2. CHAPTER 2 - SUSTAINABLE DEVELOPMENT

2.1 CHAPTER 2 GENERAL

Objections
D2/01961/SD /029/O GO-East (Govt Office E. England)
D1/01617/SD /012/O HCC
D2/01965/SD /007/O HCC Forward Planning Unit
D2/01965/SD /008/O HCC Forward Planning Unit
D1/01704/SD /002/O The House Builders Federation - Eastern Region

Issues
a. The overriding aim should be to reduce resource use.

b. Should have a sustainability checklist.

c. The chapter should focus on cross-cutting issues and delete those policies which extend beyond the land-use planning remit.

Inspector's Reasoning and Conclusions
(a)
2.1.1 Whilst this is not identified as an “over-riding” aim, the issue of reducing resource use is covered by objective 1. I therefore consider a change in respect of this issue to be unnecessary.

(b)
2.1.2 Pre-inquiry change 008 (PIC008) introduces a set of sustainable development principles into Policy SD1(a) against which development proposals would be assessed. I therefore address this issue under Policy SD1(a).

(c)
2.1.3 The content of the Chapter is criticised by one objector on the basis that it should cover more cross-cutting issues to reflect the wide-ranging concept of sustainable development. I accept that the Chapter does appear to place emphasis on some subjects more than others, for example the issue of water resources comprises four pages of text and three policies. This level of detail sits uneasily with the remainder of the Chapter which addresses other cross-cutting issues, such as transport, in much less detail. For this reason, I recommend that the detailed policies relating to Groundwater, Surface water and Reservoirs be moved to Chapter 8 which contains other policies relating to water, and that cross-references be made to these in Chapter 2.

2.1.4 Whilst there are some issues addressed in this Chapter which are covered by other legislation and agencies, such as the Environment Agency, I do not consider the policies to overlap significantly with those agencies’ responsibilities.
RECOMMENDATION

2.1.5 Move the text in Paragraphs 2.7.10 to 2.7.20 and the related Policies SD16, SD17 and SD18 to Chapter 8 and insert after Policy ENV26.

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2.2 SECTION 2.1 INTRODUCTION

Objections
D2/01917/SD /001/O  Thames Water Property Services
D2/01967/SD /006/O  HCC County Development Unit
D1/01968/SD /002/O  HCC Environment Department
D2/01965/SD /006/O  HCC Forward Planning Unit

Issues
a. Objectives should be expanded, particularly in relation to water and waste.

b. Should objectives be expanded to include protection of countryside and urban areas.

c. Paragraph 2.1.1 contradicts Chapter 1 of the Plan and should be deleted.

Inspector's Reasoning and Conclusions

(a)

2.2.1 The list of objectives has been expanded since the First Deposit version of the Plan to cover a wider range of sustainability issues. It does, however, fail to make reference to the issue of quality of life and social exclusion, and I recommend an objective be added which addresses this point.

2.2.2 There are a number of water related policies in this section that I recommend be moved to Chapter 8 of the Plan to follow on from other water related policies. There are already two objectives which relate to the issue of water and I see no justification for expanding this. With regard to the subject of waste, the waste policies were deleted and do not appear in the Re-deposit version of the Plan. Whilst I do not question the importance of planning for waste, detailed issues relating to waste and waste management are covered by the waste local plan and I see no reason to duplicate this in the local plan.

(b)

2.2.3 In relation to the quality of the countryside and urban areas, the objector points to the landscape attributes of the District and its value to the community. Equally, local distinctiveness of urban areas is important to maintain and protect. However, while protection of landscape character and local distinctiveness can contribute to sustainable development, such issues are translated into specific policies in subsequent chapters. I am content for these matters to be contained in specific relevant chapters and for Chapter 2 to focus on over-arching sustainable principles.

(c)

2.2.4 I see nothing in this Paragraph that contradicts the content of Chapter 1.
RECOMMENDATION

2.2.5 Add the following to the list of objectives, "Reducing social exclusion and improving quality of life".

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2.3 POLICY SD1A MAKING DEVELOPMENT MORE SUSTAINABLE

Objections
D2/01961/SD/013/O GO-East (Govt Office E. England)
D2/01967/SD/007/O HCC County Development Unit
D2/01967/SD/008/O HCC County Development Unit
D2/01665/SD/005/O Hertford Civic Society
D2/03210/SD/013/O Old Road Securities PLC
D2/01802/SD/004/O Tesco Stores
D2/03282/SD/002/O Walter Lawrence Developments Ltd
D2/03795/SD/09/O RBBS PCT & SHE PCT
D2/03795/SD/010/O RBBS PCT & SHE PCT

Issues
a. Lack of guidance on the contents of a sustainability statement.

b. The policy is too permissive.

c. The requirement for developers to demonstrate sustainability is unnecessary and too onerous.

d. Wording should be strengthened.

e. The sustainability principles should be set out in the Policy.

f. The setting of the threshold.

Inspector's Reasoning and Conclusions

(a)

2.3.1 The objector is concerned that the first line of the Policy is too permissive and I am inclined to agree with this view. The Policy as worded gives the reader the impression that this would be the only policy which must be met, which is not the case as development proposals would fall to be assessed against a range of other policies within the Plan. For this reason I recommend the first sentence of the Policy be deleted and the list of sustainable development principles be moved to the end of the Policy, with some minor re-wording of the last sentence of the Policy to allow for this.

(b) and (c)

2.3.2 Whilst I accept the objector’s point that Sustainability Statements are not a requirement of national planning policy, I do not agree that the primary responsibility for demonstrating that a development is sustainable lies with the local authority. It is for the local planning authority to facilitate and promote development which is sustainable, in accordance with PPS1, and I agree with the Council that a Sustainability Statement can help achieve this. The wording of the policy, “expects” rather than “requires”,

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acknowledges the fact that Sustainability Statements are non-statutory. I therefore conclude a change in respect of these issues to be unnecessary.

(d)

2.3.3 The Council has sought to meet these objections by including a list of sustainable development principles in the Policy, via PIC008. Whilst I consider these to lack specificity, they do provide some guidance on the expected content of the Sustainability Statement, and I am satisfied to let any additional detail be covered by the proposed SPD, referenced in Paragraph 2.1.7 of the supporting text. There is however, one principle which would not necessarily apply to the types of development covered by the Policy. I question the practicality of requiring applicants for commercial development to demonstrate that it would “enable everyone to have access to a decent home they can afford” (second bullet point on the list of principles). In addition, it should be clarified that the sixth principle relates specifically to the natural and built environment. I therefore recommend the deletion of the second and modification of the sixth principle.

(e)

2.3.4 The purpose of the threshold is to cover those developments which the Council consider to be more significant in terms of their potential impacts. However, although the Policy is applicable to developments which meet or exceed the threshold, Paragraph 2.1.6 of the Plan states that the Council will also encourage the use of Sustainability Statements for development below that threshold.

RECOMMENDATIONS

2.3.5 Delete the first sentence of Policy SD1(a).

2.3.6 Move the list of sustainable development principles to the end of the Policy.

2.3.7 Reword the last line of the Policy, after “Sustainability Statement”, to read as follows:

2.3.8 ....which explains how the proposed development will:

- create healthy, socially integrated communities;
- encourage sustainable movement patterns through design and transport infrastructure provision;
- achieve the sustainable use of resources such as land, water, energy, materials and waste;
- be physically well integrated and respond to local character and distinctiveness;
- protect and enhance the natural and built environment;
- create a flourishing and healthy local economy.

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2.4 SECTION 2.2

Objection
D1/03419/SD /008/O  Mrs Frances Clapp

Issues
a. Housing on ASRs inconsistent with SP Policy 1.

Inspector’s Reasoning and Conclusions

2.4.1 The issue is addressed at length in Chapter 3 of this Report.

RECOMMENDATION

2.4.2 Make no modification in response to this objection.

2.5 PARAGRAPH 2.3.2

Objection
D2/01647/SD /061/O  Environment Agency

Issues
a. Should acknowledge the potential nature conservation value of brownfield sites.

b. The role of Buntingford and other large towns should be explained.

Inspector’s Reasoning and Conclusions

(a)

2.5.1 This is acknowledged in Paragraph 2.9.1 and need not be repeated in Paragraph 2.3.2 of the Plan.

(b)

2.5.2 The role of Buntingford is expanded upon in Chapter 16 of the Plan and I see no need to repeat this in Paragraph 2.3.2, the principal aim of which is to set out the settlement strategy for the District. The other large towns referred to by the objector are listed in Policy SD1. However, I agree that it would be useful to clarify in Paragraph 2.3.2 that these are derived from the Structure Plan¹, and I recommend accordingly.

RECOMMENDATION

2.5.3 Reword the second sentence of Paragraph 2.3.2 as follows:

2.5.4 The County Council endorsed this approach by directing development, through planned regeneration to the named towns of Bishop’s Stortford, Hertford, Ware and Sawbridgeworth.

¹ CD/HCC/001
2.6 POLICY SD1 DEVELOPMENT IN THE MAIN SETTLEMENTS

Objections
D2/02036/SD /005/O Bayfordbury Estates Ltd
D2/01629/SD /019/O Countryside Properties Ltd
D1/03524/SD /001/O Deville Estates & Community Hospitals Group PLC
D1/01428/SD /001/O Friends of the Earth
D1/01428/SD /002/O Friends of the Earth
D1/01704/SD /003/O The House Builders Federation - Eastern Region
D2/03801/SD /028/O The RAF Benevolent Fund and BISS
D2/03788/SD /009/O Rialto Homes Ltd
D1/02912/SD /003/O Taywood Projects
D1/02912/SD /004/O Taywood Projects
D1/02912/SD /005/O Taywood Projects
D1/03282/SD /001/O Walter Lawrence Developments Ltd
D1/03282/SD /002/O Walter Lawrence Developments Ltd

Issues
a. Policy is not necessary and fails to provide the development needed to support community facilities in towns and villages.
b. Should acknowledge that Green Belt land and greenfield land will be required to meet housing requirements to 2011.
c. Additional growth at Stanstead Abbotts and Buntingford is neither sustainable nor justified.
d. The Green Belt releases in Sawbridgeworth, Hertford and Ware is not adequately justified.
e. Policy should take into account the effects of traffic impacts in towns.
f. Policy fails to reflect the role of Buntingford.

Inspector's Reasoning and Conclusions

(a)
2.6.1 One objector states that SD1 merely describes the development strategy and that it is not useful as Policy and should be moved to the supporting text. I disagree and consider that Policy SD1 usefully establishes the proposed pattern of development and sets out the settlement hierarchy. The title of the Policy should be changed to better reflect this, and I recommend accordingly.

2.6.2 Furthermore, whilst the Policy demonstrates conformity with the Structure Plan by concentrating development in the four main settlements, it fails to make reference to other settlements, namely the villages identified in Chapter 17 of the Plan. The Policy should acknowledge that there will be some development in these villages in accordance with Policies OSV1 and 2, and I recommend a further change to this effect.

(b)
2.6.3 The Plan does not preclude development on greenfield land or on sites within the Green Belt. SD1 simply reflects national and county level
policies, which prioritise the use of brownfield land within main settlements. Any proposals coming forward for development would fall to be assessed against other more detail Plan policies, for example those in Chapter 4 of the Plan.

(c) 2.6.4 I address in Chapters 15 and 16 of this Report the issue of whether Stanstead Abbotts and Buntingford are suitable locations for additional development.

(d) 2.6.5 I address the issue of Green Belt releases in Chapters 3, 11, 12, 13 and 14 of my Report.

(e) 2.6.6 Whilst I have some sympathy with the objector’s concern about traffic impacts, the strategy aims to minimise increases in traffic by concentrating development at the main centres of population and in towns that are well served by public transport. There is also a range of policies at Chapter 5, which aim to minimise traffic generated by new development and improve accessibility.

(f) 2.6.7 The objector is concerned that the role of Buntingford is not explained and that the term “limited development” in relation to this settlement is misleading. The role of the settlement is expanded upon in Chapter 16 of the Plan and I see no value in repeating this in Chapter 2. As to whether the term “limited development” is appropriate, the objector argues that the development proposed for these settlements is significant and that the Policy should reflect this. It appears to me that compared with some of the main settlements, particularly Bishop’s Stortford, development apportioned to these settlements could be considered limited. It is, however, of a similar scale to that proposed in others, i.e. housing in Sawbridgeworth, and on this basis I recommend “limited” be deleted. I consider a further amendment necessary to reduce the uncertainty introduced by the next part of the sentence, which reads, “may also be appropriate”. I recommend accordingly.

RECOMMENDATION

2.6.8 Amend the title of the Policy to read, “Settlement Hierarchy”.

2.6.9 Add the following sentence to the end of Policy SD1:

Development necessary to support local needs and services in the villages will be permitted in accordance with Policies OSV1 and 2.

2.6.10 Delete the second sentence of Policy SD1 and replace with the following:

Some development will also be directed towards the settlements of Stanstead Abbotts and Buntingford.

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2.7 SECTION 2.4 ENERGY

Objections
D1/01103/SD /001/O  Mr William I Bampton
D2/01959/SD /016/O  English Nature
D2/01967/SD/011/O  HCC County Development Unit

Issues
a. The Plan should identify sites for renewable energy.
b. Reference should be made to SD2(a) not SD4.
c. Object to deletion of paragraph 2.4.6.

Inspector's Reasoning and Conclusions
2.7.1 Unless a suitable site has been identified, and there is evidence that funding will be available for development, it would not be appropriate to allocate a site for renewable energy. This would conflict with national policy guidance (PPS22, Paragraph 6).
2.7.2 The text correctly refers to Policy SD4, as compensatory tree planting could be used as energy crops.
2.7.3 I agree with the Council that the text in paragraph 2.4.6 is unnecessary.

RECOMMENDATION
2.7.4 Make no modification in response to these objections.

2.8 POLICY SD2 RENEWABLE ENERGY

Objections
D1/01961/SD /030/O  GO-East (Govt Office E. England)
D1/01704/SD /004/O  The House Builders Federation - Eastern Region

Issues
a. The policy is a statement of intent.

Inspector's Reasoning and Conclusions
2.8.1 Policy SD2 has been replaced by Policy SD2(a) in the Re-deposit version of the Plan. I address objections to SD2(a) below.

2.9 POLICY SD2A RENEWABLE ENERGY

Objections
D2/01961/SD /015/O  GO-East (Govt Office E. England)
D2/01965/SD /018/O  HCC Forward Planning Unit
D2/01965/SD /009/O  HCC Forward Planning Unit
Issues

a. Criteria (b) and (c) are inconsistent with PPS22.

b. The policy and supporting text should be moved to a new chapter.

c. Clarification needed to draw attention to Council Council’s role in determining certain applications.

Inspector's Reasoning and Conclusions

2.9.1 The objector argues that the Policy is inconsistent with PPG22. However, although this is a lengthy policy, it does take a positive stance towards renewable energy related development, and parts (a), (b) and (c) of the Policy set out the key criteria against which applications will be assessed. In this respect, I consider that the Policy is compliant with national guidance, namely PPS22 Paragraph 7. I see no reason to move the Policy to a separate chapter.

2.9.2 The last objection is addressed by text in paragraph 1.8.2a of the Plan.

RECOMMENDATION

2.9.3 Make no modification in response to the objections.

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2.10 POLICY SD3 ENERGY STATEMENTS

Objections

D1/02021/SD /001/O Beechwood Homes Ltd
D1/02021/SD /002/O Beechwood Homes Ltd
D1/02021/SD /003/O Beechwood Homes Ltd
D1/02021/SD /004/O Beechwood Homes Ltd
D1/01704/SD /005/O The House Builders Federation - Eastern Region
D1/02912/SD /006/O Taywood Projects
D1/02912/SD /007/O Taywood Projects
D1/02912/SD /008/O Taywood Projects
D1/02912/SD /009/O Taywood Projects
D1/02912/SD /010/O Taywood Projects
D1/02912/SD /011/O Taywood Projects
D1/03282/SD /003/O Walter Lawrence Developments Ltd

Inspector's Reasoning and Conclusions

2.10.1 This Policy has been deleted and does not appear in the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.11 PARAGRAPH 2.4.18

Objections

D1/02620/SD /014/O Grange Builders
D1/03210/SD /006/O Old Road Securities PLC
Inspector's Reasoning and Conclusions

2.11.1 This Paragraph has been deleted and does not appear in the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.12 PARAGRAPH 2.4.22

Objections
D2/03809/SD /022/O Bovis Homes Ltd & Wimpey Homes UK Ltd
D2/03809/SD /049/O Bovis Homes Ltd & Wimpey Homes UK Ltd

Issues
a. Policy ignores planting contribution from landscaping schemes.

Inspector's Reasoning and Conclusions

2.12.1 See my conclusions and recommendation in Section 2.14 below.

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2.13 PARAGRAPH 2.4.23

Objection
D2/01647/SD /055/O Environment Agency

Issue
a. Should locally native flora be specified.

Inspector's Reasoning and Conclusions

2.13.1 See my conclusions and recommendation in Section 2.14 below.

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2.14 POLICY SD4 COMPENSATORY TREE PLANTING

Objections
D1/01730/SD /004/O Barker Parry Town Planning Ltd
D2/02036/SD /006/O Bayfordbury Estates Ltd
D1/02021/SD /005/O Beechwood Homes Ltd
D1/02021/SD /006/O Beechwood Homes Ltd
D1/02021/SD /007/O Beechwood Homes Ltd
D1/02021/SD /008/O Beechwood Homes Ltd
D2/03809/SD /023/O Bovis Homes Ltd & Wimpey Homes UK Ltd
D2/03809/SD /025/O Bovis Homes Ltd & Wimpey Homes UK Ltd
D1/01648/SD /001/O British Telecommunications Plc
D2/03562/SD /003/O David Wilson Homes Eastern
D2/03854/SD /001/O Fairview New Homes Ltd.
Issues

a. The policy is unduly onerous, unjustified and undeliverable.

Inspector's Reasoning and Conclusions

2.14.1 I applaud the innovatory approach adopted by this policy and would urge the Council to continue to press for tree planting or other compensatory measures to offset carbon emissions. However, I have some doubts regarding the extent to which a planning obligation along the lines of the policy would meet the tests of Circular 05/2005. As an example, the Council argues that tree planting is part of a wider focus on increasing
tree cover in the District. Imposing a tree planting obligation on a particular development proposal to further that aim would not meet the Circular 05/2005 tests.

2.14.2 Furthermore, I question the basis for quantifying the level of tree planting, as carbon footprint is not based on land area alone and the evidence for embodied energy in non-residential development has not been fully substantiated. Finally, compensatory tree planting is only one of a number of solutions to achieve low carbon or carbon neutral developments. There are a number of ways in which the climate change element of sustainable developments can be achieved. PPS22 for instance encourages the opportunity to incorporate renewable energy projects in all new developments.

2.14.3 My view is that the full extent to which the Council can look to incorporating energy efficient or other potential climate change measures have not been fully explored. However, there are opportunities for such matters to be incorporated in Sustainability Statements with guidance from the SPD, as covered under Section 2.1 of this Chapter of the Plan. With the combined forces of Policies SD1a and Policy IMP1, I believe that the Council is able to seek compensatory tree planting or other devices that assist with addressing the issue of climate change.

RECOMMENDATION

2.14.4 Delete Policy SD4 and the supporting text Paragraphs 2.4.19 to 2.4.25.

2.15 SECTION 2.5 AND POLICY SD5 BUILDING MATERIALS

Objections
D2/01965/SD /020/O HCC Forward Planning Unit
D1/01704/SD /010/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.15.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

2.16 SECTION 2.6 AND POLICY SD6 WASTE

Objections
D2/01967/SD /010/O HCC County Development Unit
D2/01965/SD /021/O HCC Forward Planning Unit
D1/01967/SD /003/O HCC County Development Unit
D1/01967/SD /010/O HCC County Development Unit
D1/01704/SD /011/O The House Builders Federation - Eastern Region
D1/01928/SD /001/O Standon Parish Council

Inspector's Reasoning and Conclusions
2.16.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.17 POLICY SD7 WASTE MINIMISATION

Objection
D1/01704/SD /012/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.17.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.18 POLICY SD8 DURABLE AND ADAPTABLE BUILDINGS

Objections
D1/01967/SD /006/O HCC County Development Unit
D1/01704/SD /013/O The House Builders Federation - Eastern Region
D1/01704/SD /014/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.18.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.19 POLICY SD9 WASTE RE-USE

Objections
D1/01967/SD /007/O HCC County Development Unit
D1/01704/SD /015/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.19.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.20 POLICY SD10 WASTE RECOVERY

Objections
D1/01967/SD /009/O HCC County Development Unit
D1/01704/SD /016/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.20.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.21 POLICY SD11 WASTE SOURCE SEPARATION AND STORAGE - EXISTING BUILDINGS

Objections
D1/01704/SD /017/O The House Builders Federation - Eastern Region
D1/01704/SD /018/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.21.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.22 POLICY SD12 WASTE SOURCE SEPARATION AND STORAGE – NEW DEVELOPMENT

Objections
D1/01967/SD /011/O HCC County Development Unit
D1/01704/SD /019/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.22.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.23 POLICY SD13 RECYCLED MATERIALS IN NEW DEVELOPMENT

Objection
D1/01704/SD /020/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.23.1 This policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.24 PARAGRAPH 2.6.23

Objection
D1/01706/SD /003/O National Farmers Union

Inspector's Reasoning and Conclusions
2.24.1 This Paragraph has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.25 PARAGRAPH 2.6.24

Objection
D1/03613/SD /001/O/L Stort Valley Friends of The Earth

Inspector's Reasoning and Conclusions
2.25.1 This Paragraph has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.26 SECTION 2.7 WATER CONSERVATION AND PROTECTION

Objections
D1/01968/SD /004/O HCC Environment Department
D2/01965/SD /022/O HCC Forward Planning Unit

Issues
a. Reference should be made to the landscape character of inland waterways.
   b. This section should be moved to Chapter 8.

Inspector's Reasoning and Conclusions
(a)
2.26.1 I consider this issue to be covered by Chapters 4 and 8 of the Plan which afford protection to and promote enhancement of landscape character, including that associated with inland waterways. I see no reason to repeat this in Chapter 2.

(b)
2.26.2 I recommend (at Paragraph 2.1.5 of this Report) that parts of this Section be moved to Chapter 8.

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2.27 POLICY SD14 WATER CONSERVATION - EXISTING BUILDINGS

Objection
D1/01704/SD /021/O The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.27.1 This Policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.
2.28 POLICY SD15 WATER CONSERVATION - NEW DEVELOPMENTS

Objections
D1/01704/SD /022/O  The House Builders Federation - Eastern Region
D1/01704/SD /023/O  The House Builders Federation - Eastern Region

Inspector's Reasoning and Conclusions
2.28.1 This Policy has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

2.29 PARAGRAPH 2.7.15

Objection
D1/01665/SD /018/O  Hertford Civic Society

Inspector's Reasoning and Conclusions
2.29.1 This Paragraph has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

2.30 POLICY SD17 SURFACE WATER DRAINAGE

Objections
D2/01647/SD /058/O  Environment Agency
D1/01578/SD /002/O/L  Hertford Town Council
D2/03853/SD /001/O  Home Builders Federation, Eastern & E Midlands
D1/01704/SD /024/O  The House Builders Federation - Eastern Region
D1/01439/SD /007/O  Mr Philip S B Rowley

Issues
a. Further information on surface water drainage should be included.
b. The policy should apply to existing surface water drainage.
c. The policy should acknowledge the difficulties in implementing SUDs.
d. This is an issue for the Environment Agency and not the local plan.
e. Planning permission should not be granted for proposals that increase the risk of flooding.

Inspector's Reasoning and Conclusions
(a)
2.30.1 I recommend that the policies and supporting text on water related issues be moved to Chapter 8 of the Plan, which contains more detailed policies
on water. The Council state in their response that any additional detail on surface water drainage will be provided in SPD, and I consider this more acceptable than expanding the supporting text, which could lead to the Plan becoming cumbersome.

(b), (c) & (d)

2.30.2 The planning system cannot impose improvements on existing systems unless an application for planning permission is submitted. The difficulty or otherwise in implementing SUDS will need to be judged on a case by case basis. The manner in which surface water is disposed of is very much a land use concern, which should assist with the objective of creating sustainable and environmentally acceptable developments.

(e)

2.30.3 The issue of guarding against flood risk is covered in Chapter 8; it need not be repeated in Chapter 2.

2.31 POLICY SD18 ON-FARM RESERVOIRS

Objections
D1/01961/SD /033/O GO-East (Govt Office E. England)
D2/01961/SD /012/O/L GO-East (Govt Office E. England)
D1/01704/SD /025/O The House Builders Federation - Eastern Region

Issues
a. The policy is a statement of intent and should contain criteria.
b. The issue could be dealt with through generic policies.

Inspector's Reasoning and Conclusions

2.31.1 I consider the objections raising the first issue (a) to have been met by the Policy contained in the Re-deposit version of the Plan, which sets out criteria against which applications can be assessed. With regard to (b), the Council state that the issue of On-Farm Reservoirs is one of local importance, and as the policy criteria are specific to this issue I am satisfied that the policy is justified and necessary. I therefore consider a change in respect of these issues to be unnecessary. In respect of my comments in Paragraph 2.1.3, I consider that this policy and the supporting text be moved to Chapter 8.

RECOMMENDATION

2.31.2 Move Paragraphs 2.7.19 and 2.7.20 and Policy SD18 to Chapter 8 and insert after Policy ENV26.

2.32 SECTION 2.8 AND POLICY SD19 ENVIRONMENTAL PERFORMANCE OF NEW DEVELOPMENTS

Objections
2.32.1 This Section has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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2.33 SECTION 2.9 CONSERVING AND ENHANCING BIODIVERSITY

Objection
D2/01965/SD /024/O HCC Forward Planning Unit

Issue
a. This section should be moved to Chapter 8 of the Plan.

Inspector's Reasoning and Conclusions
2.33.1 I understand that the Council is seeking to safeguard nature conservation interests beyond the protected sites covered in Chapter 8. For that reason, I support the principle of Section 2.9, as protecting nature conservation and natural heritage interests contributes to the sustainability objectives sought in Chapter 2.

RECOMMENDATION
2.33.2 Make no modification in response to the objection.

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2.34 POLICY SD20 BIODIVERSITY

Objections
D1/01647/SD /037/O Environment Agency
D2/01647/SD /059/O Environment Agency
D1/01704/SD /029/O The House Builders Federation - Eastern Region

Issue
a. The Policy is a statement of intent.

Inspector's Reasoning and Conclusions
2.34.1 The policy as worded lacks any force or development control functions. I therefore recommend rewording below.

RECOMMENDATION
2.34.2 Reword Policy SD20 as follows:

Development proposals are required to safeguard the integrity and continuity of landscape features of major importance for wild flora and fauna and to include opportunities for encouraging habitat protection, enhancement and management.

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2.35 SECTION 2.11 POLLUTION

Objection
D2/01965/SD /025/O  HCC Forward Planning Unit

Issue
a. Should be moved to Chapter 8.

Inspector's Reasoning and Conclusions
2.35.1 See my conclusion and recommendation in Section 2.37 below.

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2.36 POLICY SD21 THE PRECAUTIONARY PRINCIPLE

Objections
D1/03332/SD /007/O  Mrs Margaret Brent (support)
D2/01647/SD /060/O  Environment Agency
D1/01704/SD /030/O  The House Builders Federation - Eastern Region
D1/01439/SD /008/O  Mr Philip S B Rowley
D1/03282/SD /009/O  Walter Lawrence Developments Ltd

Issues
a. Policy is vague and fails to reflect the definition of the precautionary principle.

b. Policy should be re-instated.

Inspector's Reasoning and Conclusions
2.36.1 This Policy has been deleted and does not appear in the Re-deposit version of the Plan. I therefore consider those objections criticising the Policy to have been met. One objector, however, calls for the policy to be re-instated. Whilst I appreciate the importance of the “precautionary principle” I consider SD21 to be a vague and uninformative statement which, as a policy, would be difficult if not impossible to implement in practice and I see no value in re-introducing it.

RECOMMENDATION
2.36.2 Make no modification in response to the objections.

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2.37 POLICY SD22 POLLUTION

Objections
D1/01704/SD /031/O The House Builders Federation - Eastern Region
D1/02005/SD /004/O Lafarge Aggregates

Issue
a. Fails to reflect the true definition of the precautionary principle.

Inspector's Reasoning and Conclusions
2.37.1 I consider this to be a vague and imprecise policy. There are a range of plan policies which afford protection and promote enhancement of the environment and which cover specific issues such as light pollution and hazard installations. In my view, Policy SD22 is of little value and I recommend its deletion.

RECOMMENDATION
2.37.2 Delete Policy SD22.
(Note: in the light of this recommendation, the Council will need to consider deleting paragraphs 2.11.1 to 2.11.7)

2.38 POLICY SD22A DEVELOPMENT ON CONTAMINATED LAND

Objection
D2/03809/SD /030/O Bovis Homes Ltd & Wimpey Homes UK Ltd

Issue
a. Question the need for a full site investigation.

Inspector's Reasoning and Conclusions
2.38.1 To my mind, the full site investigation is necessary to establish fully the nature of the site, and to enable an informed decision to be made prior to granting permission.

RECOMMENDATION
2.38.2 Make no modification in response to the objection.

2.39 SECTION 2.12 QUALITY OF LIFE & REDUCING SOCIAL EXCLUSION

Objections
D2/01965/SD /026/O HCC Forward Planning Unit
Issues

a. Should Section be moved to Chapter 1.

b. Range of suggestions to expand on issues of empowerment, quantity of affordable homes, reduce need to travel, specifics of amenity, and clarity.

Inspector's Reasoning and Conclusions

(a)

2.39.1 In Chapter 1 I acknowledge that tackling social exclusion should be included in the local plan strategy and recommend accordingly.

(b)

2.39.2 While recognising the concerns expressed in respect of Issue (b), the text is intended to cover only matters of principle. Details are fleshed out in individual chapters and policies.

RECOMMENDATION

2.39.3 Move Section 2.12.6 to Chapter 1.

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2.40 SECTION 2.13 SUSTAINABILITY TARGETS

Objections

D2/01665/SD /007/O Hertford Civic Society
D1/01704/SD /032/O The House Builders Federation - Eastern Region
D1/01851/SD /001/O CAUSE
D1/03570/SD /001/O CDA Herts - Herts Rural Transport Partnership
D1/03570/SD /002/O CDA Herts - Herts Rural Transport Partnership
D1/03570/SD /003/O CDA Herts - Herts Rural Transport Partnership
D1/03570/SD /004/O CDA Herts - Herts Rural Transport Partnership
D1/03571/SD /024/O CDA Herts - Rural Social Inclusion Project
D1/03613/SD /004/O/L Stort Valley Friends of The Earth
Inspector's Reasoning and Conclusions

2.40.1 This Section has been deleted from the Re-deposit version of the Plan. I take no further action in respect of the objections.

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