

## 8.ENVIRONMENT AND DESIGN

### 8.1 Introduction

**8.1.1** East Hertfordshire District is under continuing pressure for development, as a result of evolving and changing community needs for homes, jobs, leisure and community facilities. The main development strategy of the Structure Plan is to concentrate and direct development to the main towns, with limited development taking place in some smaller settlements.

**8.1.2** The Local Plan has a key role to play in making proper provision, in a sustainable way, for the necessary needs of the present and future generations, whilst at the same time protecting the environment and amenity. Meeting the housing needs of the District will result in development of higher densities than previously, and some release of Green Belt/greenfield land. It is, therefore, important that the quality of what is built for whatever use, is of the highest standard possible, and that the natural and built environment is conserved and enhanced, for the benefit of present and future generations.

**8.1.3** This Chapter of the Local Plan draws together policies relating to the natural and built environment, design and layout, and more technical policies relating to specific issues of development control. The aims and objectives relating to these issues and policies are set out below:

#### Aims

- A. To protect and enhance the natural and built environment.
- B. To ensure that new development is consistent with the principles of sustainable development.

#### Objectives

- 1. To create new places of interesting character, a sense of local distinctiveness, attractive appearance and utility.
- 2. To encourage a high standard of design and environment and ensure that new

developments respond positively to their setting.

- 3. To set out a framework of design guidance.
- 4. To ensure that the relevant principles of sustainability are adhered to by ensuring that developments:
  - (i) make the best use of natural resources;
  - (ii) incorporate sustainable initiatives including energy and water conservation, solar energy, and waste management as an integral part of the design and layout.
- 5. To improve areas of poor environment.
- 6. To maintain and enhance biodiversity in accordance with the Hertfordshire Local Biodiversity Action Plan.
- 7. To maintain and enhance features of geological/geomorphological importance.
- 8. To increase tree, woodland, shrub, and hedgerow planting opportunities.
- 9. To prevent, where possible, detriment to amenity by reason of noise, light pollution, hazardous substances, flooding, and poor air or water quality.

### 8.2 Quality and Character

**8.2.1** Quality in design makes sense for us all. For example, a building which requires minimum maintenance, is adaptable, has a long life, and is energy efficient means that precious resources and money are not wasted in repairing, rebuilding and/or heating it. Also, a building which accommodates a mix of uses can help reduce the need to travel. A quality environment reinforces a sense of community and civic pride which will attract further quality and help to reduce crime. All of these points add up to the fact that achieving good quality design is a vital goal in achieving a more sustainable way of life.

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**8.2.2** The District Council considers that new development should be harmonious with its setting and should respect and sustain local diversity and distinctiveness. It is the District Council's intention to establish a comprehensive picture of what constitutes the character of East Hertfordshire, in order to ensure that design is of a quality which protects that character or enhances it where appropriate. Some of this work has already been undertaken or is being prepared, through Conservation Area Character Statements, the Landscape Character Assessment and Countryside Design Summaries as recommended by Natural England.

### 8.3 Layout and Design

**8.3.1** The Council wishes to encourage good design, without stifling innovation, originality or initiative. The Council will not, therefore, be prescriptive in its policies, but will offer guidance on general scale, density, massing, height, landscaping, layout, and access to new development, in relation to neighbouring buildings and the local area. Layout and design of new development will be expected to encompass and demonstrate the principles of sustainability through the submission of Sustainability Statements in line with Policy SD1.

**8.3.2** The Council will expect development proposals for complex or large scale schemes to be accompanied by a written statement setting out the design principles adopted, together with illustrative material in plan and elevation. It will be important to show the wider context and not just the development site and immediately adjacent buildings, in order for the Council to assess the impact on the quality and character of the environment.

**8.3.3** It is the Council's intention, where appropriate, and particularly in respect of sensitive or important sites, to continue to prepare or agree development or design briefs, that guide the form, layout and design of new developments. All development briefs will be subject to consultation before they are adopted as Supplementary Planning Documents.

**8.3.4** Given land for development purposes has been identified in this Plan, and that such land is generally concentrated in the District's main settlements, it is increasingly important to ensure that the character and environmental quality of settlements is not compromised. It remains important to retain open land within towns for recreation and amenity purposes and prevent the loss of landscape features. Special attention must also be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

### ENV1 Design and Environmental Quality

- (I) All development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout and to reflect local distinctiveness. To those ends, development proposals will be expected to:
- (a) demonstrate compatibility with the structure and layout of the surrounding area, as well as effective connection with existing routes and spaces;
  - (b) complement the existing pattern of street blocks, plots and buildings (the grain of development);
  - (c) relate well to the massing (volume and shape) and height of adjacent buildings and to the surrounding townscape;
  - (d) respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing;

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- (e) incorporate sustainable initiatives in design, layout and construction methods including energy and water conservation and solar energy as an integral part of the design of the development;
  - (f) consider the impact of any loss of open land on the character and appearance of the locality, and on the nature conservation interest or recreational needs of the area;
  - (g) minimise loss or damage of any important landscape features;
  - (h) provide landscape, recreation or amenity features, and where appropriate habitat creation, in accordance with the Hertfordshire Local Biodiversity Action Plan.
- (II) Development proposals, other than those relating to an existing dwelling house, must be accompanied by a written statement of design and access principles. The statement should include illustrative material explaining the approach to design and an assessment of the impact of the proposal on the visual quality and character of the locality.

### 8.4 Mixed-Uses

**8.4.1** In accordance with Government advice, the Council wishes to promote and retain mixed-use developments, particularly in town centres, in order to help create diversity and vitality and to reduce the need to travel. The changing nature of commerce and industry is such that these uses can now often co-exist satisfactorily with the residential communities for which they provide jobs and services. Within town centres leisure uses can add to vitality over extended hours.

**8.4.2** Not all sites will be suitable for all uses and care must be taken to avoid juxtaposition of incompatible uses, or the possibility of later intensification of uses which could become a nuisance. Where sites suitable for mixed-use developments are identified in the individual

settlement chapters, the Council intends to prepare or agree development or design briefs, setting out the desired mix of uses and design criteria, etc.

**8.4.3** In rural areas the need to sustain the rural economy must be weighed against protection of the countryside. The suitability and appropriateness of mixed-uses is to be given further consideration in Chapter 17 (Other Settlements - The Villages).

**8.4.4** Where planning permission is granted for mixed-use developments, the Council may impose conditions or seek a planning agreement to secure an appropriate mix of uses and to ensure that certain parts of a scheme are implemented as proposed. The Council may take a flexible approach to parking and density standards in order to facilitate such schemes, particularly where sited to allow a choice of modes of transport.

### 8.5 Landscaping

**8.5.1** The Council considers that landscaping should be part of an integrated design approach to new development. Existing landscape features which are of quality and contribute to amenity such as trees, hedges, flower-rich meadows, watercourses, and ponds should be seen as part of a site's attributes and incorporated into the design from the outset.

**8.5.2** All new developments should be sympathetic with the surrounding landscape and reflect the prevailing character, materials, and detailing of the locality. Particular attention should be given to development in prominent positions, e.g. waterside locations, on the edge of towns and villages and within Conservation Areas. Developers are advised to contact the relevant statutory and non-statutory organisations (Environment Agency, local wildlife trusts etc) for advice prior to making an application.

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**8.5.3** In determining planning applications for new development the Council will not permit schemes which would result in the net loss of landscape features, and all opportunities for new planting and appropriate habitat creation in accordance with the Hertfordshire Local Biodiversity Action Plan should be fully explored. In exceptional circumstances where existing landscape features, such as trees, shrubs and hedgerows are in poor health or of little amenity value or not worthy of retention, and development would result in the loss of such features, the Council will seek compensatory amenity planting and/or habitat creation by the developer, either within or outside the development site. When this is not appropriate, financial payment will be sought to enable compensatory planting and/or habitat creation to be undertaken.

**8.5.4** The Council will require detailed site surveys, in accordance with British Standards guidelines and/or specific information to highlight all existing features of nature conservation interest, potential biodiversity and geology benefits.

**8.5.5** Developers will be expected to indicate a commitment to the maintenance of existing and proposed landscaping to ensure satisfactory retention and establishment. Where necessary provision of a financial contribution will be expected. Plant species and hard materials used in the landscaping of new developments should be compatible with local materials and indigenous species of local significance, and locally produced stock and materials should be used wherever possible. The use of invasive species will be discouraged.

### ENV2 Landscaping

- (I) Development proposals will be expected to retain and enhance existing landscape features. Where losses are unavoidable, compensatory planting or habitat creation will be sought within or outside the development site.
- (II) The submission of detailed surveys of landscape features will be required.

- (III) Proposals on prominent sites will be required to give special consideration to landscape treatment.
- (IV) Conditions will be imposed to ensure that the approved landscaping scheme is carried out.
- (V) Appropriate maintenance of retained and new landscape features will be required as a part of any permission.
- (VI) Landscaping proposals should include a statement setting out how they will meet the targets set in the Hertfordshire Local Biodiversity Action Plan.

### 8.6 Planning Out Crime

**8.6.1** It is generally accepted that design and environmental factors including concepts of layout, defensible space, natural surveillance, security lighting, access control and security hardware can have an effect on the potential for crime. 'Safer Places - The Planning System and Crime Prevention', published by the Office of the Deputy Prime Minister (September 2004), challenges developers, designers, planners, and all those who influence the design and layout of developments to think in a holistic manner in designing out crime and creating a safe and secure environment for each development.

**8.6.2** The District Council continues to support the 'Secured by Design' initiative and will expect proposals for new residential or commercial development to incorporate crime prevention measures. Developers and their architects are strongly advised to consult the Hertfordshire Constabulary Architectural Liaison Officer for advice on measures to facilitate crime prevention prior to the preparation of detailed layout. Such advice is always subject to other planning criteria and policies as well as the requirements of the Building and Fire Regulations.

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### ENV3 Planning Out Crime - New Development

- (I) New residential or commercial development proposals will be expected to incorporate crime prevention measures through their design, layout, and landscaping.
- (II) Developments should be designed to reduce the opportunity for crime by encouraging the surveillance of streets, footpaths, and communal areas, and the creation of areas of defensible space. Such measures should not significantly compromise the provision of high quality landscape schemes nor be prejudicial to the existing character of the area and public amenity.
- (III) Police or other specialist security advice on the acceptability of designs in crime prevention terms will, where appropriate, be a material consideration in the determination of planning applications.

**8.6.3** Crime prevention methods can be applied to existing developments and the District Council is keen to encourage measures that reduce the potential for crime occurrence, providing they are handled in a manner which is sympathetic to the existing environment.

### 8.7 Access for Disabled People

**8.7.1** The Council's overall approach to access for disabled people is to promote greater accessibility and to enhance the independence and quality of life of disabled people.

**8.7.2** The Council wishes to ensure that disabled people are not prevented from playing a full role in the life of a community due to the design of the environment. Consideration will, therefore, be given to the ability of disabled people to participate in, and contribute to all community activities, whether as residents, employees, or visitors to the area. The Council will have regard to their needs in consideration of pedestrian environments, i.e. schemes for street enhancements etc and in consideration of planning applications for new development or changes of use.

**8.7.3** In accordance with Key Aim (V) of this Local Plan, the District Council will encourage improved access throughout the District for everyone, including wheelchair users and people with physical and sensory impairments, elderly people, and those with toddlers or infants in pushchairs.

**8.7.4** The development of land and buildings creates opportunities to secure a more accessible environment, and access should be considered at an early stage in the design process in order to ensure that appropriate provision is made for such needs in all developments.

### ENV4 Access for Disabled People

New development, or proposals for changes of use, or relevant alterations to existing buildings, to which the public in general expects to have access, especially shops, sports, recreation and community facilities, will only be permitted if they are designed to meet the needs of people with impaired mobility, including having regard to accessible parking spaces (where appropriate), convenient movement along pathways, and an unhindered approach to buildings.

**8.7.5** Alterations to Listed Buildings for access purposes will also be considered against Policy BH13.

### 8.8 Extensions To Dwellings

**8.8.1** A large number of the planning applications received by the District Council relate to extensions to dwelling houses, and the Council wishes to give as much detailed guidance as is appropriate and practically possible.

**8.8.2** It should also be borne in mind that with increased densities in the built-up areas, there is greater potential for residential extensions to have a significant impact on neighbouring or adjoining properties and occupiers.

**8.8.3** In an area as large and diverse as East Hertfordshire, it is not possible to provide precise standards relevant to every case, but the policies set out the principles and criteria by which proposals will be judged.

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### ENV5 Extensions to Dwellings

Within the six main settlements listed in Policy SD2 and Category 1 and 2 Villages identified in Policies OSV1 and OSV2, planning permission will be granted for extensions to existing dwellings, provided that the character, appearance, and amenities of the dwelling and any adjoining dwellings would not be significantly affected to their detriment. Outside the main settlements and Category 1 and 2 Villages, an extension to a dwelling or the erection of outbuildings will additionally be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.

All policy proposals will be considered against the criteria set out in Policy ENV6.

### ENV6 Extensions to Dwellings - Criteria

Proposals for extensions to dwellings will be considered in accordance with Policy ENV5 and against the following criteria:

- (a) proposed extensions should be to a design and choice of materials of construction, either matching or complementary to those of the original building and its setting;
- (b) side extensions at first floor level or above should ensure appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property (as a general rule a space of 1 metre will be the minimum acceptable), to safeguard the character and appearance of the street scene, existing trees and hedgerows, and prevent a visually damaging "terracing" effect;
- (c) two storey extensions to semi-detached and terraced properties will not be permitted where they would significantly detract from the amenities of any neighbouring property by shadowing, loss of privacy, or similar;

- (d) flat roofed extensions, except those on the ground floor, will be refused as visually undesirable other than in those exceptional circumstances where the character of the original dwelling allows a flat-roofed design to be appropriately incorporated;
- (e) roof dormers may be acceptable if appropriate to the design and character of the original dwelling and its surroundings. Dormers should generally be of limited extent and modest proportions, so as not to dominate the existing roof form.

### 8.9 Extensions To Dwellings within the Metropolitan Green Belt and Rural Area Beyond the Green Belt

**8.9.1** Within the Metropolitan Green Belt and Rural Area Beyond the Green Belt, the District Council is concerned about the specific effect an extension may have on the character and appearance of an existing dwelling, both in itself and in relation to any adjoining dwelling and on the appearance of the locality. Whilst extensions to dwellings are not inappropriate development, provided that they do not result in disproportionate additions over and above the size of the original dwelling, the Council is concerned with the effect of extensions on the general maintenance of a supply of smaller dwellings outside the main towns and settlements, and also with the cumulative impact of development in the countryside.

**8.9.2** It is not possible to state categorically what maximum size of extension is likely to be permissible, given the wide range of existing dwelling types and sizes which comprise the rural housing stock. However, the Council will continue to operate a restrictive policy for the reasons given above.

**8.9.3** The extension of residential curtilages into the countryside has hitherto been resisted to protect agricultural land from development and to prevent adverse effects on the character of the countryside from, for example, the erection of fences, garden sheds and other domestic paraphernalia.

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**8.9.4** However, protection of agricultural land for agricultural purposes is not now the significant planning policy issue that it has been, and whilst some garden extensions are detrimental to rural character and quality, there is no inherent reason why this should be so. Tree planting and the planting of new boundary hedging can be a visual improvement and ecological diversity can either be designed in, or follow naturally. Curtilage extensions may also help create space, when local circumstances allow it, for the small-scale recreational facilities which some householders seek, such as tennis courts and for animals kept for hobbies or recreation.

**8.9.5** In urban areas, however, the extension of private gardens involving the enclosure of amenity land around housing development might have a detrimental affect on the appearance of an area. The enclosure of amenity land, originally designed for the enjoyment of all, by a single household, is capable of altering the appearance of an estate, whether established or recently developed.

### ENV7 Extension of Curtilage of a Residential Property

- (I) The extension of the curtilage of a residential property into the countryside may be permitted if the proposal:
- (a) includes the provision of appropriate landscaping and boundary treatment;
  - (b) is not likely to result in an adverse effect on the character or appearance of the local landscape;
  - (c) does not involve areas of existing archaeological or ecological significance;
- (II) Where judged necessary, the District Council will, on granting planning permission, impose conditions removing Permitted Development Rights.
- (III) The District Council will seek to ensure the retention of communal amenity land around housing developments not adopted

by the local authority and planning permission for the enclosure of such land into private gardens will not usually be given.

### 8.10 Residential Annexes

**8.10.1** A significant number of planning applications are received seeking permission to extend properties by way of a self-contained annexe to accommodate elderly relatives, older children or staff. Such annexes can provide accommodation for single people or small households and can assist in meeting needs for smaller units of accommodation. Annexes for elderly relatives, particularly, can help to meet social needs whilst reducing pressure on other types of accommodation. However, they can have implications for car parking provision, amenity space, and impact on neighbouring properties, occupiers and the locality.

**8.10.2** The Council considers that such annexes should, therefore, be designed as an integral part of the existing dwelling, capable of being incorporated with the existing dwelling if no longer required as an annexe. Applicants will also be encouraged to design annexes to cater for increasing disability to enable their long-term usefulness. Permission would be unlikely to be granted for later sub-division to two separate units, unless the proposal meets the planning criteria which would be applied to new proposals for a separate dwelling. The same principles will apply to annexes to dwellings in the Green Belt and the Rural Area Beyond the Green Belt.

### ENV8 Residential Annexes

- (I) Residential annexes will be permitted where:
- (a) the accommodation forms an extension to the main dwelling and is capable of being used as an integral part of the dwelling; and
  - (b) sufficient space to park vehicles for both parts of the dwelling, in

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accordance with adopted standards, is available and appropriately located in design terms within the curtilage; and

- (c) for development within the six main towns and Category 1 and 2 Villages, the proposal complies with Policies ENV5 and ENV6; or
- (d) for development outside the settlements and villages listed in (c) above, the proposal complies with Policy ENV6.

(II) Where permission is required for conversion of an existing outbuilding to a residential annexe, permission may be granted where:

- (a) the outbuilding is of a design and structure in keeping with the existing dwelling and locality;
- (b) the size of the outbuilding is compatible with the requirements of the annexe;
- (c) the outbuilding is appropriately located in relation to the main dwelling;
- (d) sufficient space to park vehicles for both parts of the dwelling in accordance with adopted standards, is available, and appropriately located in design terms, within the curtilage.

(III) Where planning permission is granted for a residential annexe, planning conditions may be imposed or a legal agreement sought to ensure that the occupation of the annexe remains tied to the main dwelling.

developments, that control is retained over subsequent changes to buildings or land which are otherwise permitted under a Development Order. This is particularly relevant in housing development, where conversion of integral garages to habitable rooms may result in on-street parking.

**8.11.2** The Council is concerned that in many instances the conversion of domestic garages to ancillary living accommodation can result in a detrimental effect on the immediate environment. This is because in certain cases the loss of off-street car parking provision and subsequent car parking on the highway or former front gardens can be prejudicial to highway safety and injurious to amenity, especially if allowed to proliferate. The imposition of maximum rather than minimum parking standards, supported by the Government in PPG13, means that the retention of car parking spaces in residential areas assumes increased importance.

**8.11.3** The District Council, therefore, considers that in certain circumstances it will be appropriate to apply conditions to planning permissions to control the future use of domestic garages.

**8.11.4** Policy ENV9 relates to the conversion of garages to ancillary living accommodation and where independent living accommodation is proposed, reference should also be made to Policy ENV8 'Residential Annexes'.

**8.11.5** However, there may be examples on other types of development, such as loss of amenity space to car parking on employment sites, where the Council may wish to retain control over the appearance of the site and where withdrawal of permitted development rights may be appropriate.

### **8.11 Restrictions on the Conversion of Domestic Garages to Living Accommodation and Withdrawal of Permitted Development Rights**

**8.11.1** The District Council is of the opinion that there may be occasions when it is desirable, in the interests of amenity or appearance of

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### ENV9 Withdrawal of Domestic Permitted Development Rights

- (I) The District Council may, as appropriate, impose conditions preventing the later conversion of domestic garages into additional habitable rooms, unless adequate compensatory parking provision is made within the site, that does not detract from the amenity of surrounding environment.
- (II) The District Council may impose conditions on planning permissions in appropriate cases, withdrawing specific classes of 'permitted development', which would otherwise exist under a Development Order, thereby requiring an application for planning permission for any such proposed development.

### 8.12 Trees, Woodlands, and Hedgerows

**8.12.1** Trees, woodlands, and hedgerows are important for biodiversity and also play an important role in the character of the District's environment by contributing to landscape quality, softening the edges of development and screening roads. In addition, they make a significant contribution towards a more sustainable environment through, for example, the creation of shade, shelterbelts and the reduction of carbon dioxide in the atmosphere. As a result, there is a strong case for adopting measures that will secure the retention of trees, woodlands, shrubs, and hedgerows and the promotion of new planting. Further information on the importance and need for protection of Ancient Woodland and Veteran Trees can be found in Hertfordshire's Woodland Strategy produced by the County Council.

**8.12.2** Legislation exists to protect trees, woodlands and hedgerows where they are considered to be of amenity value and under threat. Other factors, such as importance as a wildlife habitat, may be taken into account, although this alone would not be sufficient to warrant a Tree Preservation Order (TPO). The District Council will take action to secure the retention of these natural features where necessary. The District Council will make TPO's in

the interests of amenity where trees and woodland are identified as being under threat from new developments or other reasons. The removal, lopping, topping, or other work on protected trees, or those in Conservation Areas, will have to be subject of an application to the District Council.

**8.12.3** Whilst it is important to retain existing trees and woodlands, the planting of further trees would greatly enhance the landscape of the District. Further tree and woodland planting will therefore be encouraged. Indeed the Council carries out tree and woodland planting throughout the District on publicly owned land.

### ENV10 Planting New Trees

Where appropriate the District Council will promote, encourage, and carry out new planting of native broad-leaved species in association with the County, Parish and Town Councils, developers and other tree planting or countryside agencies with emphasis on strengthening landscape character and improving landscape condition.

**8.12.4** Tree planting may not always be of benefit where it impoverishes or destroys an existing and valued type of habitat. The Hertfordshire Biological Records Centre will have an important consultative role here.

**8.12.5** Hedgerows and woodlands provide important habitats for wildlife. In June 1997 the Hedgerows Regulations (SI No 1160) came into force. All proposals for hedgerows will be considered in accordance with these Regulations.

**8.12.6** The intention of the Regulations is to protect important countryside hedgerows, through a system of notification administered by local planning authorities. East Hertfordshire has a complex pattern of hedgerows. Some of the most significant of these are alongside highways, which define ancient Parish or farm boundaries. Ironically, it is these that have often been lost as a result of local highway authority improvement initiatives.

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**8.12.7** Many hedgerows have also been lost from the countryside for reasons of farm economics. Through the Countryside Management Service a co-operative approach with farmers and other private landowners will be continued, working within the legislation to ensure the protection of existing, and replanting of new hedgerows. Hedgerows and woodlands provide important habitats for wildlife.

**8.12.8** New hedgerow planting should use local indigenous species to create a diverse habitat that reflects the character of the area and enhances the local environment.

### ENV11 Protection of Existing Hedgerows and Trees

- (I) In its consideration of all development proposals, including new road or road improvement or maintenance works, the District Council will endeavour to ensure maximum retention of existing hedgerows and trees and their reinforcement by new planting of native broad-leaved species.
- (II) Where hedge and tree removal is unavoidable, replacement planting of broad-leaved species along an appropriate and natural line of the new, or realigned, highway will be expected.

### 8.13 Nature Conservation

**8.13.1** It is for the District Council in partnership with Natural England, the Hertfordshire Biological Records Centre (HBRC), other councils, statutory and voluntary bodies, and any other groups or individuals interested in conservation, to protect the substantial areas of natural habitat that still remain in East Hertfordshire. With land coming out of intensive agricultural production and a greater public awareness and priority to protect the environment, there may be opportunities to reverse the past trend.

**8.13.2** To assist this process the most important areas, which retain much of their nature conservation value, are identified in the Local Plan. These include sites of international, national, and local importance.

**8.13.3** PPS9 sets out the Government's objectives for conserving nature. It provides the framework for safeguarding our natural heritage under domestic and international law, and emphasizes the importance of both designated and undesignated areas for nature conservation. An explanation of nature conservation terms is contained in Appendix V (Glossary).

**8.13.4** Planning policies to be applied to nature conservation sites should be included in the Local Plan, indicating the criteria against which development affecting a site will be judged. In addition, the Proposals Map should identify areas to which these policies apply, including sites of local conservation importance. The advice states that local plans should identify relevant international, national and local conservation interests. The most important areas that retain much of their nature conservation interest are shown on the Proposals Map. It should be noted that the sites identified on the Proposals Map are correct at the time of publication of the Local Plan, but are liable to additions and deletions as a result of subsequent reviews.

**8.13.5** Sites of international importance within the District comprise a Special Protection Area (SPA) and a Wetland of International Importance (Ramsar Site) in the Lee Valley (Rye Meads and Amwell Quarry) and a Special Area of Conservation (SAC) at Wormley-Hoddesdonpark Woods.

### ENV12 Special Area of Conservation/Special Protection Area/Ramsar Site

- (I) Proposals for development or land use which may affect a designated or candidate Special Area of Conservation, a classified or potential Special Protection Area or a Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with, or necessary to, the management of the site for nature conservation, and which is likely to have significant effects on the site (either individually or in combination with other plans or projects), and where it

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cannot be ascertained that the proposals would not adversely affect the integrity of the site, will not be permitted unless the District Council is satisfied that:

- (a) there is no alternative solution; and
- (b) there are imperative reasons of overriding public interest for the development or land use change.

- (II) Where the site concerned hosts a priority natural habitat type and/or a priority species, development or land use change will not be permitted unless the District Council is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

**8.13.6** The Conservation (Natural Habitats, &c.) Regulations 1994 and PPS9 highlight that any development under permitted development rights comes under the control of local authorities where there is likely to be a significant effect on Special Areas of Conservation, Special Protection Areas, and Ramsar Sites. Advice should be sought from Natural England prior to the submission of a planning application for any proposals that may potentially affect International or National Sites.

**8.13.7** Nationally important sites within the District are classified as Sites of Special Scientific Interest (SSSI's) and notified to the District Council by Natural England. SSSI's are designated for a variety of ecological, geological or geomorphological reasons. All international sites are also SSSI's.

### ENV13 Development and SSSI's

- (I) Proposals for development in, or likely to affect, Sites of Special Scientific Interest will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly, on the SSSI it will not be permitted unless the reasons for the development clearly outweigh the

nature conservation value of the site itself and the national policy to safeguard the national network of such sites.

- (II) Where the site concerned is a National Nature Reserve (NNR), or a site identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR), particular regard will be paid to the individual site's national importance.
- (III) Where development is permitted the District Council will impose conditions or use planning obligations (or as subsequently revised), to ensure the protection and enhancement of the site's nature conservation interest.

**8.13.8** Wildlife Sites are of local and regional importance and are identified by the Wildlife Sites Project. The main partners in the project are the Hertfordshire Biological Records Centre (HBRC), Herts and Middlesex Wildlife Trust, and Natural England.

**8.13.9** Wildlife Sites are defined as discrete areas of land considered to be of significance for their wildlife features in at least a District context. They are the most important places for wildlife outside legally protected land such as SSSI's. There are approximately 500 sites of local or regional significance in East Hertfordshire.

**8.13.10** Whilst Wildlife Sites are designated for the flora and fauna located within them, sites containing important geological or geomorphological features are designated as Regionally Important Geological/Geomorphological Sites (RIGS). Currently there are no RIGS located in the District.

**8.13.11** Local Nature Reserves (LNR's) are areas designated by local authorities because of their wildlife or geological features that are of special interest locally. There is one LNR in the District at Waterford Heath.

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### ENV14 Local Sites

- (I) Development and land use change likely to have an adverse effect on a Local Nature Reserve or Wildlife Site, or a Regionally Important Geological/Geomorphological Site, will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal, which outweigh the need to safeguard the substantive nature conservation value of the site or feature.
- (II) In all cases where development or land use change is permitted, which would damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Where appropriate the District Council will consider the use of conditions and/or planning obligations (or as subsequently revised) to provide appropriate mitigatory and/or compensatory measures.

**8.13.12** The Council recognises that development outside nature conservation sites can have an adverse effect upon them. Policy ENV15 (II), therefore, applies the same considerations to proposals outside designated areas, which may have an adverse effect, directly or indirectly on nature conservation sites.

### ENV15 Nature Conservation Area Management Agreements

- (I) Within any of the Nature Conservation Areas referred to in Policies ENV12, ENV13, and ENV14 above, which are considered to be at risk, the District Council may, in certain appropriate cases enter into a management agreement under Section 39 of the Wildlife and Countryside Act 1981, or apply for Article 4 Direction Orders, as a means of controlling inappropriate types of permitted development or other activities which threaten the conservation interest of a site.
- (II) Proposals for development or land use change outside any of the Nature Conservation Areas referred to in Policies

ENV12, ENV13, and ENV14, which may have an adverse effect directly or indirectly on such area will be subject to the same considerations as proposals within the designated areas.

### ENV16 Protected Species

- (I) Development and other land use changes which may have an adverse effect on badgers and other species protected by Schedules 1, 5, and 8 of the Wildlife and Countryside Act 1981, as amended, and the Nature Conservation (Natural Habitats, &c.) Regulations 1994 will only be permitted where harm to the species can be avoided.
- (II) Where in exceptional cases permission is granted contrary to the above, the District Council will impose conditions and planning obligations (or as subsequently revised) which seek to:
  - (a) facilitate the survival of existing populations of species as well as encouraging the provision of new habitats;
  - (b) reduce disturbance to a minimum;
  - (c) provide adequate alternative habitats to sustain at least the current levels of populations.

**8.13.13** The District Council is cognisant of its duty to have regard to the desirability of conserving the natural beauty and amenity of the countryside, as outlined in PPS9, Regulation 37 of the Conservation (Natural Habitats, &c.) Regulations 1994 and other legislation. It is important that this is not confined to the designated areas, but is applied throughout the District, in promoting nature conservation in both urban and rural areas. There are a number of ways in which the Council, in partnership with other authorities and organisations can promote nature conservation, and improve the physical environment, recognising that there are associated community and educational benefits as well as the intrinsic value of a rich natural environment.

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**8.13.14** A partnership of the Herts and Middlesex Wildlife Trust and the Hertfordshire Environmental Forum, with support from Natural England and the Environment Agency, launched a 50 year vision for Hertfordshire's wildlife and natural habitats in 1997. This was subsequently revised in March 2006 and has been adopted as the Hertfordshire Local Biodiversity Action Plan (LBAP). The LBAP details actions and targets to preserve important species and habitats. The Council has formally adopted the LBAP and through the work of the Hertfordshire Environmental Forum is working towards achieving those actions and targets. The conservation of the natural beauty and amenity of the District is not solely confined to those areas designated in Policies ENV12, ENV13 and ENV14. Nature conservation should be promoted in both urban and rural areas. Policy ENV17 identifies a number of ways in which the District Council can promote nature conservation.

### ENV17 Wildlife Habitats

The District Council will:

- (a) support the work of the Hertfordshire Environmental Forum in achieving the actions and targets contained within the Hertfordshire Local Biodiversity Action Plan;
- (b) work with landowners and other agencies to encourage the management of features of the landscape which are of major importance for wildlife, particularly those of a linear or continuous structure, and those which function as 'stepping stones' enabling individuals, species, and ecosystems to 'migrate, spread, and mix';
- (c) seek to realise opportunities for habitat creation as part of appropriate development schemes in land reclamation schemes, public open spaces, and on other land held by the local authority;
- (d) actively pursue the designation of Local Nature Reserves;
- (e) seek, in the river valleys, to ensure that river and transport network improvements and other public utility maintenance

schemes are appropriately designed and effected. Support will be given to schemes encouraging the restoration of traditional agricultural land use patterns;

- (f) promote nature conservation in urban areas by encouraging appropriate management of recreational, amenity, and disused land, and where possible providing nature trails and other interpretative and environmental education facilities;
- (g) seek improvements to nature conservation wherever possible as development is granted and if necessary enter into relevant legal agreements.

### 8.14 Water Environment

**8.14.1** The water environment encompasses the District's rivers, streams, ponds, and other water areas, as well as surface water and underground reserves.

**8.14.2** In addition to being a valuable natural resource, water is important for many other reasons. The District's waterways provide opportunities for recreation and transport, and are also important wildlife habitats. It is important to ensure that these uses do not conflict. To minimise this potential conflict, the Environment Agency is committed to a programme of Local Environmental Agency Plans (LEAP's). LEAP's are non-statutory plans, based on river catchment boundaries, which identify local environmental issues and the actions that the Environment Agency and partner organisations may take to tackle these issues. LEAP's replace the Catchment Management Plans (CMP's) that were produced by the former National Rivers Authority. LEAP's build on the success of CMP's by incorporating the Agency's wider range of responsibilities, including waste regulation and integrated pollution prevention and control. East Hertfordshire is covered by the Upper Lee LEAP. The Plan was published in January 2001 and replaces the Upper Lee and Middle Lee CMP's.

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**8.14.3** There are a number of rivers and their tributaries flowing through the District. These waterways provide the green corridors, which contribute to the physical character of the District. Their importance will be underlined by the emerging work on landscape character assessment, as outlined in Chapter 4 (Green Belt and Countryside). Historically the rivers have been important in the settlement pattern of East Hertfordshire. The main towns in the District were originally established as river crossing points. The green corridors provide opportunities for access from the town into the countryside.

### ENV18 Water Environment

- (I) Development or change of use of land will be required to preserve and enhance the water environment in one or more of the following ways:
- (a) improvements in surface water quality and the ecological value of watercourses and their margins;
  - (b) deculverting and naturalisation of the river channel;
  - (c) promotion of nature conservation centred on water habitats;
  - (d) river corridor landscape enhancements; and
  - (e) sustainable improvements in public access and leisure use of water features.
- (II) With regard to watercourses, development of the following types will only be acceptable if there is no harm caused to the water environment: culverting, diversion, artificial reinforcement of beds/banks using 'hard' materials, buildings and hard surfaces in close proximity (within 10 metres).

- (III) Such developments in close proximity to watercourses will also normally be expected to retain or (re) establish open river corridors on one or both sides of river channels, with appropriate retention/planting of indigenous species.

### 8.15 Developments in Areas Liable to Flood

**8.15.1** The susceptibility of land to flooding is a material planning consideration. The Council will resist any development which has potential to contribute to flood risk and has an adverse impact on river channel stability or damage to wildlife habitats. The Council will apply the precautionary principle to the issue of flood risk.

**8.15.2** Applications likely to require particular consideration of flood risk issues, in the form of a Flood Risk Assessment, include those developments:

- (a) within or adjacent to any watercourses, particularly where there may be potential for flash flooding, as identified by the Environment Agency's Flood Zone Standing Advice.
- (b) adjacent to, or including any flood bank or other flood control structure.
- (c) situated in an area where the Environment Agency has indicated that there may be drainage problems.
- (d) likely to involve the culverting or diversion of any watercourse.
- (e) of such a size or nature to the receiving watercourses/drainage system that there could be a significant increase in surface water runoff from the area, including the cumulative effect of smaller development.
- (f) which, due to a change of use or otherwise would increase the number of people at risk of flooding.

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**8.15.3** Flood plains are those areas of low-lying land alongside watercourses that are liable to flooding. Washlands may well be more extensive areas designed and maintained to store water in times of exceptional flooding. The Environment Agency advises planning authorities on development and flood risk and has prepared maps showing areas at risk from flooding. These maps may be viewed online on the Environment Agency's website (<http://www.environment-agency.gov.uk>) and also at the District Council Offices, Wallfields, Hertford.

**8.15.4** The Council wishes to ensure that the effectiveness of flood plains and washlands is not impaired by development; that development and its occupiers are not at risk from flooding; and that additional surface water run-off from new development does not exceed the capacity of watercourses, flood plains, and washlands downstream. Raising of development through physical means (i.e. stilts) will not normally be accepted as a means of over-coming objections on flooding grounds. In consideration of development proposals, the District Council will have regard to PPS25 and take into account the recommendations of the Environment Agency, Thames Water Utilities Ltd and British Waterways on all matters of flood defence and where appropriate, surface water drainage.

### ENV19 Development in Areas Liable to Flood

- (I) Proposals for development, including raising of land, in the flood plains and washlands will not be permitted if they would:
- (a) materially impede the flow of flood water;
  - (b) increase the risk of flooding elsewhere;
  - (c) reduce the capacity of floodplains/washlands; or
  - (d) increase the risk to people or property from flooding.

- (II) Applicants will be required to submit a Flood Risk Assessment in conjunction with their planning application where the Council deems this necessary.

### 8.16 Water Conservation and Protection

**8.16.1** The waterways and groundwater of East Hertfordshire are an essential resource for a number of purposes: component of the local environment and ecology; vital economic resource for industry and agriculture; as a medium for disposing of waste; for human consumption; and for other domestic needs.

**8.16.2** The key areas for sustainability are:

- (i) to direct development away from areas where water supply is more difficult to achieve.
- (ii) reduce water consumption where possible.
- (iii) to ensure adequate water resources are available to meet consumers' needs and of navigation authorities.
- (iv) to manage and meet the demand for water from households, agriculture, and industry;
- (v) to ensure that the supply of drinking water is of sufficient quality.
- (vi) to sustain or restore flows and groundwater streams, rivers, and wetland environments.
- (vii) to manage the inevitable discharges of waste water.
- (viii) to control, as far as possible, pollution from diffuse sources; and
- (ix) to enable the recreational use of water in harmony with these other concerns.

**8.16.3** The District Council will, wherever possible and when relevant, assist in ensuring the above aims are achieved.

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### *Future Resources and Management*

**8.16.4** Recent years of drought in the south-east have shown the uncomfortably narrow margins between developed resources and demand. Major new supply infrastructure is not only expensive financially but can have significant environmental consequences. In Hertfordshire, where water abstraction predominates, further abstraction in many areas could cause the already low flow rates in many rivers to fall further. This would have serious consequences on local ecosystems, many of which have already been damaged. The District Council is of the opinion that new infrastructure should be provided only as a last resort, and that instead efforts should be concentrated on water conservation.

### *Water Conservation*

**8.16.5** The District Council acknowledges that the efficient use of water and effective water conservation measures will greatly depend on the support and participation of the end users. However, the District Council can assist users in making changes to their lifestyles, particularly in new buildings. Sustainability Statements submitted with planning applications will be required to detail how water conservation measures have been incorporated into developments. The Council will expect considerable attention to have been paid to this important area of sustainability.

### *Water Protection*

**8.16.6** The District Council considers that protecting the water resource is equally as important as conserving the use of water. Contamination of water can have dramatic effects on the quality of drinking water and on local ecosystems.

### *Groundwater Protection*

**8.16.7** A key concern in East Hertfordshire, as elsewhere in the south-east, is the protection of groundwater, because most drinking water is provided by water abstraction. The Environment

Agency document 'Policy and Practice for the Protection of Groundwater' (1998) aims to provide a comprehensive framework to preserve this vital resource. The District Council will refer to this document where applicable to enable development decisions to be taken in such a way as to minimise the possible threat to groundwater quality in the future. Where a development proposal may affect groundwater, particularly in Groundwater Protection Zones then the District Council will always formally consult the Environment Agency for advice. Details of the Groundwater Protection Zones are available on the Environment Agency website (<http://www.environment-agency.gov.uk>).

**8.16.8** The threats to groundwater are mainly from the disposal of waste and the widespread use of chemicals by industry and agriculture, although the impact of contaminated land and petrol stations also pose a threat. However, planning related issues such as mineral extraction and changes in land use can also affect future availability of groundwater resources by restricting recharge, diverting flow, and potential sewage contamination.

**8.16.9** Groundwater is not only protected to maintain water supplies from aquifers. It also naturally feeds surface water through springs and by base flows to rivers. Its presence is often important in supporting wetlands and ecosystems. The District Council recognises these important links between groundwater and surface water.

**8.16.10** The Government recognises the impact land-use planning can have on groundwater and considers it a relevant and important environmental objective.

**8.16.11** The District Council will apply Policy ENV20 in full consultation with the Environment Agency.

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### ENV20 Groundwater Protection

Development which may cause the contamination of, or otherwise prejudice, groundwater will not be permitted. Development proposals in areas of known groundwater importance will be required to submit a detailed assessment of the impact the development proposals will have on groundwater resource, including measures to mitigate any potential threat to the groundwater.

#### *Sustainable Surface Water Drainage*

**8.16.12** The Environment Agency is placing increasing importance on assessing how new developments propose to deal with surface water. The Agency aims, through Best Management Practices, to:

- slow the speed of run-off to allow settlement, filtering, and infiltration;
- reduce the quantity of run-off discharged directly to the watercourse/s without storage;
- provide natural ways of treating collected surface water before it is either discharged to a watercourse or infiltrated into land.

**8.16.13** The successful application of these measures outlined in 8.16.12 above will help to: reduce the potential of new development to cause flooding (both local and downstream); reduce the concentration of pollutants entering watercourses; increase the potential to recharge groundwater; and offer the opportunity for the creation of sites of water storage which could enhance the local environment.

**8.16.14** It is not always possible to infiltrate surface water into land. The appropriateness of such approaches are site specific and are dependent on the nature of the soil, former uses of the site and the quality and potential uses of the groundwater below the site.

**8.16.15** Developers are advised to contact the Environment Agency for advice on levels of storage that would be expected.

**8.16.16** Examples of Best Management Practice techniques include grass swales and filter strips; infiltration basins, trenches or other infiltration devices; detention ponds; retention ponds; wetlands; and porous surfaces. The Environment Agency will be able to offer further advice on these techniques.

### ENV21 Surface Water Drainage

- (I) Where appropriate and relevant, all development proposals will be expected to take into consideration Best Management Practices to surface water drainage, as advocated by the Environment Agency. Where applicable, planning obligations (or as subsequently revised) may be sought to ensure the on-going maintenance of such practices, including off-site provision.
- (II) Proposals that do not take sufficient account of such techniques and/or are detrimental to the effectiveness of existing schemes based on such techniques, will be refused.

#### *Reservoirs for Agricultural Purposes*

**8.16.17** The District Council supports proposals for on-farm reservoirs that store surplus winter water thus reducing demand for water in the drier summer months. Advice from the Environment Agency and other relevant bodies will be sought.

**8.16.18** It should be noted that permitted development rights extend to 'reasonably necessary' structures and excavations for the purposes of agriculture, which could include reservoirs for irrigational purposes. For clarification of permitted development rights please seek the advice of the District Council.

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### ENV22 On-Farm Reservoirs

The District Council will permit proposals to store excess winter water in on-farm reservoirs, subject to the following:

- (a) A robust agricultural justification is provided;
- (b) There are no significant adverse environmental consequences;
- (c) The siting, design, and landscaping of the reservoir is appropriate;
- (d) The reservoir raises no significant safety issues.

### 8.17 Light Pollution and Floodlighting

**8.17.1** Artificial light is desirable in certain circumstances for security reasons, pedestrian and traffic safety, recreation, and for enhancing historic buildings, but poor or insensitive design, or installation, of lighting schemes can result in light pollution. Light spillage is also a waste of energy.

**8.17.2** Light can affect humans and wildlife in detrimental ways. Glare can be produced by lights against a dark background which can prove annoying to people. Light trespass can be disturbing to neighbours, and streetlights especially produce a sky-glow at night which reduces the ability of astronomers to properly observe the night sky.

**8.17.3** Wildlife can be affected by artificial light, for example birds use the moon as a directional reference, but on moonless nights they are attracted to tall light sources instead. Nocturnal mammals like bats, badgers, and otters are confused by bright lights, and could be dissuaded from using favoured feeding grounds if they are artificially lit.

**8.17.4** Light pollution is a particular problem in the countryside where dark night skies are one of the qualities of the rural landscape. Security lighting of industrial and commercial premises or

floodlighting of sports pitches can cause problems in all areas, but is generally detrimental to the character of dark rural landscapes.

**8.17.5** Lighting cannot be controlled by planning legislation, but much of it which could cause pollution problems is associated with new development, which requires planning permission. The District Council will, therefore, seek to minimise light pollution by ensuring that details of any external lighting scheme, required as part of any new development, are submitted as part of the planning application. In determining applications, the District Council will use the guidance contained in the Institution of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution (2000)'. Where opportunities arise, reduction in light pollution caused by existing schemes will be sought.

### ENV23 Light Pollution and Floodlighting

- (I) In order to minimise light pollution, planning applications for external lighting schemes, including floodlighting, will only be approved where it can be demonstrated that:
  - (a) the scheme proposed is the minimum needed for security and/or operational purposes;
  - (b) it minimises the potential pollution from glare or light spillage;
  - (c) it minimises impact on residential amenity;
  - (d) it minimises impact on the character or openness of the Green Belt or the Rural Area Beyond the Green Belt or on dark rural landscapes;
  - (e) it would not adversely affect ecological interest;

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- (f) there would be no dazzling or distraction of motorists or cyclists using nearby roads, or other adjoining users or uses.
- (II) In considering proposals for lighting schemes, the District Council will give consideration to the aesthetic affect of the light produced and any supporting structures, and any hours of use which may be enabled by the lighting scheme.

### 8.18 Noise

**8.18.1** The impact of noise on the environment can be detrimental to the quality of life. Noise can also affect the tranquillity of an area, recognised to be an aspect of its landscape character. There is, therefore, a need to control the introduction of noise sources into the environment, and also to ensure that new noise-sensitive developments are located away from existing sources of significant noise.

**8.18.2** Although the effect of noise on individuals and communities varies and is largely a subjective matter, the District Council accepts current Government advice as set out in PPG24.

**8.18.3** The increasing levels of air traffic have overall implications for the environment. The proximity of Luton Airport and more particularly Stansted Airport, to the District has a specific impact on East Hertfordshire, which needs to be taken into account when development proposals are considered.

**8.18.4** The Council recognises that due to a host of technical variables, noise contour lines will change over time, and that it is in the interests of all concerned to apply the latest and most relevant data. The Civil Aviation Authority (CAA) prepares, updates, and publishes such noise contour maps, and the Council will take the appropriate latest information into account, when considering relevant proposals. The Council will also continue to actively participate in the review of Stansted Airport's development, with a view to minimising the effects of air traffic noise.

### ENV24 Noise Generating Development

- (I) The District Council will expect noise generating development to be designed and operated in such a way that minimises the impact of noise nuisance on the environment.
- (II) In considering proposals, the following will be taken into account:
  - (a) the proximity of existing or proposed noise sensitive developments;
  - (b) the proximity of nature conservation sites;
  - (c) the cumulative impact of noisy development;
  - (d) the time and nature of the noise;
  - (e) the nature of the surrounding area.

### ENV25 Noise Sensitive Development

Noise sensitive development (including homes schools and hospitals) should not be exposed to noise nuisance from existing noise generating sources, or programmed developments such as new roads. In considering proposals for noise sensitive developments the District Council will take into consideration:

- (a) the noise exposure categories set out in PPG24;
- (b) the proximity of existing or programmed noise generation developments;
- (c) the degree to which the layout and design of the proposals provides protection against noise.

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### 8.19 Hazardous Installations

**8.19.1** PPS23 has general relevance for the location and planning control of premises handling or storing hazardous substances. It advises that development plans are an important vehicle for promoting environmental protection, through integrated land-use policies. They can ensure through policies and proposals that incompatible land uses are separated in order to avoid conflict.

**8.19.2** The Planning (Hazardous Substances) Act 1990 controls the presence of hazardous substances. These cannot be kept or used in greater than specified amounts until the risk of an accident and its consequences for people in the vicinity have been assessed.

**8.19.3** In considering applications for use or storage of hazardous substances, the Council will seek advice from the Environment Agency and the Health & Safety Executive, as to the level of potential risk, and similarly where new developments are proposed in the vicinity of an existing hazardous installation, the Council will take advice from the Environment Agency and the Health & Safety Executive about risk to people at the proposed development from the notified installation.

**8.19.4** Whilst new hazardous installations are most likely to be suitably located on existing employment areas, the Council would prefer a criteria based approach to their location rather than a site specific one.

#### ENV26 Hazardous Substances

(I) Permission for development involving the storage, use, or transfer of hazardous substances, as defined in the Planning (Hazardous Substances) Act 1990, will only be granted if it would cause no extra risk to the public or to the natural environment, and would not prejudice the use or development of other land.

(II) Development in the vicinity of a site known to be used for the storage, use, or transfer of hazardous substances will not be

granted permission if there would be an unacceptable risk to the life or health of its users.

(III) The Precautionary Principle will be applied as set out in paragraphs 2.5.1 to 2.5.3.

### 8.20 Air Quality

**8.20.1** The Environment Act 1995 places a duty on local authorities to review and assess air quality in their districts. Those areas which are expected to exceed national guidelines in the year 2005 will be deemed Air Quality Management Areas (AQMA's) and it is the statutory responsibility of the District Council to devise a strategy to reduce pollution concentrations accordingly. The third stage of the review process has been completed and has identified exceedences for pollutants NO<sub>2</sub> (Nitrogen Dioxide) and PM<sub>10</sub> (fine particles of less than 10 microns in size). Currently further and detailed investigations are being carried out to determine whether one or more AQMA's should be declared.

**8.20.2** Air Quality is an issue of sustainability and its improvement is a key element in the reduction of health risks from environmental pollution and hazards. The Council will consider the impact of proposed development on air quality and will liaise with pollution control authorities (the local Environmental Health Authority or Environment Agency). Should any Air Quality Management Areas be designated, development within such areas must have regard to guidelines laid down for maintenance or improvement in those areas. Where development proposals are likely to involve emissions into the air, the Council may require the submission of appropriate details to enable a full judgement of the impact of the development to be made.

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### ENV27 Air Quality

- (I) The Council will have regard to the potential effects of a development on local air quality when determining planning applications. Consideration will be given to the impact caused by both the operational characteristics of the development (industrial, commercial, and domestic) and the traffic generated by it, and development which will significantly increase air pollution will not be permitted. Where development proposals are likely to involve emissions into the air, submission of appropriate details will be required to enable a full judgement of the impact of the development to be made.
- (II) Any development within designated Air Quality Management Areas must have regard to the strategy for reduction of pollutants in such areas and to guidelines for ensuring air quality is thereafter maintained at acceptable levels as set out in the national air quality strategy.

### 8.21 Telecommunications

**8.21.1** The provision of telecommunications services is governed by the Telecommunications Act 1984, as amended by the Communications Act 2003. The Government's policy on planning for telecommunications development is set out in PPG8. The Government's general policy is to facilitate the growth of efficient and effective telecommunication systems whilst keeping the environmental impact of such development to a minimum.

**8.21.2** PPG8 emphasises that modern telecommunications are an essential and beneficial element in the life of the community and the development of the economy. They enable people to work, shop, gain access to information and services, and be entertained without leaving their homes. In this way, modern telecommunications can also benefit the environment by reducing the need to travel and thereby reducing vehicle emissions.

**8.21.3** PPG8 advises that local planning authorities should respond positively to proposals for telecommunications development, whilst at the same time taking account of the need to protect the environment of urban and rural areas. This requires a balance to be struck between the wider benefits of telecommunications development and the potential harm it can cause to visual amenity.

**8.21.4** In November 2002 the ODPM published a 'Code of Best Practice on Mobile Phone Network Development'. The code requires local planning authorities, telephone operators and local people to work together to find the best sites and designs for masts.

**8.21.5** In recent years, there has been growing concern about the health implications of mobile telephones and their associated masts and base stations. In 1999, the Government set up the Independent Expert Group on Mobile Phones. This group considered concerns about health effects from the use of mobile phones, base stations and transmitters. The Group published its report on 11 May 2002 and all new mobile phone base stations are now expected to meet the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

**8.21.6** All telecommunications development is subject to development control, although it is acknowledged that relatively minor development does not require express permission as it is granted planning permission under the Town and Country Planning (General Permitted Development) Order 1995, as amended, (GPDO).

**8.21.7** Before installing certain telecommunications apparatus under permitted development rights, a code system operator must apply to the District Council for a determination as to whether their approval of the siting and appearance of the development is required. Guidance on the operation of the prior approval procedure is given in PPG8, Annex 1. In circumstances where the exercise of permitted development rights may have a serious impact on amenity, the District Council may serve a direction under Article 4 of the Order.

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**8.21.8** Where development requires an application for planning permission the following policy will apply. This policy aims to guide the siting and design of telecommunications equipment. Details on the siting of satellite television antennas can be found in 'A Householder's Planning Guide for the Installation of Satellite Television Dishes', published by the Government and available from the District Council Offices, Wallfields, Hertford.

**8.21.9** Operators will be expected to pursue opportunities to share sites or apparatus where possible to avoid proliferation. Early consultation between telecommunications operators and the District Council is encouraged.

### ENV28 Telecommunications

Proposals for telecommunications development will be considered against the following criteria:

- (I) For mobile phone masts, base stations, and transmitters:
  - (a) For new freestanding masts, the applicant must be able to demonstrate that there are technical reasons and/or environmental/visual reasons that prevent the installation of the apparatus on existing masts, buildings, or other structures;
  - (b) New freestanding masts must have sufficient spare capacity to allow mast sharing, subject to any technical or environmental constraints.
- (II) For all telecommunications development, including mobile phone installations, domestic satellite equipment and radio masts:
  - (a) The development must not be unduly intrusive in the street scene or skyline nor unacceptably impact on the historic, heritage, landscape or nature conservation interests of designated areas;
  - (b) If erected on a building, it must not be out of keeping with the building, in

terms of siting, scale, size, profile, and colour, so as to harm the appearance of the building;

- (c) Adequate and safe vehicular access to the site must be provided. It is not appropriate to use a footpath or bridleway for vehicular access.
- (III) In the case of proposals for mobile phone base stations, applicants should submit statements demonstrating that the proposed development meets the ICNIRP guidelines for public exposure.
  - (IV) Where permission is granted for telecommunications development, conditions may be imposed to ensure that any equipment is removed if it becomes redundant, and to require landscaping where appropriate to minimise visual impact.

### 8.22 Advertisements Outside Conservation Areas

**8.22.1** Consent for display of advertisements within Conservation Areas, will be considered against Policy BH15 in Chapter 9 (Built Heritage).

**8.22.2** Outside Conservation Areas, the District Council is anxious to ensure that the identity and character of the District, and of individual buildings, is not prejudiced by indiscriminate or unsympathetic advertisements. Within the rural parts of the District advertisements can be particularly intrusive, and freestanding signs will be discouraged.

### ENV29 Advertisements Outside Conservation Areas

In its consideration of proposals for the display of new, or the retention of existing advertisements outside Conservation Areas the District Council will seek to discourage the display of signs which would be out of keeping with the style, scale, or character of a building or its surroundings; detrimental to amenity of safety, by reason of general design, size, colour, position of sign, type or degree of illumination.