

**APPENDIX 1
DEVELOPMENT MANAGEMENT PROPOSED SUBMISSION REPRESENTATIONS**

REPRESENTATION REFERENCE	POLICY/PARAGRAPH	REPRESENTOR	REPRESENTATION	CHANGES REQUIRED	COUNCIL'S RESPONSE	COUNCIL'S PROPOSED CHANGE
DM1 RESIDENTIAL DESIGN AND LAYOUT						
60007	3.4	Herts & Middlesex Wildlife Trust	<p>It is positive to see reference given to the Hertfordshire Building Futures project (in this paragraph and elsewhere in the document). Building Futures could potentially be a very useful resource and source of information and guidance on environmental sustainability and sustainable development, design & construction. Its modules cover many technical topic areas, such as water, climate change and energy, landscape and biodiversity, which are all important considerations in development.</p> <p>Providing the initiative continues to evolve and is maintained to reflect changes in policy, knowledge and best practice, it could prove useful as official supplementary guidance for planners, developers and other stakeholders. The contents should be treated as a material consideration in development management decisions.</p>	None	Comment Noted	None Required
60007	3.11	Herts & Middlesex Wildlife Trust	<p>The Council's encouragement for applicants to seek pre-application advice (in this paragraph and elsewhere) is welcome. Environmental sustainability in development need considering from the outset of the design and masterplanning process in order to ensure that developments achieve the greatest overall benefit against multiple criteria (eg. biodiversity, Green Infrastructure, climate change adaptation, amenity, etc.) and that the most effective solutions are explored and delivered. Considering issues and options early in the process results in lower relative costs, and reduces the likelihood of potential conflicts and delays.</p>	None	Comment Noted	None Required
60034	DM1	Chilterns Conservation Board	The Board Supports the Policy as drafted.	None	Support Welcomed	None Required
DM2 GREEN BELT						
60028	DM2	Jonathan Harbottle	<p>Dm2 should make it clear that the restrictions on Green Belt development do not apply to allocated sites that remain for the time being in the Green Belt as otherwise this will affect the delivery of suitable sites relied upon by the Council - alternatively the sites identified for development during the plan period should be excluded from the Green Belt.</p> <p>It does not currently comply with national policy in the form of NPPF in that Green Belts are to be permanent and yet the plan sets up a situation where it allows development which would then no longer fulfil a GB purpose and so need amendment later - if it knowingly expects development, that land should not be shown as GB any more</p>	<p>Amendment to the policy is needed so that it makes it clear that the restrictions on development in the Green Belt will not apply to the sites allocated and identified for release for development over the plan period. In the alternative this policy could remain as drafted but the Site allocations DPD would need to be amended to show such sites that are required and expected to be developed to be shown outside Green Belt and subject to a policy confirming development is acceptable</p>	The adopted Core Strategy states that detailed changes to the established Green Belt boundary will be made through the allocation of land for development by the Site Allocations LDD. (Paragraph 5.104)	None required.
60030	DM2	Croxley Green Residents Association	<p>The Development Management Policies Local Development Document (LDD) is intended to set out the criteria against which all planning applications in the District will be considered. It is my contention that the document is not 'legal' and 'sound' in relation to the requirements and intentions of the Planning Regulations.</p> <p>1. At its Executive Committee meeting in June I referred TRDC to a clause it had added to its policy on Green Belt (section 4 Green Belt, 4.8) that, I considered, did not accord with National Planning policy. This clause stated: Where sites are allocated for development in the Site Allocations</p>	<p>TRDC could consider utilizing a replacement clause:</p> <p>In the Site Allocations LDD, specific sites within the Green Belt have been allocated for development. In each case TRDC has provided details concerning the very special circumstances that exist at the time of publishing this LDD that may allow such inappropriate development. The very</p>	This sentence provides additional local guidance on what may be considered as very special circumstances in this area (essentially, there is a need for the development which cannot be accommodated in the urban area, and sites are to be allocated in the site allocations document to meet this recognised need).	None required.

			<p>LDD, this may represent very special circumstances.</p> <p>Insertion of the clause is only compliant with National Planning Policy Framework (NPPF) if each Green Belt site that is allocated for development in the Site Allocations LDD has been specifically reviewed and consulted upon in relation to the following key factors:</p> <ol style="list-style-type: none"> 1. The definition of "inappropriate development". The types of exceptions are listed on Para. 89 of the NPPF. 2. Inappropriate Development (Para. 87 of the NPPF) should not be approved except in very special circumstances. 3. Para. 88 of the NPPF states: 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. 4. Para. 89 of the NPPF states: A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. <p>TRDC makes no attempt to:</p> <ul style="list-style-type: none"> • Define site-specific "very special circumstances" anywhere within the LDD*. • Provide analysis as to how specific Green Belt sites have been subjected to analysis of their fulfillment of the 5 purposes and intentions of Green Belt policy (Para. 80 of the NPPF)**. <p>I consider this to be a total disregard of the importance of preserving Green Belt land as well as contrary to the NPPF. If TRDC does not intend to consult upon and act to remove land from the Green Belt (or to allocate Green Belt sites for future development and, therefore, subsequent removal from the Green Belt) it should not divert from the text (and the intention) of the NPPF.</p>	<p>special circumstances were subjected to extensive consultation and analysis. TRDC acknowledges that the very special circumstances may change during the period of the LDD and that each planning application relating to any one of these sites will be assessed by the LPA upon its receipt in order that it can be ascertained that the very special circumstances, referred to by the applicant, prevail.</p> <p>I refer to Appendix 1, the NPPF section of Green Belt Protection, which is quite simplistic in its approach and also to the following examples:</p> <p>* See: Thurrock Borough. Inspector Barrister opinion of "very special circumstances relating to Green Belt development application and the onus placed on the LPA to adhere to National Planning Policy, specifically paras. 12, 16, 17, 18</p> <p>http://democracy.thurrock.gov.uk/CmisWebPublic/Binary.ashx?Document=15486</p> <p>** The aforementioned points emanated from a recent Examination In Public of the Local Development Framework for Selby District Council (January 2012). The Green Belt Background Paper can be viewed on: http://www.selby.gov.uk/upload/CD22n_BP_No.15_Green_Belt.pdf</p>	<p>At the time of the planning application it will be up to the applicant to state their case and for the local planning authority/Secretary of State to consider where development is inappropriate in the Green Belt, whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.</p> <p>The Site Allocations LDD sets out the very special circumstances as to why we are looking at the Green Belt.</p> <p>Detailed technical reports looking at all the site specific details and constraints have been done.</p>	
60033	DM2	CPRE Hertfordshire	<p>Policy DM2 is unsound as a Development Management policy because it fails to state in any of subsections a) to f) of the Policy, that development that would adversely affect the openness of the Green Belt will be refused planning permission.</p> <p>The first sentence of sub-section a) of the Policy also fails to provide an adequate basis for decision making on new built development by cross-referring to buildings being acceptable if they are "detailed in national and other relevant guidance". Greater clarity is required if this criterion is to be effective and consistent with the NPPF.</p> <p>Furthermore, the final sentence of sub-section a) is unsound because the allocation of a site in a local plan / development plan document does represent 'very special circumstances' as required by the NPPF. A site allocations DPD must itself set out the 'exceptional circumstances' that justify development within, and hence removal of a site from, the Green Belt, and until such a DPD has been adopted by the Council, the presumption against approval of all planning applications for new buildings not consistent with the NPPF at such sites, should apply.</p> <p>The Policy is therefore unsound and should be amended</p>	<p>A general policy statement should be inserted before sub-section a) of Policy DM2 to state that development that would adversely affect the openness of the Green Belt will not normally be approved by the local planning authority.</p> <p>The first sentence of sub-section a) of Policy DM2 should be amended by changing the word 'detailed' to 'specified', and the specific guidance documents to be applied by the Council should be inserted in place of 'national and other relevant guidance'.</p> <p>The final sentence of sub-section a) of Policy DM2 should be deleted.</p>	<p>Policy CP11 of the adopted Core Strategy states: <i>'There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.'</i></p> <p>As applications will be assessed against the policies of the Core Strategy there is no need to repeat this policy in the Development Management Policies LDD.</p> <p>Agreed that further clarity is needed to show that we are referring to national policy (NPPF) as well as guidance.</p> <p>This sentence provides additional local guidance on what may be considered as very special circumstances in this area (essentially, there is a need for the development which cannot be accommodated in the urban area, and sites are to be allocated in the Site Allocations document to meet this recognised need).</p>	<p>None required</p> <p>Change DM2 a) Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those detailed specified in national policy and other relevant guidance.</p> <p>None required</p>

			accordingly.		<p>The Site Allocations LDD must be flexible enough to deal with changing conditions over the lifetime of the plan. Therefore sufficient sites should be identified to meet needs as identified on the basis of the best information currently available.</p> <p>However, if at the time of any planning application, circumstances have changed and there are no longer very special circumstances that would justify inappropriate development in the Green Belt, planning permission would not be granted.</p>	
60044	DM2	Peter Rennoldson	<p>I would like to comment on the Local Plan regarding Green Belt as follows: -</p> <p>'One off' situations may arise that may allow certain developments to take place in the Green Belt that, under any other circumstances would not be allowed (known as 'very special circumstances'). These circumstances are supposed to be 'very rare', one factor being that no other option is available in the light of unique circumstances. The District Council's Local Plan should not be written to state that it has included specific areas of Green Belt land as site allocations because there 'may be very special circumstances'. These very special circumstances are for each individual planning applicant to specifically identify and prove to the Local Planning Authority. Local councils must not, therefore, be permitted to create or speculate over their own set of rules for the allocation of Green Belt Land for any form of development they want i.e. residential, school provision etc. if that conflicts with National Policy. It is the duty of the Local Planning Authority to protect the Green Belt.</p>		<p>Protection of the Green Belt and open countryside is a key objective of the Council. However, evidence has demonstrated that future development needs cannot be accommodated entirely within the urban area. Changes to the Green Belt boundary will be made through the allocation of land for development through the Site Allocations LDD.</p>	None required
60045	DM2	Renewable Energy Systems Ltd	<p>The National Planning Policy Framework ('NPPF') continues to prescribe a similar level of protection for Green Belt land as that previously provided by Planning Policy Guidance 2: Green Belts. In particular, the five purposes of the Green Belt remain unchanged, "very special circumstances" are required to allow inappropriate development and boundaries should only be reviewed through the preparation or review of local plans.</p> <p>The NPPF focuses on sustainable growth and introduces flexibility in certain planning areas to facilitate this growth, with a presumption in favour of sustainable development.</p> <p>The NPPF highlights the benefits of certain forms of development and gives weight to this in planning considerations. As part of this, it suggests at Paragraph 91 that the wider environmental benefits associated with renewable energy projects may form very special circumstances to justify otherwise inappropriate development within the Green Belt.</p> <p>Very Special Circumstances</p> <p>RES are supportive of the principles of draft Policy DM2 and the protection it seeks to afford the Green Belt. However, it is considered that the policy should explicitly reference the weight that the NPPF gives to the wider environmental benefits of renewable energy developments as constituting very special circumstances. It is considered that without such a statement, the policy is currently unsound because it is not consistent with national policy.</p>	<p>Very Special Circumstances</p> <p>As stated above, it is considered that the policy should explicitly reference the weight that the NPPF gives to the wider environmental benefits of renewable energy developments as constituting very special circumstances. It is considered that without such a statement, the policy is currently unsound because it is not consistent with national policy.</p> <p>It is therefore suggested that the 'National Context' section of the supporting text to Policy DM2 be expanded, and we request that the following text, or similar, be inserted after Paragraph 4.3:</p> <p>"Whilst seeking to protect Green Belt, encouraging and enabling sustainable growth is a key underlying objective at the heart of the National Planning Policy Framework, providing flexibility where appropriate to facilitate sustainable development. An example of potential very special circumstances identified in the NPPF is the wider environmental benefits associated with proposals for renewable energy projects."</p>	<p>Policy DM2 a) states that 'except in very special circumstances, approval will not be given for new buildings...'</p> <p>Paragraph 91 of the NPPF states that '...elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environment benefits associated with increased production of energy from renewable sources.'</p> <p>We consider the policy to be consistent with national policy.</p>	None required.

			<p>Green Belt Review</p> <p>Paragraph 4.6 of the supporting text to Policy DM2 sets the context of the Green Belt and planning policy at a local level. It is identified here that, "Any changes to the established Green Belt boundary as defined in the Local Plan will be made through the Site Allocations LDD."</p> <p>The NPPF identifies at Paragraph 83 that alterations to Green Belt boundaries should take place through the preparation or review of the Local Plan. This does not restrict alteration of Green Belt boundaries to the production of any specific Local Development Document and also specifically includes the review of any of the Local Development Documents.</p> <p>RES consider this part of the supporting text is too restrictive in its identification of methods for Green Belt review, and does not fully reflect national planning policy. We therefore consider it to be unsound.</p>	<p>Green Belt Review</p> <p>As stated above, RES consider this part of the supporting text is too restrictive in its identification of methods for Green Belt review, and does not fully reflect national planning policy. We therefore consider it to be unsound.</p> <p>The following amendments to Paragraph 4.6 of the draft Development Management Policies LDD are therefore requested: "...some minor adjustments to the Green Belt may be necessary over the Plan period to promote a sustainable pattern of development. Any changes to the established Green Belt boundary as defined in the Local Plan will be made through the Site Allocations LDD production or review of any relevant Local Development Document and shown on the Proposals Map."</p>	<p>Paragraph 83 does state that alterations to the Green Belt boundaries are made through the preparation or review of the Local Plan.</p> <p>The adopted Core Strategy states that detailed changes to the established Green Belt boundary will be made through the allocation of land for development by the Site Allocations LDD. (Paragraph 5.104).</p> <p>As the Site Allocation LDD is part of the Local Plan for the District and will be accompanied by the Policies Map, we consider the existing text to be consistent with the NPPF.</p>	None required.
DM3 HISTORIC ENVIRONMENT						
60015	DM3	English Heritage	<p>Since the adoption of the Core Strategy, the National Planning Policy Framework (NPPF) has been published. This contains a clear statement of the presumption in favour of sustainable development, and identifies the historic environment among the key components to be reconciled in achieving sustainability. The historic environment is defined as contributing to environmental goals, as well as to economic and social objectives. The importance of local character and history in the design of new development is underlined.</p> <p>The Local Plan, as a whole, should reflect the emphasis of the NPPF. The adopted Core Strategy policies are less clear than we would now expect to see in terms of strategic policy content for the historic environment. We do, however, note that the 'hooks' for a coherent strategy for the historic environment to be taken forward do exist in the Core Strategy, in Strategic Objective S10, the Spatial Strategy part (5), in Place Shaping Policies PSP1 (h), PSP2 (l), PSP3 (g), PSP4 (b) and in Core Policies SD CP1 (f), (n), and CP12.</p> <p>The application of policy DM3, and those in the Core Strategy, needs to be explained as part of a wider, positive strategy for the historic environment running through from the strategic to the detailed level, and through different policy areas. Paragraph 126 of the NPPF sets the areas that should be addressed.</p> <p>While we strongly support the positive intentions expressed in the Development Management policy DM3, we would like this letter to be treated as an objection in terms of compliance with the NPPF at this stage. This can, however, be addressed and we would be pleased to discuss amendments with you.</p>	<p>We recommend that the Local Context section is expanded to provide a brief overview of how the Council's positive strategy is represented through its policies. A background topic paper might assist in bringing together the key aspects.</p> <p>Within this, and in policy DM3, we recommend that reference is made to protection of heritage assets at risk, including a commitment to ensuring that where development potentially affects heritage assets, decisions will be taken to secure their future protection, and viable use (where appropriate).</p>	<p>The Core Strategy (which is informed by the Council's Community Strategy) sets out the Council's strategy on heritage assets through the Strategic Objective S10, the Spatial Strategy part (5), in Place Shaping Policies PSP1 (h), PSP2 (l), PSP3 (g), PSP4 (b) and in Core Policies SD CP1 (f), (n), and CP12.</p> <p>Paragraphs 5.8 to 5.22 of the Development Management Policies LDD sets out the Council's strategy for heritage assets.</p> <p>The policy refers to heritage assets and applies to all heritage assets whether they are at risk or not.</p> <p>Paragraph 126, bullet point 1 of NPPF states: Ipas should take into account –the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.</p> <p>It is considered that the policy wording at present is consistent with this as far as the first part of the bullet point as Policy DM3 states that 'Applications will only be supported where they sustain, conserve and enhance....heritage assets.</p> <p>Agreed that additional wording is required regarding taking into account putting heritage assets to viable uses consistent with their conservation in accordance with paragraph 126 of the NPPF.</p>	<p>Policy DM3</p> <p>a) When assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets <u>and to putting heritage assets to viable uses to secure their future protection.</u> Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.</p>
60036	DM3	Chilterns Conservation	The Board supports the policy as drafted		Support welcomed	None required.

		Board				
DM4 CARBON DIOXIDE EMISSIONS AND ON-SITE RENEWABLE ENERGY						
60011	DM4	Herts & Middlesex Wildlife Trust	<p>We support the content of this policy, in general.</p> <p>It is positive that the Council has taken the approach to favour meeting carbon reductions on-site in the first instance. It is pleasing to see that the Council is conscious of the need to reduce emissions from existing building stock. Although care is needed with use of carbon offset mechanisms in development, using funds to support initiatives focusing on reducing emissions from existing buildings is positive.</p> <p>Although we welcome the flexibility that off-sets and other mechanisms ('allowable solutions') can bring, it must be ensured that all options are fully explored and 'preferred option' of on-site carbon reductions (eg. through energy efficiency improvements) are exhausted before 'offset' options are permitted.</p>		<p>Support welcomed</p> <p>As the Government has yet to define 'zero carbon' and finalise what 'Allowable Solutions' will be the policy is formed on the basis of the information available at this time which is energy efficiency will be the first consideration for applicants.</p>	None required.
DM5 RENEWABLE ENERGY DEVELOPMENTS						
60012	DM5	Herts & Middlesex Wildlife Trust	<p>This policy is welcomed. HMWT supports the use of renewable energy and low and zero-carbon technology, but it is important to recognise that, with large-scale renewable energy developments in particular, there is potential for conflict with other sustainability goals, including protection of the natural environment, biodiversity, public enjoyment of the countryside and air and water quality.</p> <p>We are pleased therefore that the policy acknowledges that there can be impacts and that these will be taken into account in decisions, individually and cumulatively.</p>		Comment noted	None required
60017	DM5	Watford Borough Council	<p>This policy could be worded more positively to encourage micro renewables etc as well as looking at the negative impacts of them.</p>	<p>This policy could be worded more positively to encourage micro renewables etc as well as looking at the negative impacts of them.</p>	<p>Comment noted.</p> <p>The second bullet point of paragraph 97 of the NPPF states that policies should be designed '...while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.</p> <p>The Council encourages the use of renewable technologies. The policy merely states that we will assess the potential impacts of development.</p> <p>Agreed additional wording about supporting micro-renewables.</p>	<p>Paragraph 7.6</p> <p>The Council encourages applicants to integrate the use of renewable energy technologies into their proposals <u>and support the use of micro-renewables subject to and assessment of the potential impacts.</u></p>
60036	DM5	Chilterns Conservation Board	<p>The Board supports the policy as drafted</p>		Support welcomed	None required
60046	DM5	Renewable Energy Systems Ltd	<p>The NPPF focuses on sustainable growth and introduces flexibility in certain planning areas to facilitate this growth, with a presumption in favour of sustainable development.</p> <p>The NPPF highlights the benefits of certain forms of development and gives weight to this in planning considerations. As part of this, it suggests at Paragraph 91 that the wider environmental benefits associated with renewable energy projects may form very special circumstances to justify otherwise inappropriate development within the Green Belt.</p> <p>RES consider that the 'soundness' of Policy DM5 and compliance with national policy could be improved by making reference to the importance and weight that is given to renewable energy developments in the NPPF.</p>	<p>As mentioned above, RES consider that the 'soundness' of Policy DM5 and compliance with national policy could be improved by making reference to the importance and weight that is given to renewable energy developments in the NPPF.</p> <p>RES therefore request that the following additional text is inserted after Paragraph 7.1:</p> <p>"The NPPF emphasises the importance of renewable energy and seeks to provide flexibility where appropriate to facilitate sustainable development. The nature of renewable energy sources often requires renewable energy developments to be</p>	<p>This is a similar representation made to Policy DM2 Green Belt.</p> <p>Policy DM2 a) states that 'except in very special circumstances, approval will not be given for new buildings...'</p> <p>Paragraph 91 of the NPPF states that '...elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environment benefits associated with increased production of energy from renewable sources.'</p>	None required

				situated in sensitive locations such as protected landscapes or Green Belt Land. The NPPF seeks to enable such development by placing weight on the wider environmental benefits associated with renewable energy projects, and identifies the potential for these benefits to constitute very special circumstances in the case of proposals involving Green Belt land."	We consider the policy to be consistent with national policy and there is no need to repeat in Policy DM5.	
DM6 BIODIVERSITY, TREES, WOODLANDS, WATERCOURSES AND LANDSCAPING						
60009	8.2	Herts & Middlesex Wildlife Trust	It is welcome that TRDC recognises the importance of protecting and enhancing biodiversity assets not covered by designations or legislation. Non-statutory sites and linking habitats, for instance, are important components of the ecological network and must be protected and enhanced to maintain and strengthen connectivity and ecological functioning. The references to the Natural Environment & Rural Communities Act, Water Framework Directive and Natural Environment White Paper (as well as policies in the NPPF relating to protection and enhancement of the natural environment and biodiversity) are very welcome. It is important that Local Plans link up effectively with such policies, which are likely to guide habitat conservation priorities, objectives and activities over the coming years.		Comment noted	None required
60047	8.2	Environment Agency	We support these paragraphs. They recognise the importance of retaining, protecting and enhancing a wide range of biodiverse habitats. This is backed up by all of the relevant legislation and notes the obligations of the local authority in respect to biodiversity. The paragraphs will help to protect species and habitats that are not necessarily statutorily designated.		Support welcomed	None required
60048	8.3	Environment Agency	We support these paragraphs. They recognise the importance of retaining, protecting and enhancing a wide range of biodiverse habitats. This is backed up by all of the relevant legislation and notes the obligations of the local authority in respect to biodiversity. The paragraphs will help to protect species and habitats that are not necessarily statutorily designated.		Support welcomed	None required
60010	8.6	Herts & Middlesex Wildlife Trust	It is positive to see that 'County Wildlife Sites' are listed alongside SSSIs and LNRs. However, in the interest of clarity, coherence with government policy, and consistency within Hertfordshire, it is recommended that the term 'Local Wildlife Site' is used in place of County Wildlife Site, and that the first letter is always capitalised (when speaking of sites which have been selected as Local Wildlife Sites by the Hertfordshire Wildlife Sites Partnership). The government uses the term 'Local Site'; the term 'Local Wildlife Site' is used to differentiate sites selected within Local Sites systems as important for their ecological and botanical interest, rather than for geological/geomorphological interest (called 'Local Geological Site'). The terms 'Local Wildlife Site' and 'Local Geological Site' are recommended by Defra (http://www.defra.gov.uk/rural/protected/nationally/local-sites/).	In the interest of clarity, coherence with government policy, and consistency within Hertfordshire, it is recommended that the term 'Local Wildlife Site' is used in place of County Wildlife Site, and that the first letter is always capitalised (when speaking of sites which have been selected as Local Wildlife Sites by the Hertfordshire Wildlife Sites Partnership).	Comment Noted Agreed.	None required Paragraph 8.6, page 22 Three Rivers has a number of important wildlife sites, ranging from nationally designated Sites of Special Scientific Interest (SSSIs) to Local Nature Reserves (LNRs) and sites of local wildlife importance referred to as County Local Wildlife Sites. Paragraph 8.6, page 23 and 147 county Local W Wildlife s S ites. Paragraph 8.13 <ul style="list-style-type: none"> • Sites of Special Scientific Interest • Local Nature Reserves • County Local Wildlife Sites Policy DM6 a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, County Local Wildlife Site or protected species under UK or European law,

			Reference to the Hertfordshire Biodiversity Action Plan (HBAP) is welcome. Targets in the BAP continue to be important for directing conservation projects in the county. Although it is positive to see reference to the 'Key Biodiversity Areas' identified in the HBAP (intended as priority areas for directing nature conservation and restoration effort), it is recommended that the LDD introduces some more flexibility, so that DM Policies will not become outdated as the evidence base evolves. Work is ongoing to develop habitat opportunity maps and refine strategies for landscape-scale conservation, as part of Hertfordshire & Middlesex Wildlife Trust's Living Landscapes Development Project. This is expected to indicate more specific areas to target for ecological enhancement and restoration, and which could be more useful in spatial planning.	A paragraph should be added or amendment made to the existing text on Key Biodiversity Areas, to reflect the fact that strategies are evolving and being developed currently, to define and refine priority areas for landscape-scale nature conservation and habitat restoration. This addition is recommended to ensure that the policy is more sound, better justified and more effective in achieving policy goals over its lifetime. It also improves compliance with paragraph 165 of the NPPF. Suggestion: "As part of their Living Landscapes development project, Herts & Middlesex Wildlife Trust is working to develop a habitat opportunities map and refine priorities and priority areas for landscape-scale conservation. The outcomes of the project are intended to replace the Key Biodiversity Areas identified in the Hertfordshire BAP and feed in to wider strategies and project development for habitat restoration and enhancement."	HMWT have clarified that the key Biodiversity Areas within the Hertfordshire BAP are likely to change as a result of their work on the Living landscape Development Project. Additional text to be added to paragraph 8.7 to clarify that the key biodiversity areas may change with future revisions of the Hertfordshire BAP.	Paragraph 8.7 These represent priority areas for conserving existing biodiversity resource and also provide the best opportunity for maintaining and creating large areas of quality habitat. The Council will give particular weight to impacts of development on biodiversity and ecological connectivity within Key Biodiversity Areas as defined in the BAP and future revisions thereof.
60049	8.10	Environment Agency	We support this paragraph. It is important that this paragraph is retained as it sets out clear guidance of what is expected of developers in having regard to the potential impact of their development on biodiversity. We are pleased that applicants are required to provide sufficient information at the planning application validation stage to assess the impacts of the development on biodiversity. We are also pleased that further surveys are required if there is shown to be an impact, and we feel that the instructions and guidance provided is justified and consistent with national policies.		Support welcomed	None required
60050	DM6	Environment Agency	We support this policy. It recognises the importance of statutorily protected sites, and should prevent development in such sensitive locations in all but exceptional circumstances. The policy states that there should be 'no net loss of biodiversity across the District as a whole', which is an excellent aspiration and is supported by national policy. The recognition of the importance of linked habitats is excellent. We are particularly pleased with the inclusion of part g) of the policy, so that developers have regard to the requirements of the Water Framework Directive, and the opportunities set out in the Thames River Basin Management Plan. The rivers within the District are targeted to achieve good ecological status by 2027 under the Water Framework Directive, so this part of the policy is important to help achieve this goal.		Support welcomed	None required
60013	DM6	Herts & Middlesex Wildlife Trust	This policy is fully supported by HMWT. It is good to see some changes and refinements have been made to strengthen the policy since the pre-submission version (January 2012). Point a) is welcomed, and in particular the inclusion of Local Wildlife Sites (note recommended change as per paragraph 8.6) and BAP priority habitats and species, alongside statutory protections and designations. However, it needs to be more firmly or clearly stated that decisions on proposed development that may result in harm to such interests will follow a hierarchy: avoid, mitigate and (as a last resort) compensate for any damage, as required by NPPF paragraph 118. Point c) encompasses part of this, so would perhaps fit better ahead of point b). Point b) would benefit from some rewording, to improve its clarity and meaning. As it stands the implication of KBAs for development management is not clear.	Point b) recommended change, in the interest of improving clarity, justification and consistency with the NPPF: Suggestion: "Development should result in no net loss of biodiversity value across the District as a whole. In particular, development resulting in loss or damage to the ecological network within priority areas for habitat conservation and restoration (as identified or endorsed by the Hertfordshire Local Nature Partnership or equivalent partnership), will be resisted and subject to more stringent ecological mitigation and compensation requirements. The following areas have been highlighted as key areas	Support welcomed. We consider that part a) of policy DM6 is consistent with NPPF paragraph 118 as it reflects the hierarchy of avoid, mitigate and compensate. However, agree that additional wording be added regarding the role of the Local Nature Partnership.	None required New Paragraph 8.5 The Hertfordshire Local Nature Partnership has been established in response to the Natural Environment White Paper and will take a strategic lead on how the natural environment can be taken into account in decision-making within the local area. The Local Nature Partnership may identify or endorse priority areas for habitat conservation and restoration.

			<p>The clarity and details given under point d) is welcome.</p> <p>The emphasis on linking habitats and preventing fragmentation made in point e) is strongly supported.</p> <p>Point f) is supported. In particular, HMWT is pleased to see strong protection for ancient woodlands and aged and veteran trees.</p> <p>We also welcome the new paragraph g) relating to water courses, and in particular that development should seek to improve biodiversity on the site. Wetland habitats and river corridors are a priority for conservation and restoration, given their significance within the ecological network, importance for key species, and ecosystem service value.</p>	<p>for biodiversity within the Hertfordshire Biodiversity Action Plan:</p> <ul style="list-style-type: none"> • Mid Colne Valley • Whippendell Woods and surrounds • River Chess Valley” <p>Move point c) ahead of point b). Add wording to the current point c) to emphasise the avoid-mitigate-compensate hierarchy. Suggestion: “In the first instance development should seek to avoid impacts on designated sites and important habitats/species through sensitive design and consideration of alternatives. Compensation for harm to ecological/biodiversity interests will be accepted only as a last resort and to make up for any residual harm to biodiversity, once avoidance and mitigation options have been exhausted.”</p> <p>In the interest of clarity, coherence with government policy, and consistency within Hertfordshire, it is recommended that the term ‘Local Wildlife Site’ is used in place of County Wildlife Site, and that the first letter is always capitalised (when speaking of sites which have been selected as Local Wildlife Sites by the Hertfordshire Wildlife Sites Partnership).</p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>None required</p> <p>None required</p> <p>None required</p> <p>None required</p>
60016	DM6	Watford Borough Council	Policy could ask for native planting to enhance the landscape of the site.	Policy could ask for native planting to enhance the landscape of the site.	Comment noted.	None required

60037	DM7	Chilterns Conservation Board	The Board supports the policy as drafted and particularly welcomes the references to the Chilterns Buildings Design Guide and Supplementary Technical Notes on local building materials.		Support welcomed	None required
DM8 FLOOD RISK AND WATER RESOURCES						
60051	10.1	Environment Agency	We support these paragraphs. These paragraphs form an excellent summation of the principal issues associated with flood risk and water resources. We are pleased that the 'sequential approach' is discussed in paragraph 10.2, as this is a key way to prevent inappropriate development in floodplains. Paragraph 10.3 stresses the requirement to incorporate SuDS into all new developments, and this is key in managing flood risks – particularly surface water flooding. Finally, paragraph 10.4 is excellent as it stresses the importance of making efficient use of water, and protecting and enhancing groundwater quality. This paragraph is vital because of the current high water usage across the District, and the key role that groundwater plays in public drinking water supplies in south-east England particularly.		Support welcomed	None required
60018	10.3	Watford Borough Council	Last sentence would benefit from cross-reference to para 10.12	Last sentence would benefit from cross-reference to para 10.12	Comment noted	None required
60019	10.7	Watford Borough Council	Five flood risk objectives [from the SFRA]:...: these are more corporate issues [and as such could be referenced in other related strategic document, such as the IDP]. In particular point 5 –'raising flood awareness and improving emergency planning' is at the moment not listed as one of the requirements for developers in policy DM8 Flood Risk and Water Resources. Three Rivers District Council might want to consider to add here a developer requirement or alternatively in another strategic document, such as e.g. the IDP.	five flood risk objectives [from the SFRA]:...: these are more corporate issues [and as such could be referenced in other related strategic document, such as the IDP]. In particular point 5 –'raising flood awareness and improving emergency planning' is at the moment not listed as one of the requirements for developers in policy DM8 Flood Risk and Water Resources. Three Rivers District Council might want to consider to add here a developer requirement or alternatively in another strategic document, such as e.g. the IDP.	Comment noted. The flood risk objectives of the SFRA are details to provide local context and to inform policy.	None required
60052	10.11	Environment Agency	We support this paragraph. We are pleased that applicants are advised to contact the Environment Agency for information on areas at risk of flooding, as we are keen to ensure that developers are following the correct procedures prior to applying for planning permission. We are also pleased that this paragraph makes it clear that new build footprint will not be accepted in Flood Zone 3b (the functional floodplain). Flood Zone 3b should be designated as areas that 'can or should store water' during a flood event, and as such development in these areas is inappropriate unless the development is of a compatible use class as defined in the National Planning Policy Framework.		Support welcomed	None required
60020	10.12	Watford Borough Council	A site related FRA is required for all new developments in FRZ 2 and 3 and on sites over 0.5 ha in FRZ 1. [in Technical Guide to NPPF, formerly in PPS 25]. Also there seems to be any reference missing to areas and FRZ needing site specific flood risk assessments -relating to other sources of flooding such as surface water, groundwater and potential sewer flooding.[in NPPF and in Technical Guide to NPPF]	A site related FRA is required for all new developments in FRZ 2 and 3 and on sites over 0.5 ha in FRZ 1. [in Technical Guide to NPPF, formerly in PPS 25]. Also there seems to be any reference missing to areas and FRZ needing site specific flood risk assessments -relating to other sources of flooding such as surface water, groundwater and potential sewer flooding.[in NPPF and in Technical Guide to NPPF]	The NPPF requires a site specific Flood Risk Assessment for proposals of 1ha or greater in flood zone 1, all proposals for new development (including minor development and change of use) in flood zones 2 and 3, or in an area in flood zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency), and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding (paragraph 103). Therefore proposed change to paragraph 10.12 to reflect the NPPF requirement	Paragraph 10.12 In assessing development proposals, the Council will apply national policy and the findings of the Three Rivers Strategic Flood Risk Assessment (SFRA). A Flood Risk Assessment (FRA) is likely to be required for development proposals of 1 hectare or larger in flood zone 1 and for proposals for all new developments located in flood zones 2 and 3 as designated by the Environment Agency, <u>or in an area in flood zone 1 where flood zone 1 which has critical drainage problems (as notified to the Local Planning Authority by the Environment Agency), and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.</u>

60053	10.15	Environment Agency	We support this paragraph. We are pleased that there is recognition that flood defences or other flood protection/mitigation should not have an unacceptable impact on the biodiversity of the site. We are also very pleased that applicants are advised that they should always seek to include river restoration and de-culverting as part of any proposals adjacent to watercourses. This will go a long way to helping to restore rivers and achieve the targets set out in the Water Framework Directive.		Support welcomed	None required
60021	10.17	Watford Borough Council	The Highways Design Guide: it would be helpful to have somewhere a reference how this document relates to flood risk and water resources. Reference to many of the national, semi-regional [catchment-wide] and local [district and county] level documents could be added. For example to documents such as the Thames River Basin Management Plan, the Water Cycle Study-scoping report, the SAB guidance and LSWMS; and also reference to the Green Infrastructure Plan might be useful	The Highways Design Guide: it would be helpful to have somewhere a reference how this document relates to flood risk and water resources. Reference to many of the national, semi-regional [catchment-wide] and local [district and county] level documents could be added. For example to documents such as the Thames River Basin Management Plan, the Water Cycle Study-scoping report, the SAB guidance and LSWMS; and also reference to the Green Infrastructure Plan might be useful	The Highways Design Guide is clearly referenced as a source of further information and therefore implies that it is of relevance. Whilst we acknowledge that there may be other sources of information we are unable to reference all possible sources of information.	None required
60014	DM8	Herts & Middlesex Wildlife Trust	We generally support this policy, however we would encourage the council to promote the use of SUDS more explicitly in the policy, as well as the existing references in the supporting text (paragraph 10.3). For instance, the council could consider incorporating a requirement that new development employs Sustainable Drainage techniques (wherever technically feasible and economically viable). Drainage proposals should have regard to SUDS guidance, eg. The SuDs Manual (CIRIA C697 - Woods Ballard B; Kellagher R et al., 2007). This is recommended as SUDS can make contributions to other sustainability goals other than reducing flood risk – including enhancing biodiversity, urban cooling and visual amenity. Paragraph 102 of the NPPF says that development should ‘give priority to the use of sustainable drainage systems’.		Support noted. Paragraph 10.14 states that ‘For developments in all areas, Sustainable Drainage Systems should be implemented to reduce the run off from the site’. As there are now requirements for Suds in new development, no further wording is considered necessary. Policy CP1 c) of the Core Strategy also states that development should take into account minimising flood risk through the use of Sustainable Drainage Systems	None required
60025	DM8	Hertfordshire County Council	The NPPF (Para 100) requires “Local Plans to be supported by Strategic Flood Risk Assessment and development policies to manage flood risk from all sources”. The recent revision of the SFRA for Three Rivers (Three Rivers District Council Strategic Flood Risk Assessment for Flood Risk Sites 2012) takes into account surface water flood risk and includes recent mapping for Areas Susceptible to Surface Water Flooding and a Flood Map for Surface Water. This is welcomed. However, it is not clear either within Policy DM8 or the supporting text (Para 10.12) how, when assessing development proposals the Council will take into surface water flooding, and more importantly where a Flood Risk Assessment will be required in relation to other flooding sources e.g. surface water flooding (Flood Zones 1-3 relate only to fluvial flooding). It is therefore considered that as worded, Policy DM10 and its supporting text may not provide sufficient information to the development industry as to what information would be required as part of a planning application (when considering surface water flooding) and consequently not reflecting the NPPF’s attempts to make the decision making process more efficient.	In light of the concerns raised above, it is considered that minor changes would be required to make the document sound. It is considered that Para 10.12 could be expanded to include information on when the Council will require a Flood Risk Assessment in relation to all sources of flooding. This would reflect the approach taken for identified sites within the ‘Three Rivers District Council Strategic Flood Risk Assessment for Flood Risk Sites 2012’ and ensure that a consistent approach can be applied to all development proposals, including those that may come forward outside of identified areas Consideration could also be given to including reference to ‘all sources of flooding’ within Policy DM8 to reinforce the principles of the NPPF which require Local Plans to manage flood risk from all sources. For example, a) In accordance with National Policy, the	As detailed in our response to comment 60020, the NPPF requires a site specific Flood Risk Assessment for proposals of 1ha or greater in flood zone 1, all proposals for new development (including minor development and change of use) in flood zones 2 and 3, or in an area in flood zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency), and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding (paragraph 103). Therefore proposed change to paragraph 10.12 to reflect the NPPF requirement.	Paragraph 10.12 In assessing development proposals, the Council will apply national policy and the findings of the Three Rivers Strategic Flood Risk Assessment (SFRA). A Flood Risk Assessment (FRA) is likely to be required for development proposals of 1 hectare or larger in flood zone 1 and for proposals for all new developments located in flood zones 2 and 3 as designated by the Environment Agency, <u>or in an area in flood zone 1 where flood zone 1 which has critical drainage problems (as notified to the Local Planning Authority by the Environment Agency), and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.</u>

				Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk from all sources of flooding. Proposals should not add to and, should, where practicable take opportunities to reduce all flood risk.		
60029	DM8	Jonathan Harbottle	It should be made clear that sites that have been identified as suitable for development (even if covered by other policies that constrain or delay the development of such land) do not have to pass any sequential test and that the process of selection has confirmed the development of the site acceptable, subject to site specific considerations and a satisfactory effect on areas at risk of flooding	Amend b) to read New development (other than sites already identified for development in the sites allocations DPD) must be located and designed..... This is so that the DPD of site allocations is not affected in terms of delivering the capacity anticipated and so ensuring that the plan remains sound and produces the number of homes that are planned	The Site Allocations LDD will be accompanied by a sequential test. To change the policy wording as suggested would make the policy unsound.	None required
60038	DM8	Chilterns Conservation Board	Though the Board supports the policy it is considered that reference could usefully be made to the use of water meters within the measures to be incorporated to ensure efficient use of water resources		Support welcomed.	None required
60054	DM8	Environment Agency	<p>This is solely in reference to section c) of this policy. The policy currently states that development should be set back from any watercourse with a minimum 5m wide buffer zone to prevent any significant impact from flooding. This is unsound because we would normally expect a minimum buffer zone of 8m from any watercourse designated as a main river. This is to comply with the requirements of the Thames Region Land Drainage Byelaws (TRLDB) that state in section 4 (b) that “No person shall, without the previous consent of the Authority [Environment Agency/Lead Local Flood Authority]: erect or construct, or cause or permit to be erected or constructed, any fence, post, pylon, wall, or any other building or structure within 8 metres measured horizontally from the top edge of the batter enclosing the river...”. The Environment Agency grant Flood Defence Consents for development within 8m of main rivers, and as we may not grant a consent for development between 5-8m from a main river, this would conflict with this part of the policy.</p> <p>The responsibility for ordinary watercourses (those not defined as main rivers by the Environment Agency) has recently passed to Hertfordshire County Council as the Lead Local Flood Authority. They are now responsible for the granting of Flood Defence Consents for development adjacent to watercourses. Whilst the Environment Agency were responsible for ordinary watercourses, we expected a minimum 5m buffer zone – free of all built development.</p>	<p>We would suggest that section c) of this policy is re-worded to recognise that there should be a minimum 8m buffer to main rivers. We would also suggest clarifying that this should include all development (as demonstrated in the text from the TRLDB shown above). We would suggest changing the wording of DM8, part c) to:</p> <p>“Any development should normally be set back from a main river (as defined by the Environment Agency) with a minimum 8m wide buffer zone, and from any other watercourse with a minimum 5m wide buffer zone, to prevent any significant impact from flooding, and to ensure emergency access to the watercourse.”</p> <p>Alternatively, the condition could be re-written to take the widest buffer zone into account for all watercourses, such as:</p> <p>“Any development should normally be set back from a watercourse with a minimum 8m wide buffer zone to prevent any significant impact from flooding and to ensure emergency access to the watercourse.”</p> <p>We would suggest that the first wording would be more appropriate given the differing requirements of main rivers and ordinary watercourses.</p>	Agreed. The current wording was a result of a misinterpretation of the Environment Agency’s representation on the previous consultation document.	Policy DM8 c) Development should normally be set back from a main river (as defined by the Environment Agency) with a minimum 8m wide buffer zone and from any other watercourse with a minimum 5m wide buffer zone to prevent any significant impact from flooding.
DM9 CONTAMINATION AND POLLUTION						
60021	DM9	Watford Borough Council	National Policy should be rather NPPF than NPPS; you might want to reference here also the Technical Guidance to the NPPF [part 2].		Agreed	Policy Link Box, page 37 National Planning Policy Statement Framework
60004	DM9	Hertfordshire Constabulary	We are pleased to see the changes under paragraph 3.2 which reflect the conversations we are having with the Council Planning Department, particularly in relation to Secured by Design. Thank you for including reference to our Lighting against Crime document under DM9. Further knowledge and information can only assist in making Hertfordshire a safer place.		Support welcomed	None required

60032	DM9	Thames Water Utilities	<p>Para 120 of the National Planning Policy Framework states: ‘To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.’</p> <p>Annex 2 of the NPPF which relates to pollution goes on to state: ‘Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.’</p> <p>Under Section 11.8 on air quality it is set out that air pollutants include dust and odour. It goes on to state that emissions arising from any development must be considered in determining applications. This approach is then included in Planning Policy DM9(c).</p> <p>Potential adverse effects can occur from the inappropriate location of development close to existing sources of air pollutants including odour such as sewage treatment works. As such the DPD would not be effective or consistent with national policy and would not therefore be sound. The supporting text and policy should be revised to ensure that developments consider both the impact of emissions from the development and also the impact of existing pollutant sources on future occupiers</p>	<p>Policy DM9(c) should be revised to read:</p> <p>“c) Air Quality Development will not be permitted where it would:</p> <ul style="list-style-type: none"> - have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area; - be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.” <p>The supporting text in Section 11.8 should also be revised to read:</p> <p>“Air pollutants (including dust and odours) have been shown to have an adverse effect on health and the environment. Emissions arising from any development including indirect emissions, such as those attributable to associated traffic generation, must therefore be considered in determining planning applications. It is important to ensure developments sensitive to air pollutants are located where future occupiers would not be subject to unacceptable levels of air pollutants from existing sources.”</p> <p>Such wording is required to ensure that the DPD is effective at ensuring that future occupiers of developments are not adversely affected by existing sources of air pollutants including odour emissions. In addition the revised wording is required to ensure that the policy is consistent with national policy set out in the NPPF and that the policy is sound.</p>	<p>Agreed. paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:</p> <p>preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;</p> <p>Agreed that additional wording is required to clarify.</p>	<p>DM9 c) c) Air Quality Development will not be permitted where it would: i) Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area–<u>and/or</u> ii) <u>Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.</u></p> <p>Paragraph 11.8 Air pollutants (including dust and odours) have been shown to have an adverse effect on health and the environment. Emissions arising from any development including indirect emissions, such as those attributable to associated traffic generation, must therefore be considered in determining planning applications. <u>It is important to ensure developments sensitive to air pollutants are located where future occupiers would not be subject to unacceptable levels of air pollutants from existing sources.</u></p>
60039	DM9	Chilterns Conservation Board	The Board supports the policy as drafted.		Support welcomed	None required
60056	DM9	Environment Agency	<p>We support this policy. We are pleased that groundwater and surface water quality are recognised in DM9 b) ii), and that lighting schemes should prevent negative impacts on habitats as identified in DM9 e) vii).</p> <p>Light spill can have a detrimental impact on wildlife, particularly those using green corridors, such as rivers. Certain nocturnal species can be very badly affected by light spill, so measure and policies to prevent such habitat degradation are vital to ensure the continued protection of such habitats.</p>		Support welcomed	None required
60055	11.7	Environment Agency	<p>We support this paragraph. It is vital that land that may be affected by contamination is correctly identified, and where necessary, remediated. This is in line with the paragraphs 120 and 121 of the National Planning Policy Framework (NPPF). We are pleased that it is recognised that such work should be carried out by a “competent and suitably experienced consultant” –again in line with the policies in the NPPF.</p> <p>We would like to see a line added to the end of the paragraph to state that: “developers who have proposals involving land potentially</p>		<p>Support welcomed</p> <p>Paragraph 11.7 already refers developers to the Environment Agency’s regulations.</p>	<p>None required</p> <p>None required</p>

			<p>affected by contamination should engage in pre-application discussions with the Environment Agency.”</p> <p>We are keen to be involved in discussion on potentially contaminated land early in the planning process so that we can ensure the protection of the sensitive groundwater in the District and other water sources e.g. rivers.</p>			
DM10 WASTE MANAGEMENT						
60026	12.11	Hertfordshire County Council	<p>Hertfordshire County Council as Minerals and Waste Planning Authority considers the Development Management Policies Proposed Submission document to be sound and welcomes the section on Waste Management.</p> <p>Although all our suggestions to the pre-submission consultation in January 2012 have been made, paragraph 12.11 needs to be amended in light of recent government guidance.</p> <p>After a period of consultation, the Department for Environment, Food and Rural Affairs in March, announced the removal of the Site Waste Management Plans Regulations which have been in force since April 2008. This means that it will be no longer a statutory requirement for companies to produce a Site Waste Management Plan for construction projects that are worth over £300,000.</p> <p>However, the county council is still keen to ensure that Site Waste Management Plans are completed for construction and demolition projects over £300,000. This is reflected in Policy 12: Sustainable Design, Construction and Demolition in the Waste Core Strategy and Development Management Policies document, which states that: “Completed Site Waste Management Plans should support relevant developments to include details of the management of waste at construction and demolition sites and should be passed onto the Waste Planning Authority to collate the data.”</p>	<p>This means that paragraph 12.11 should be amended to reflect the above requirement in Policy 12 and should read as follows:</p> <p>12.11 A Site Waste Management Plan (SWMP) should be completed for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and is designed to support relevant developments to include details of the management of waste at construction and demolition sites. Completed SWMPs should be passed onto the Waste Planning Authority to collate the data.</p>	Agreed in line with the recent changes to government guidance.	<p>Paragraph 12.11 A Site Waste Management Plan (SWMP) is required by law <u>should be completed</u> or all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and should contain information including types <u>is designed to support relevant developments to include details of the management</u> of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information. <u>at construction and demolition sites. Completed SWMPs will be passed onto the Waste Planning Authority.</u></p>
DM11 OPEN SPACE, SPORT AND RECREATION FACILITIES AND CHILDREN'S PLAY SPACE						
60040	DM11	Chilterns Conservation Board	The Board supports this policy as drafted and particularly welcomes the reference to resisting development on commons.		Support welcomed	None required
60003	DM11	Sport England	<p>Policy DM11 is broadly supported by Sport England in terms of its aims, content and consistency with national planning policy. However, objection is made to the wording of the first section of the policy for the following reasons:</p> <p>1. The title of the policy and its opening sentence clearly state that its scope is intended to cover Open Space, Sport and Recreation Facilities and Children's Play Space. The policy then goes on to identify five circumstances where it might be permissible to allow the whole, or partial loss of existing open space, sport and recreation facilities. Each particular circumstance makes slightly different reference to what is affected e.g. the first criterion relates to open space, sport and recreation facilities, the second criterion to open space, the third criterion to leisure use, and the fourth/fifth criteria to open space. Consequently, there is inconsistency between the criteria and potential for confusion and misinterpretation when applying the policy is intended to apply to open space, sport and recreation facilities.</p> <p>2. The fourth criterion of the policy is open to misinterpretation and not entirely consistent with Government planning policy in paragraph 74 of the NPPF. The criterion only resists loss of open space/sport/recreation where a deficiency of open space is created through its loss. However, in many cases the loss of a facility will</p>	<p>To address the first point raised above, all of the criteria in the first section of DM11 should be amended to refer to open space, sport and recreation facilities rather than just open space or leisure facilities which is the case in most of the criteria. This would allow the policy to meet the effective soundness test as the implementation of the policy would not be prejudiced by potential confusion and misinterpretations of how the policy should be applied</p> <p>To address the second point, the criterion should be reworded along the lines of the first criterion in paragraph 74 of the NPPF i.e. where the assessment in the Council's Open Space</p>	<p>DM11 criteria a) i) to v) do refer to open space, sport and recreation facilities.</p> <p>This change was made in response to Sport England's representation at an earlier consultation stage.</p> <p>DM11 a) iv) states that: 'A deficiency of open space, sport and recreation facilities is not created through its loss, now or over the plan period'.</p>	<p>None required.</p> <p>Policy DM11 a) iv) A deficiency of open space, sport and recreation facilities is not created through <u>or exacerbated by</u> its loss, now or over the plan period or</p>

			<p>exacerbate an existing deficiency rather than creating a new deficiency (i.e. would add to a deficit rather than changing from a surplus to a deficit). Paragraph 74 of the NPPF refers to losses only being acceptable where assessments show clear surpluses of provision which is different to a deficiency being created.</p>	<p>Sport & Recreation Study 2005 and the Open Space Update 2010 has shown the open space, sport or recreation facility to be clearly surplus to requirements. This would address the potential misinterpretation of this policy and allow it to accord with current Government policy on this matter thereby allowing the policy to accord with the 'effective' and 'consistent with national policy' tests of soundness.</p>	<p>Agreed that additional wording is added to make this clear.</p> <p>Paragraph 74 of the NPPF does not state that losses are only acceptable where assessments show a clear surplus but provides other scenarios where it may be acceptable:</p> <p>'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> • an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or • the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or • the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. • 75. Planning policies should protect and enhance public rights of way and access. 	
			<p>3. The final criterion would not accord with paragraph 74 of the NPPF as this would support enabling developments on playing fields and other open space/sports facilities which does not accord with current Government planning policy. None of the criteria in paragraph 74 of the NPPF would support this policy approach.</p>	<p>To address the third point, the final criterion of the first part of the policy should be deleted. This would allow the policy to accord with the NPPF and meet the 'consistent with national policy' test of soundness.</p>	<p>Agreed. Criterion deleted in line with NPPF.</p>	<p>DM11 a) v) It can be demonstrated that the users would benefit more from the improvement of the facilities on the open space, sport and recreation facilities despite a loss of part of the site.</p>
DM12 COMMUNITY, LEISURE AND CULTURAL FACILITIES						
60041	DM12	Chilterns District Council	The Board supports the policy as drafted.		Support Welcomed	None required
DM13 PARKING						
60005	DM13	Hertfordshire Constabulary	It was a little disappointing there was no mention of the BPA/ACPO Park Mark scheme as most of the car parks within Three Rivers Council area have now been accredited and we would like to look at private car parks to make them as safe as the public car parks.		We agreed to include details of the Park Mark scheme within the forthcoming Design SPD following representations made at previous consultations.	None required.
60023	DM13	Watford Borough Council	National Policy should be rather NPPF than NPPS.	National Policy should be rather NPPF than NPPS.	Agreed	Policy Links table: National Planning Statement Policy Framework
DM14 TELECOMMUNICATIONS						
60024	DM14	Mobile Operators Association	We would like to offer our support to the inclusion of policy DM14 Telecommunications, within the submission version of the Development Management Policies DPD. We welcome the inclusion of this policy within the Local Plan to facilitate telecommunications		Support welcomed	None required

			development and support its provisions which we find to be in accordance with the recently published National Planning Policy Framework (NPPF) relating to both development planning and support for communications infrastructure.			
60042	DM14	Chilterns Conservation Board	The Board supports the policy as drafted.		Support welcomed	None required
DM15 MOORINGS						
60031	DM15	Canal & River Trust	<p>We welcome the inclusion of a moorings policy and the Councils recognition that residential moorings (or houseboats as the Council refer to them offer a lifestyle choice, diversity and added security to the Canal. However the title of this section is misleading as it appears to refer to all types of mooring.</p> <p>The Council must be aware that Long term leisure moorings on the canal do not require the benefit of planning permission and therefore, with the current imprecise wording the plan is not effective as the LPA cannot deliver the policy as worded. By retaining the current title the Council appear to be controlling a permitted use of the canal.</p> <p>Further comment made in relation to this policy for information only and not in relation to the test of legal compliance or soundness; Point iv) requires moorings to be accessible by service vehicles. The Canal & River Trust does not require service vehicle access at residential moorings – there are already many sites where this is not possible. The following is a link to our own residential mooring policy which may be of interest to the Council. http://canalrivertrust.org.uk/boating/mooring/mooring-policies</p>	<p>If the title of the policy is changed to 'Residential Moorings' and the wording changed to 'Proposals for residential moorings will only be permitted on the canal where adjacent to the existing built-up area and it can be demonstrated that the proposal will.....: then the policy will then be deliverable and therefore sound and effective.</p> <p>Assuming that the Council are seeking to control residential moorings rather than all moorings then requirement of point i) of the policy may need further consideration. With completely new residential mooring sites there will not be an issue as the number of leisure moorings will not decrease as a result.</p> <p>With conversions from leisure to residential (depending on the circumstances) the Council may wish to consider altering the policy point to state that replacement leisure moorings may need to be provided.</p>	<p>Comment noted</p> <p>The policies can <i>only</i> be applied to proposals that require planning permission and does not effect permitted development.</p> <p>The policy not only seeks to control applications for residential moorings but also for other moorings that may occur over the plan period, such as moorings for office use. The policy is therefore considered to be effective.</p>	<p>None required</p> <p>None required</p>
60043	DM15	Chilterns Conservation Board	The Board supports the policy as drafted.		Support welcomed	None required
APPENDIX 2 DESIGN CRITERIA						
60006	A2	Hertfordshire Constabulary	<p>We still have concerns over Appendix 2 which sets out the design criteria against which development proposals will be assessed. There is no reference to proposals being required to embrace Secured by Design principles which runs contrary to policies within the adopted Core Strategy. Policy CP1 of the Core Strategy emphasises the importance of promoting high enduring design quality that reduces opportunities for crime and anti-social behaviour while Policy CP12 expects development proposals to: "Design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places".</p> <p>None of the above appears to have been addressed with the design criteria listed in Appendix 2, furthermore, it could be argued that the design criteria in Appendix 2 fails to address paragraphs 35, 58 and 69 of the NPPF which confirms the importance of promoting 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.</p> <p>I appreciate that Policy CP12 was agreed last year and it would be difficult to change but I do feel there is a need to encompass</p>		<p>Designing out crime is incorporated in the Core Strategy in Policy CP12 Design of Development, paragraph h) Design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.</p> <p>Policy CP1 Overarching Policy on Sustainable Development, paragraph n) promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces the opportunities for crime and anti-social behaviour.</p> <p>Detailed design guidance and standards will be provided in the Three Rivers Design Guide Supplementary Planning Document</p>	None required

			<p>Secured by Design within the DMPLDD document so that anyone using the document is aware of the Councils move towards reducing criminality within its boundaries.</p> <p>I am aware we will be involved in the Design SPD but as mentioned in our submission in February 2012 we do have concerns over Appendix 2.</p>		<p>Further guidance relating to Secured by Design will be incorporated into the above SPD in consultation with Hertfordshire Constabulary's Crime Prevention Design Advisor.</p>	
APPENDIX 5 PARKING STANDARDS						
60027	A5	The Theatres Trust	<p>Thank you for including sui generis within the Car Parking Standards section although we are a tad disappointed that this has not been expanded to provide guidance for sui generis venues as the D2 section has five very specific entries.</p>	<p>For clarity and accuracy in a development management document Motor Trade Related items should come as a sub heading under sui generis.</p> <p>As an example, parking standards for theatres could be: Sui generis = 1 cycle stand per 40 seats – 1 parking space per 5 fixed seats – adequate turning and loading facilities inc. space for one coach or 16.5m lorry.</p>	<p>It is considered inappropriate to list all the possible uses in Appendix 3 under sui generis so it is clear that car parking standards will be considered on an individual basis.</p>	None required
OTHER COMMENTS						
60001	DMP Other	McCarthy & Stone	<p>McCarthy and Stone feel there is a need to ensure that greater policy weight and emphasis be placed upon the ageing population and their associated housing needs and options. It should not be underestimated that unless it is properly planned for over the next 20 years there is likely to be a serious short fall in specialist accommodation for the older population, which will have a knock on effect in meeting housing needs of the whole area and wider policy objectives. McCarthy and Stone therefore would like to suggest policy consideration in the production of the document.</p> <p>McCarthy and Stone have already commented on this document during the first consultation period and it is still considered that this document is unsound, as it fails to give appropriate policy weight on this important issue, it would make it unsound given the position set out by the NPPF. The Council is weak on policy that promotes housing and accommodation for the ageing population.</p> <p>Core strategy Policy CP3 at the more strategic level makes references to encouragement of housing for the elderly and supported and specialist accommodation in suitable and sustainable locations. The opportunity exists to provide a dedicated policy or acknowledge within Policy DM1 the benefits of older person's accommodation including owner occupier retirement and extra care housing. The SHMA identifies that the projected 1200 population increase by 2021 will be mainly in the over 50 sector. The number of households will increase to 2,900 (8.5%) with mainly single persons households. The opportunity exists to provide more policy support for this sector. Retirement housing is a highly sustainable and specialist form of accommodation which will significantly help to address the need for accommodation for the older population. It will provide options and choices for people who may be looking to downsize and relocate to more accessible locations within the Borough.</p> <p>Retirement housing is a highly sustainable and specialist form of accommodation which will significantly help to address the need for accommodation for the older population. It will provide options and choices for people who may be looking to downsize and relocate to more accessible locations within the Borough. By actively supporting such accommodation at policy level whether through proactive policies or specific land allocation the supply of retirement housing will increase and help release larger properties back into the housing</p>		<p>The Core Strategy Policy CP3 Housing Mix and Density states that 'The Council will require housing proposals to take into account the range of housing needs in terms of size and type of dwellings as identified by the Strategic Housing Market Assessments This includes provision of housing for the elderly and supported and specialist accommodation which will be encouraged in suitable and sustainable locations.'</p> <p>Core Strategy Policy CP1 g) states 'build mixed and sustainable communities by providing housing across a range of tenures and types including affordable housing'</p> <p>No need to repeat in Development Management Policies DPD</p>	None required

		<p>market for more efficient use of the housing stock. Taking into account the national evidence of an ageing population which is backed up at the local level a specific reference to the needs of the ageing population should be included to identify the wide ranging issues that will be associated with a larger proportion of people in need of accommodation, care and other facilities which cannot be addressed under the wider “residential” heading. The complex needs, expectations, provision of care and support will vary considerably within this age group and there will be a need to provide a holistic approach to different types of housing and care provision from the public and private sector. This position is backed up by a number of policy documents including the National Planning Policy Framework (NPPF) which are set out in the following paragraphs.</p> <p>Specialist Accommodation for the Older Population – NPPF</p> <p>The National Planning Policy Framework sets out the strategic case to assess the housing need for the older population. Para 50 of the NPPF states that ... To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: “.....plan for a mix of housing based upon current and future demographic trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities” and”...identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand...” and “where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off site provision or financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.</p> <p>By 2026 older people will account for almost half (48 per cent) of the increase in the total number of households, resulting in 2.4 million more older households than there are today . The number of people aged 85 or over will increase by 2.3 million by 2036 – 184 per cent increase . The ageing of society poses one of our greatest housing challenges. The Government has recognised this and has set out its aims and objectives of providing more specialised housing for older people in ‘A National Strategy for Housing in an Ageing Society – Lifetime Homes, Lifetime Neighbourhoods’. The National Strategy identifies the important role the planning system has in delivering housing choice for older people, stating;</p> <p>‘Spatial planning offers a new and real opportunity to provide more and better quality housing – across the necessary range – for an ageing population in a way that we’ve not done before.’</p> <p>In respect to future planning policy the Strategy is clear as to the level of importance to be given to an ageing society, stating;</p> <p>‘Recent reforms to the planning system require regional and local plans to take proper account of ageing and the needs of older people. Future planning policy reform will reflect the high priority we are giving to the challenge of ageing.’</p> <p>It is considered that in light of the Government Strategy guidance that it is appropriate for the document to have greater regard to this objective. My Client’s response is based on meeting the Government’s objective, set out in the National Strategy, to ensure</p>			
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		<p>that sufficient specialist housing is delivered to meet the growing needs of an ageing population. This is reinforced in recent publications, please refer to the attached appendix to this letter.</p> <p>The ageing population has increasingly been seen as a potential issue that needs to be positively planned for in all new Local Development Frameworks and particularly at the Core Strategy level. The Department of Health and Communities and I wan I Local Government document 'Lifetime Homes, Lifetime Neighbourhoods – A National Strategy for Housing in an Ageing Society' dated February 2008 takes this further in looking at the wide range of options that policy makers need to include in formulating future plans. The Strategy identified providing a positive vision for specialised housing and providing more homes and more choice through public funding and encouraging private sector provision through planning system reforms(para 27). The strategy also noted that the vast majority of older householders (68%) owned their own home in 2001, and the figure was projected to rise to 75% by 2026. As such, these people are expected to wish to maintain their own independence by continuing to own their own homes.</p> <p>Chapter 11 of the Lifetimes Homes strategy specifically deals with specialised housing identifying that there is a continuing need for specialised housing and that such accommodation will continue to offer a certain advantage over private housing, particularly to those who need a physical environment designed for those with impairments, better access to help and care, company and a sense of safety. In the provision of appropriate accommodation for the elderly it is also recognised that the private sector has a major strategic role in this.</p> <p>Specialist Retirement Housing Needs</p> <p>Specialist retirement housing meets a number of Core Strategy aims and yet is given little weight in the overall document. Retirement Housing and Assisted Living Extra Care:</p> <ol style="list-style-type: none"> 1. brings older people closer to transport links, local shops and services reducing car dependency, 2. enables older people to release equity, 3. frees up the housing chain, 4. reduces under occupation and meets the wider Core Strategy aims of retaining and enhancing much needed housing stock to families (85% of McCarthy and Stone customers downsize from houses to move to retirement housing), 5. creates opportunities for more efficient provision of local care services e.g. GP services, reduces the need for respite care after hospital stays, offers a supportive setting with close family, neighbours and house manager, reduces pressure on working families to provide informal care, and 6. it makes optimum use of centrally located brownfield sites. <p>Well located and designed specialist housing for older home owners is a highly sustainable form of housing. There should be a presumption in favour of sustainable housing and in particular specialist housing which is being proposed on suitable sites.</p> <p>Mix of Housing – A retirement and care development such as that developed by McCarthy and Stone is an important contributor to the housing mix in a particular area. By its very nature it is a single entity with communal space and facilities and could not provide a mix of house types and tenure within the same block.</p> <p>Summary</p>			
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			<p>It is clear from local and national statistical data that the demographics of the Three Rivers District and the UK as a whole are ageing. The Council recognise the current and future increase in the older people in the district and in older person households which will have significant implications on the overall housing market in a district with many physical constraints on residential development. The evidence suggests that there is a current and growing need for specialised forms of private sector accommodation for older persons such as retirement housing (cat II type sheltered housing) and assisted living extra care.</p> <p>If the Policy Document fails to accredit sufficient policy weight on this important issue, it would make it unsound given the position set out by the NPPF.</p> <p>I have appended to this letter recent assessments and reports that reinforce the need for LPAs to give more appropriate weight to such specialist housing and extra care. I trust that due weight will be given to these reports and the requirements of the NPPF to provide policy support for this highly sustainable form of development.</p>			
60002	DMP Other	Philip Gibbs	The document seems well thought out, balanced and seems to me to address issues for the area in a positive way.		Support welcomed.	None required.
MINOR CHANGES (Officer)						
			<p>The National Planning Policy Framework states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (paragraph 15). As a result there is a need for a clear policy in all draft Local Plans that reflect this expectation. The Inspector considers that the inclusion of the following model policy, which is set out on the Planning Portal, would address this matter.</p>	<p>New section entitled Overarching Policy on Sustainable Development.</p> <p>Aim of the Policy This policy aims to ensure that decisions are taken in line with the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF). In doing so, it helps to achieve all of the core objectives of the Core Strategy.</p> <p>Reason for the Policy The policies and proposals in the Development Management Policies LDD, as well as in other Local Development Documents, reflect the presumption in favour of sustainable development set out in paragraphs 11 to 16 of the NPPF, and the inclusion of this policy avoids any doubt about whether the LDF complies with the presumption.</p> <p>How will the Policy be achieved? The policy will be delivered through decisions on applications for planning permission, which will be taken in line with the considerations set out in the policy, where the starting point is the development plan.</p> <p>How will the Policy be monitored? The policy will be monitored through monitoring of the other policies within the Local Development Framework.</p>	<p><u>Add in to Page 2 if possible</u></p> <p><u>PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT</u> <u>A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u> <u>Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Footnote 1). Planning applications that accord with the policies in the development plan (including, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Proposed development that conflicts with the development plan will be refused, unless other material considerations indicate otherwise.</u> <u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> • Any adverse impacts of granting 	

					<p><u>permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></p> <ul style="list-style-type: none"> • <u>Specific policies in that Framework indicate that development should be restricted.</u> <p><u>Footnote 1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.</u></p> <p>Renumber subsequent sections, policies, paragraphs</p>
Appendix 5 Parking Standards	Draft omitted to state that CS Residential Parking standards were excluded from the Zonal reductions as it was previously in the Local Plan 1996 and that reductions in parking provision in areas of high accessibility and service provision a reduction of the levels of parking for C3 residential may be appropriate.		Additional wording required	<p>Appendix 5, second paragraph:</p> <p>The standards for car parking <u>(except for C3 Residential)</u> may be adjusted according to which zone the proposed development is located in (zones are indicated in the map on page 82).</p> <p><u>In areas of high accessibility and good service provision a reduction in the levels of parking for C3 Residential may be appropriate.</u></p>	
Appendix 5 Parking Standards	Parking requirements for Elderley persons residential and nursing homes would be insufficient as it fails to make provision for staff parking.		Additional wording required	<p>Appendix 5, C2 Residential institutions, Elderly person residential and nursing homes.</p> <p>0.25 spaces per resident bed space <u>plus; 1 space per 2 staff non-resident</u> (parking for resident staff to be based on general needs standard).</p>	