commitment to undertake enforcement action within the Plan, but I can see little real benefit from doing so. Consequently, I find that Policy 12 is superfluous.
- 6.4.3. I have already recommended that the enforcement strategy in Part 5 of the Plan should be omitted from the Plan and brought forward instead as supplementary guidance. In the circumstances, I believe the most sensible way forward would be to omit Policy 12 as well. In my view, a separate code of practice, which could be issued as supplementary planning guidance, could more usefully cover the matter. This would enable the Council to address those matters identified in paragraph 1.3 of the Good Practice Guide in greater detail. Accordingly I recommend that Policy 12 is deleted and the Council consider issuing a separate policy statement or code of practice on enforcement.

Recommendation

- 6.4.4. **The Plan be modified by:-**
- (a) the deletion of Policy 12;**
 - (b) the renumbering of subsequent policies.**
- 6.4.5. **The Council considers re-issuing their enforcement strategy as a code of practice.**

6.5. POLICY 13 : SUPPLEMENTARY GUIDANCE

Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
356	Great Gaddesden Parish Council	1797	Water End & Upper Gade Valley Conservation Society
588	The House Builders Federation	2846	British Waterways
1276	CPRE - The Hertfordshire Society	5066	Tring Environmental Forum

Supports

1796	Water End & Upper Gade Valley Conservation Society	5800	Great Gaddesden Parish Council
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Key Issues

- (a) Could the second paragraph lead to a loss of control and possibly be open to abuse. (356,1276, 1797)
- (b) Is the Policy merely a statement of fact and if so would it be better to express it as text. (588)
- (c) Whether the Council has a commitment to adopting development briefs as supplementary planning guidance (SPG). (2846)
- (d) Is the Policy too general and would it lead to a ‘bottom-drawer’ approach contrary to the advice in PPG12. Should the Plan clearly identify the areas where the planning authority will produce supplementary guidance. (5066)

Inspector’s Conclusions

(a) *Impact of the second paragraph*

- 6.5.1. The objectors seem concerned that the reference in the second paragraph of Policy 13 to development briefs being prepared in conjunction with relevant interested parties could lead to a loss of control. I do not share this concern. In my view, it is important that the Council works closely in the preparation of such briefs, not only with the landowner and/or developer but also with adjacent residents who may be affected by the development. The wording of the second paragraph of the policy would allow for this more inclusive approach. To my mind it accords with the government’s desire for stakeholders to be more involved in the planning process.
- 6.5.2. I appreciate the objectors’ fears, but I do not believe, in the light of the advice in PPG12, that it would be appropriate to give detailed guidance for each development site within the Local Plan. Development briefs can be a very effective tool for setting out the detailed requirements that will be expected. The fact that other parties may be involved in the formulation of these briefs would not remove the Council’s power of control. All proposals would still have to obtain planning permission. They would therefore be subject to detailed scrutiny and public comment. In the circumstances, I see no justification for any change to the second paragraph of the policy. I therefore recommend no modification be made to the Plan in response to objections 356, 1276 and 1797.

(b) *Expressing the policy as text*

- 6.5.3. Policy 13 is, in my view, predominantly a statement of the Council’s intentions in respect of development briefs and design guidance. It is not a policy that gives specific direction. Although the Council argues that development proposals could be refused on the basis of this policy, I find it hard to imagine how this would be achieved. The policy as written does not specify that the preparation of development

briefs is an obligation on the developer. Neither does it clearly indicate that the submission of such briefs is required before planning permission will be granted.

- 6.5.4. I appreciate that a number of the housing proposal sites in section 4 of the Plan specify that a development brief will be required. In such cases a proposal could potentially be refused on the basis of the site-specific policy, where a development brief is not submitted. I fail to see, therefore, what additional advantage would be gained from Policy 13 in development control terms.
- 6.5.5. In the circumstances, I see little benefit in retaining the policy in its present generalised form. In my view it should either be converted to background text or radically revised so that it sets out in far more detail the specific topic areas and/or sites for which the Council propose to prepare SPG and/or development briefs (*see paragraph xx below*). Such a policy would, in my view, accord far more closely with the advice in paragraphs 3.15 to 3.17 of PPG12. This indicates that SPG should clearly be cross-referenced to the relevant plan policy or proposal that it supplements. I believe that any SPG, which is subsequently produced, would carry much more weight if it were cross-referenced to a specific policy rather than to the current generalised policy.

(c) *The Council’s commitment to adopting supplementary planning guidance*

- 6.5.6. I appreciate that the Policy makes no commitment that development briefs will be adopted as supplementary planning guidance. However, as the policy is entitled “Supplementary guidance”, I find no reason to doubt the Council’s assertion that it is their intention to do this in most cases. I do not consider it would be appropriate to include such a commitment within the policy or supporting text as in my view this is primarily a procedural matter. In any case, I believe there should be some flexibility so as to allow the Council the opportunity to determine the most suitable procedure for adopting each brief once it has been prepared. I therefore, recommend no modification be made to the Plan in the light of objection 2846.

(d) *Is the policy too general*

- 6.5.7. For the reasons I have already set out in paragraphs 6.6.3 to 6.6.5 above I consider that Policy 13 is too generalised. While I can discover no grounds for believing that the Policy will lead to a “bottom-drawer” approach to planning, I am not satisfied that it entirely accords with the advice in PPG12. This makes clear that in order to carry weight SPG should derive out of and be consistent with the Development Plan. In my view, therefore, if a policy on SPG is to be retained in the Plan it ought to identify the specific topics and/or sites on which SPG is likely to be forthcoming during the Plan period. The supporting text should then make clear why it is considered that SPG will be required in relation to each topic/site.
- 6.5.8. Alternatively, the information could be included within the relevant policies to which the SPG will relate, as suggested by the objector. This would allow Policy 13 to be deleted. In my opinion, the latter approach would accord more closely with the aims of PPG12. I therefore, recommend that in response to objections 588 and 5068 Policy 13 be deleted and reference to the production of SPG and/or development briefs be included in the relevant policies/proposals instead.

Recommendation

- 6.5.9. The Plan be modified by the deletion of Policy 13 and the insertion of appropriate references to the production of SPG/Development Briefs within the relevant policy/proposal to which it relates.

6.6. POLICY 14 : SIMPLIFIED PLANNING ZONES**Objections**

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
589	The House Builders Federation	5067	Tring Environmental Forum

Key Issues

- (a) Whether there is a need to have a policy on Simplified Planning Zones (SPZ) in Dacorum or whether it should be deleted. (589, 5067)

Inspector’s Conclusions

- 6.6.1. While the Council may be under a statutory duty to continually review opportunities for SPZ schemes within the Borough, there is no need to have a policy within the Local Plan in order for them to do so. There is no evidence that the creation of an SPZ is currently being considered or that one is likely to be designated within Dacorum during the Plan period. Indeed, I would agree with the objector that the Borough does not appear to contain appropriate areas of land for such a designation. I am not satisfied, therefore, that Policy 14 serves any useful purpose. In my view, it would be more sensible for it to be deleted. I therefore recommend that Policy 14 be deleted in the light of objections 589 and 5067.

Recommendation

- 6.6.2. The Plan be modified by the deletion of Policy 14.

6.7. SUGGESTED NEW POLICY**Objections**

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
1080	Thames Water Property Ltd	4018	HCC Environment Department
1564	Mrs A J Nobbs	4934 L	English Nature

Key Issues

- (a) Whether a new policy is required in relation to infrastructure provision and phasing. (1080)
- (b) Should an additional policy be included on home and business energy consumption. (1564)
- (c) Whether an additional policy should be included to recognise the role that design can have in supporting sustainability aims and objectives. (4018)

- (d) Is a new policy required to take into account the effects of development on wildlife and geological features and to secure mitigation measures. (4934L)

Inspector’s Conclusions

(a) *Infrastructure provision and phasing*

- 6.7.1. I have already addressed this issue in paragraphs 4.2.15 to 4.2.20 of my report. For the reasons I indicated in those paragraphs, I believe a separate policy on infrastructure provision ought to be included in the Plan. It would also be sensible for the new policy to address the issue of phasing of provision.
- 6.7.2. I have considered the various alternative policy wordings referred to by the objector. In my view the wording of the Wandsworth UDP is now somewhat dated and does not take sufficient account of sustainability considerations. The objector’s suggested wording is better but I have some reservations about the last clause, which places greater stress on mitigating environmental damage than on avoiding it. The example from the Newbury Local Plan also has significant merits, in particular it addresses the important issue of access, which the objector’s wording ignores. However, I am not satisfied that even this policy is sufficiently comprehensive.
- 6.7.3. In my view the new policy or policies need to cover elements from all 3 of the suggested policies as well as making reference to the phasing of infrastructure. I, therefore, recommend that the Plan be modified to include a new policy/policies on infrastructure provision and phasing in response to objection 1080.

(b) *Energy efficiency policy*

- 6.7.4. Although a land use plan cannot directly control the level of energy consumption by individual householders or businesses, it can ensure that future development incorporates appropriate energy efficiency measures. In my view therefore the Plan has an important role to play in improving standards of energy conservation. For this reason and for the reasons I have already given in paragraphs 6.1.14 to 6.1.17 of my report I believe that a policy on energy conservation should be included in the Plan. In my view this could usefully include a requirement that all new building be constructed to high environmental standards incorporating appropriate energy efficiency measures. I recommend that the Plan be modified accordingly in the light of objection 1564.

(c) *Sustainability*

- 6.7.5. As the County Council point out the Structure Plan contains an overarching introductory policy on sustainable development (*Policy 1*). This makes clear that the policies of local plans within Hertfordshire will seek to enable activities and development to be carried out consistently with the principles of sustainable development. Policy 2 of the SPR, which covers design considerations, further states that the design and provisions of development will be expected to help achieve the sustainability aims and objectives of the SPR.
- 6.7.6. In contrast the Local Plan makes little explicit reference to the concept of sustainability. While the Plan does contain a number of policies covering some of the issues identified by the County Council, I am not satisfied that it fully accords with the aims of Policies 1 and 2 of the SPR. In my view it would be much better if the Local

Plan also included an overarching policy on sustainability. Not only would this reinforce the overall aims of the Council’s development strategy but it would also provide a greater degree of consistency of policies across the County. It would also help to ensure that a more holistic approach is taken and that no matter is overlooked.

- 6.7.7. I note the Council’s arguments that such a policy would be difficult to enforce. However, I do not accept that this is sufficient justification for not including a strategic policy on sustainable development. While it may be a rather overused concept this does not mean that it is meaningless. It is clear from PPG12 that the government expects it to underpin development plan strategy. I consider, therefore, that such a policy should be inserted into the Local Plan.
- 6.7.8. I have carefully considered the suggested wording that was put to the Inspector at the Three Rivers Local Plan Inquiry. While in my view it is important that all development demonstrates that it has taken account of sustainability considerations, I believe the policy should also include a general statement on sustainability strategy in order to link it with Policy 1 of the Structure Plan. However, the wording will need to be modified slightly to recognise that the policy will apply at district level only and to take account of the fact that a sustainability statement can only reasonably be sought as part of an application for planning permission. I see no need to refer to both development and activities, as Policy 1 of the SPR does, since the Local Plan seeks primarily to deal with development issues.
- 6.7.9. I appreciate the Council’s concerns about requiring a sustainability statement in respect of minor development, but if a successful sustainable development strategy is to be achieved, it is important that most proposals have taken due account of the principles of sustainability. It will be a matter for the Council to decide the level of detail they would expect in any statement and whether or not the statement complies with the aims of the policy. I do not consider that a general requirement to submit such a statement would be unworkable. However, if the Council believes that it would be impractical at this stage to apply such a requirement to minor development then it would be open to them to clarify in the background text the types of development that it would be applied to.
- 6.7.10. To be intelligible and enforceable the policy will also need to be supplemented by a detailed list of those matters the Council will expect to be covered by a sustainability statement. The list contained within Appendix 1 of the Three Rivers Local Plan is, in my view, a reasonable starting point. I accept, however, that it may need some refinement so that it is principally directed at those matters that are relevant to land use planning and contains criteria that are measurable. Other good examples of lists are contained within in Appendix D of O/4018/2 and in O/4018/3⁴. These demonstrate that the compilation of such lists is not beyond the capabilities of a Local Planning Authority.
- 6.7.11. I appreciate that some items in the list may require further clarification but this could be done relatively easily in my view through supplementary guidance. Such guidance could also help to elucidate what is required in order to comply with the policy. The Council may also wish to vary the exact contents of the list in order to take account of local factors that are pertinent to Dacorum. I have therefore made no recommendation

⁴ O/4018/2 “Sustainability in development control – a research report” The Local Government Management Board
O/4018/3 “Sustainable design and construction guide” London Borough of Enfield

on the precise wording of such a list.

- 6.7.12. I have carefully considered whether the aims of the policy could satisfactorily be incorporated into Policy 9 but I believe that such an approach would lead to an unduly lengthy and confusing policy. Accordingly, I recommend that the Plan be modified by the insertion of a new strategic policy on sustainability and by the inclusion of a checklist of relevant factors within an appropriately numbered appendix along the lines of that included in the Three Rivers Local Plan. In my view the Policy would best be contained within a new section on sustainable development early in the Plan. This section could also contain the other policies I have recommended be included on infrastructure provision and energy and water conservation.

(d) Nature conservation policy

- 6.7.13. Clause (e) Policy 9 already makes reference to the need to retain natural and ecological features. This is supplemented by Policy 103, which seeks, amongst other things, to protect wildlife sites and other sites of biological, geological and physiographical importance. I am satisfied, that these policies, when read together, are sufficient to ensure that the effects on wildlife and geological features are taken into full account. I do not consider, therefore, that a further generalised policy on nature conservation in this section would improve the Plan.
- 6.7.14. I am rather more concerned about how the Plan deals with the question of mitigation. While clause (e) does refer to the enhancement, where appropriate, of natural and ecological features, there is little explanation in Policy 103 of what this means or how it will be achieved. Moreover, requiring that features be enhanced is, in my view, not quite the same as securing appropriate mitigation measures. In the circumstances, I consider the Plan would be improved if it included an additional policy to cover this issue. However, I believe that it would be more appropriate for such a policy to be included in section 10, directly after Policy 103, rather than within this section of the Plan. Accordingly I recommend that section 10 of the Plan be modified to include an additional policy to secure appropriate mitigation measures where development affects sites of nature conservation importance in response to objection 4934L.

Recommendation

- 6.7.15. **The Plan be modified as follows:-**

(a) include additional policies on infrastructure provision and phasing along the following lines:-

- (i) “In considering all applications for development the Council will take into account the capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure to absorb further development.**

Development will be permitted where it can be clearly demonstrated that the necessary infrastructure already exists or can be provided, at reasonable cost and without adverse economic, environmental or social impact, prior to the occupation of the development”

Planning permission will be granted, where required, for the provision of

new infrastructure or utilities as long as:-

- (a) it can be provided in a sustainable manner without causing harm to the environment of the surrounding area or the amenity and/or safety of nearby occupiers or the public at large;**
- (b) there are adequate access and servicing arrangements;**
- (c) it would not conflict with other policies of the Plan.**

(b) by adding a new policy on energy conservation;

(c) by incorporating a new overarching policy on sustainability considerations early in the Plan along the following lines:-

“The policies of this Plan will seek to ensure that within the Borough development is carried out consistently with the aims of the framework for sustainable development set out in Policy 1 of the Hertfordshire Structure Plan Review 1991-2011. Those aims which are relevant to the Local Plan will be subject to monitoring and review in the light of evolving policies and concerns at national and international levels, and any new information that comes forward during the Plan period.

In order to demonstrate that full account has been taken of these aims in the design of new development, applicants for planning permission will normally be required to submit a sustainability statement as part of their application. The statement should contain a detailed assessment of the proposal against the sustainability checklist contained in Appendix Development will be permitted where it can be shown that it would satisfy the principles of sustainable development as set out in the policies of the Local Plan and contained within statements of national planning policy.”;

(d) by incorporating background text clarifying the types of development for which sustainability statements would not be required;

(e) by the addition of an appendix containing a sustainability checklist along similar lines to that included in the Three Rivers Local Plan;

(f) by inserting the following new policy in section 10, after Policy 103C:-

**“POLICY 103D MANAGEMENT OF SITES OF NATURE
CONSERVATION IMPORTANCE**

Where planning permission is granted for developments on or adjoining sites of importance to nature conservation, the Council will require applicants to undertake the following:-

- 1) retain and enhance important nature conservation features and habitats within and/or, where appropriate, adjoining the site;**
- 2) ensure the protection of such features and habitats from damage both during and after development;**
- 3) make provision for the future management of such features and**

habitats.

Where loss of features or habitats is unavoidable, the Council will require compensatory measures to replace or reinstate the nature conservation value that has been lost.

Where appropriate the council will achieve these objectives by the imposition of planning conditions and/or the negotiation of planning obligations and/or management agreements;”

END OF CHAPTER 6