

## Appendix 2 – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the submission LDD and do not take account of the deletion or addition of text.

REFERENCE	PAGE	POLICY/ PARA.	SCHEDULE OF MAIN MODIFICATIONS
<b>MM13</b>	2	Paragraph 2.2	<p><u>Paragraph 2.2</u></p> <p><u>PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT</u></p> <p><u>A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></p> <p><u>Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Footnote 2). Planning applications that accord with the policies in the development plan (including, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Proposed development that conflicts with the development plan will be refused, unless other material considerations indicate otherwise.</u></p> <p><u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> <li><u>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></li> <li><u>• Specific policies in that Framework indicate that development should be restricted.</u></li> </ul> <p><u>Footnote 2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.</u></p>
<b>MM17</b>	5	DM1	<p>a) <u>New Residential Development</u></p> <p>The Council will <del>seek to</del> protect the character and residential amenity of existing areas of housing from forms of “backland”, “infill” or other forms of new residential development which are inappropriate for the area.</p>
<b>MM22</b>	5	DM1	<p>Final paragraph to me moved to the top of Policy DM1.</p> <p><u>'All applications for residential development should satisfy the design criteria as set out in Appendix 2 to ensure that development does not lead to a gradual</u></p>

			<u>deterioration in the quality of the built environment, and that landscaping, the need for privacy and amenity space and the creation of identity in housing layouts are taken into account.</u>
<b>MM26</b>	7	Paragraph 4.7	The Council recognises that residents living within areas designated as Green Belt may wish to build ancillary buildings such as sheds and garages, extend their existing dwellings or in some cases apply for the replacement dwellings. However, it is essential that these are of a scale and design that do not impact on the openness and rural character of the Green Belt. <u>Proposals for development in the Green Belt will also be assessed against other policies including those relating to design of development such as Policy CP12 of the Core Strategy.</u>
<b>MM1h</b>	8	Paragraph 4.7	Further guidance relating to floorspace and other factors that the Council will take into account in the consideration of householder developments in particular is provided in the <u>adopted Green Belt SPG. This guidance will be incorporated provided in into the</u> forthcoming Design SPD.
<b>MM24</b>	8	Paragraph 4.8	It is also acknowledged that proposals may be put forward for the conversion or change of use of buildings in the Green Belt. The Council accepts that in some circumstances this may well be <u>considered appropriate not inappropriate.</u>
<b>MM27</b>	8	Paragraph 4.8	However, the acceptability of a change of use of a building in a Green Belt location will be dependent upon the nature of the building and its appearance in the landscape and whether the proposed use would <u>be appropriate in the accord with Green Belt policy and not have an unacceptable impact on the environment.</u> <del>For example, uses which generate excessive amounts of traffic into a narrow lane may adversely impact on the rural character of the locality.</del>
<b>MM23</b>	8	DM2	<u>As set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below:</u>
<b>MM28</b>	8	DM2	a) <u>New Buildings</u> Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those detailed <u>specified</u> in national <u>policy</u> and other relevant guidance. <del>With regards to new dwellings for agricultural and/or forestry use applicants must demonstrate compliance to the tests detailed in Appendix 3.</del> <u>Further guidance on the factors that will be considered in assessing applications for agricultural or forestry dwellings in the Green Belt is contained in Appendix 3.</u> Where sites are allocated for development in the Site Allocations LDD, this may represent very special circumstances.
<b>MM1b</b>	8	DM2	b) <u>Extensions to Buildings</u> Extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the <u>setting and whether it preserves the openness of the Green Belt landscape</u> will be taken into account.

<b>MM29</b>	8	DM2	<p>c) <u>Replacement Dwellings</u> Replacement dwellings in the Metropolitan Green Belt will only be permitted where the following criteria are met:</p> <p>iii) the replacement would not be more harmful to the visual amenity <u>and openness</u> of the Green Belt by reason of its siting than the original dwelling.</p>
<b>MM1c</b>	8	DM2	<p>d) <u>Ancillary Buildings</u> i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not <u>adversely affect the openness of the Green Belt.</u> <del>be prominent in the landscape</del></p>
<b>MM1e</b>	9	DM2	<p>e) <u>Extensions to Residential Curtilages</u> The Council will <del>seek to</del> safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside <del>is unlikely to</del> <u>will not</u> be supported.</p>
<b>MM1f</b>	9	DM2	<p>f) <u>Re-use and Conversion of Buildings in the Green Belt</u> ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the appearance <u>openness</u> of the landscape <u>Green Belt</u> and does not appear excessively prominent</p>
<b>MM2a</b>	13	DM3	<p>a) When assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets <u>and to putting heritage assets to viable and appropriate uses to secure their future protection.</u> Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.</p>
<b>MM2e</b>	13	DM3	<p>b) <u>Listed Buildings</u> The Council will <del>seek to ensure the preservation of</del> <u>preserve</u> the District's Listed Buildings and will only support applications where:</p>
<b>MM2b</b>	14	DM3	<p>Policy DM3 c) <u>Conservation Areas</u> Within Conservation Areas development will only be permitted if the proposal: i) Is of a design and scale that preserves or enhances the character <del>and</del> <u>or</u> appearance of the area</p>
<b>MM30</b>	19	DM4	<p>a) From 2013, applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralized, renewable or low carbon energy supply.</p> <p><u>In the event of a delay to the revision of Part L of the Building Regulations anticipated in October 2013, applicants will be required to demonstrate that development will produce 10% less carbon emissions than</u></p>

			<p>required by Building Regulations Part L 2010 until such a time the revisions are made.</p> <p>b) From 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). The same standard will be applied for non domestic buildings from 2019.</p> <p>c) In line with Government policy, the Council will support a range of allowable solutions for dealing with the remaining carbon emissions. This may include payment into a Carbon Offset Fund which will be used to retrofit existing building stock with energy saving measures for the future. The approach will be set out in a further SPD.</p>
<b>MM31</b>	26	DM6	<p><u>Development should result in no net loss of biodiversity value across the District as a whole.</u></p> <p><u>The weight given to the protection of sites will be commensurate with their position in the hierarchy:</u></p> <ul style="list-style-type: none"> <li>• <u>International</u></li> <li>• <u>National</u></li> <li>• <u>Regional</u></li> <li>• <u>Local</u></li> </ul> <p>a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, County Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:</p> <p>i) <del>There are exceptional circumstances</del> <b>The need</b> for the development <del>which clearly</del> <b>would</b> outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and</p> <p>ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.</p> <p>b) <del>Development should result in no net loss of biodiversity value across the District as a whole.</del> The following areas have been highlighted as key areas for biodiversity within the Hertfordshire Biodiversity Action Plan:</p>
<b>MM18</b>	30	DM7	<p>a) <u>Chiltern's Area of Outstanding Natural Beauty</u> In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will <del>seek to</del> support development unless the proposal would:</p>
<b>MM32</b>	30	DM7	<p>b) <u>Landscape Regions</u> In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding</p>

			<p>landscape. <u>Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The Council</u> and are likely to <u>will</u> support proposals that:</p> <p>Conserve and/or enhance the special landscape character by reason of the siting, design or external appearance of, or the type or form of, development</p> <ul style="list-style-type: none"> <li>i) Lead to the removal or a reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape</li> <li>ii) Enhance public access and recreation opportunities without detriment to the landscape or wildlife</li> <li>iii) Contribute to delivery of Green Infrastructure</li> <li>iv) Contribute to the measures identified in the Hertfordshire Landscape Strategy 2001 to strength, reinforce, safeguard, manage, improve, restore and reconstruct landscapes.</li> </ul>
<b>MM34</b>	33 & 34	<p>Paragraph S 10.11 10.12 10.13 10.14 10.15</p> <p>DM8</p>	<p>Text removed from supporting text into Policy DM8.</p> <p><del>10.11 Applicants are advised to contact the Environment Agency for information on specific areas which are at risk from flooding. Flood zone 3b (the highest level of flood risk) has been defined by our SFRA. New built footprint will not be acceptable in this flood zone. Redevelopment of existing built footprint in Flood Zone 3b will only be considered if the development is of a compatible use class and does not increase flood risk elsewhere.</del></p> <p><del>10.12 In assessing development proposals, the Council will apply national policy and the findings of the Three Rivers Strategic Flood Risk Assessment (SFRA). A Flood Risk Assessment (FRA) is likely to be required for development proposals of 1 hectare or larger in Flood Zone 1 and for proposals for all new developments located in Flood Zones 2 and 3 as designated by the Environment Agency. Land in Flood Zone 1 that is surrounded by areas of Flood Zone 2 or 3 will be treated as if it is in the higher risk zone and a Flood Risk Assessment will be required to prove that safe access/egress exists for the development or that the land will be sustainable for the duration of the flood period.</del></p> <p><del>10.13 The Council will ensure that flood risk is not increased elsewhere and will only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment if following the Sequential Test, and if required the Exception Test, it can be demonstrated that:</del></p> <ul style="list-style-type: none"> <li><del>• Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different locations; and</del></li> <li><del>• Development is appropriately flood resilient and</del></li> </ul>

resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, and it gives priority to the use of sustainable drainage systems.

~~10.14~~ When considering design of developments, floor levels in flood zones 2 and 3a should be situated above the 1% (1 in 100 years) plus climate change predicted maximum levels plus a minimum freeboard of 300mm. For developments in all areas, Sustainable Drainage Systems should be implemented to reduce run off from the site.

~~10.15~~ Where appropriate developers will be required to show that any flood protection and mitigation measures which may be necessary do not have an unacceptable impact on nature conservation, landscape, recreation or other important issues. New development adjacent to water courses should seek to include river restoration and de-culverting.

#### Policy DM8

~~a) in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk from flooding. Proposals should not add to and, should, where practicable take opportunities to reduce flood risk.~~

a) Development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced.

b) New development will not be permitted in Flood Zone 3b, as defined by the SFRA. Redevelopment of existing built development in that Zone will only be permitted if the proposals are of a compatible use class and would not increase flood risk elsewhere.

c) A Flood Risk Assessment (FRA) will be required for development proposals of 1ha or more in Flood Risk 1 and for proposals for all new development in Flood Zones 2 and 3; or in an area in Flood Zone 1 where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding as identified in the SFRA. Land in Flood Zone 1 surrounded by areas of Zones 2 or 3 will be treated as if in the higher risk Zone and a FRA will be required to demonstrate that access and egress would be satisfactory and that the development would not be unacceptably vulnerable during a flood period.

d) Within sites at risk of flooding the most vulnerable parts of proposed development should be located in areas of lowest risk unless there are overriding reasons to prefer different locations.

e) Development at risk of flooding should be flood resilient and resistant, including safe access and escape routes where required; and it should be demonstrated that

			<p>residual risks can be safely managed.</p> <p>f) Floor levels of development in Flood Zones 2 and 3 should be situated above the 1% (1 in 100 years) plus climate change predicted maximum water levels, plus a minimum freeboard of 300mm.</p> <p>g) Development in all areas should include Sustainable Drainage Systems to reduce surface water run off.</p> <p>h) Where appropriate, developers will be required to show that any necessary flood protection and mitigation measures will not have unacceptable impacts on nature conservation, landscape character, recreation or other important matters.</p> <p>⊕) <u>j) Water resources</u></p>
<b>MM7</b>	34	DM8	<p>⊕) <u>i) Development should normally be set back from a main river (as defined by the Environment Agency) with a minimum 8m wide buffer zone and from any other watercourse with a minimum 5m wide buffer zone to prevent any significant impact from flooding.</u></p>
<b>MM7a</b>	34	DM8	<p>⊕) <u>j) Water Resources</u> The Council will seek to support development where:</p>
<b>MM8a</b>	38	DM9	<p>a) Amenity and Pollution The Council will seek to refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.</p>
<b>MM9</b>	38	DM9	<p>c) Air Quality Development will not be permitted where it would: <u>i) Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area—and/or</u> <u>ii) Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.</u></p> <p>Paragraph 11.8 Air pollutants (including dust and odours) have been shown to have an adverse effect on health and the environment. Emissions arising from any development including indirect emissions, such as those attributable to associated traffic generation, must therefore be considered in determining planning applications. <u>It is important to ensure developments sensitive to air pollutants are located where future occupiers would not be subject to unacceptable levels of air pollutants from existing sources.</u></p>
<b>MM9a</b>	38	DM9	<p>Policy DM9 d) Noise Pollution The Council will seek to ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings, hospitals, residential institutions, nursing homes, hotels, guesthouses, schools and other educational establishments.</p>

<b>MM10a</b>	42	DM10	a) The Council will <del>seek to</del> ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New development will only be supported where:
<b>MM11</b>	45	DM11	a) iv) A deficiency of open space, sport and recreation facilities is not created through <u>or exacerbated by</u> its loss, now or over the plan period or  a) v) <del>It can be demonstrated that the users would benefit more from the improvement of the facilities on the open space, sport and recreation facilities despite a loss of part of the site.</del>
<b>MM35</b>	46	DM11	f) New Provision for Open Space, Sport and Recreation Facilities and Children’s Play Space  Proposals for new open space, sport and recreation facilities and Children’s Play Space will be encouraged if located in the main urban areas subject to the protection of the character of the area and amenity.  When granting planning permission for new residential development of 25 or more dwellings, the Council <del>may require</del> will <u>expect</u> developer contributions to the provision or enhancement of local sports facilities where a need is demonstrated to have arisen from the development concerned and there are inadequate local facilities.  g) In order to ensure that new residential developments do not exacerbate deficiencies in open space and children’s play space, new residential development will be <del>required</del> <u>expected</u> to provide for amenity and children’s play space:
<b>MM12a</b>	52	DM13	b) The Council will <del>seek to</del> encourage the delivery of infrastructure to support the use of low carbon transport.
<b>MM36</b>	55	Paragraph 17.4	The Core Strategy aims to deliver new development in sustainable locations and so the same principle will be applied to proposals for residential and <u>other</u> moorings. The policy aims to ensure that potential residents of houseboats benefit from the same level of access to services and facilities as those living in traditional housing.
<b>MM38</b>	55	Paragraph 17.5	As moorings are not recognised as appropriate development in the Green Belt by national policy, applications for residential <u>and other</u> moorings outside of the urban areas will have to demonstrate ‘very special circumstances’.
<b>MM39</b>	56	Appendix 1	DM1 Indicator: Building for Life Assessment Target: <del>No specific target – number will be monitored</del> <u>Applications of 10+ dwellings to achieve 9 ‘greens’ to be based on a Bfl12 assessment</u>
<b>MM40</b>	56	Appendix 1	DM1 Indicator: <u>Number of applications refused on design grounds</u> Target: <u>No specific target – number to be monitored</u> Reference/Comments: <u>Local Indicator</u> Partners: <u>District Council</u>
<b>MM41</b>	56	Appendix 1	DM2 Delivering Strategic Objective: N/A (CP11 monitored) <u>S1 S9</u> Indicator: See indicator for CP11 <u>New dwellings in the Green Belt – new employment floorspace in the Green Belt</u>



			Target: <u>No specific target – levels will be monitored</u> Reference/Comments: <u>Local Indicator</u> Partners: <u>District Council</u>
<b>MM42</b>	56	Appendix 1	DM4 Indicator: On site renewable energy generation Target: <u>Minimum of 10% of the 5% reduction in carbon emissions to be obtained from onsite renewable generation.</u> TBC
<b>MM43</b>	56	Appendix 1	DM4 Indicator: Carbon dioxide emissions from new development Target: <u>5% above Building Regulations Part L requirements (2013), Zero carbon for residential development from 2016, Zero carbon for non residential development from 2019.</u> TBC
<b>MM44</b>	57	Appendix 1	DM5 Indicator: Renewable Energy Developments Target: <u>Maintain and increase levels every year.</u> TBC
<b>MM45</b>	57	Appendix 1	DM7 Indicator: New developments in the Chilterns AONB Target: <del>No specific target levels will be monitored</del> <u>Levels of new dwellings and employment floor space will be monitored</u>
<b>MM46</b>	57	Appendix 1	DM7 <b>Indicator:</b> <u>New development in the Chilterns landscape region, the Central River Valleys landscape region and the South Hertfordshire Plateau.</u> <b>Target:</b> <u>Levels of new dwellings and employment floor space will be monitored</u> Partners: <u>District Council</u>
<b>MM47</b>	58	Appendix 1	DM11 Indicator: <u>Net</u> Loss/increase of public open space, sport and recreation facilities Target: <del>Targets to be linked to Open Space Study and Action Plans</del> <u>0</u> Indicator: <u>Residential development for 25 or more dwellings or 0.6 hectares providing open space and play space</u> Target: <u>All development</u> Indicator: <u>Residential development for 1 – 24 dwellings providing open space and play space</u> Target: <u>All development</u>
<b>MM48</b>	58	Appendix 1	DM12 <b>Indicator: Loss/increase of facilities</b> <b>Target: <del>No specific target levels will be monitored</del></b> <u>No loss unless points DM12 a) i) to iv) are met</u>
<b>MM49</b>	58	Appendix 1	DM13 <b>Indicator: Non residential development complying with parking standards</b> <b>Target: <del>No specific target number will be monitored</del></b> <u>All development</u>
<b>MM16a</b>	64	Appendix 3	APPENDIX 3: AGRICULTURAL AND FORESTRY DWELLINGS  1. The National Planning Policy Framework states that buildings for agriculture and forestry are not inappropriate in the Green Belt. This Appendix relates to applications for agricultural and forestry dwellings.  3. It is essential that all applications for planning permission for new dwellings in the Green Belt are

			<p>scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.</p>
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