

<u>Location:</u>	Land On The South Side Of Cowards Lane Codicote Hertfordshire
<u>Applicant:</u>	Hawridge Strategic Land Limited
<u>Proposal:</u>	Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)
<u>Ref. No:</u>	25/01766/OP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 20 October 2025

Extension of statutory period: 8 June 2026

Reason for Delay:

A decision on this application was deferred by the Planning Control Committee at the meeting on 4 June 2026 to allow for a site visit to take place and for further investigation into the tilted balance to take place.

Reason for Referral to Committee:

The application is for residential development, and the site area totals more than 0.5HA.

1.0 Background and Procedural Matters

- 1.1 This report follows the report to Planning Control Committee (PCC) on 4 June 2026, which is attached as appendix A to this report, and should be read and considered alongside that report which recommended that planning permission be granted subject to several matters, including the applicant entering into a S106 legal agreement and recommended conditions.
- 1.2 The scope of this report is limited to the reasons for deferral of the application which were to allow Members to visit the application site and to allow further investigation into the tilted balance. Therefore, this report provides more information relating to the tilted balance to assist Members in the determination of this application.
- 1.3 Five PCC Members visited the site on the afternoon of 18 June 2026, accompanied by the Development and Conservation Manager, Shaun Greaves and the Council's Senior Ecologist, Liz Anderson. The site visit was undertaken on the basis that it does not constitute part of the PCC meeting. Members who did not attend the site

visit will be able to participate at the meeting and it will be for Members to decide if they have sufficient information to make an informed decision and may have visited the site independently of the accompanied site visit.

- 1.4 Further matters concerning the background to the consideration of this application are set out in the report attached as Appendix A.

2.0 **Policies**

- 2.1 These are set out in the report attached as Appendix A. Of relevance to the tilted balance is paragraph 11 of the National Planning Policy Framework (NPPF).

2.2 **Supplementary Planning Documents/Guidance**

These are set out in the report attached as Appendix A

3.0 **Representations**

- 3.1 These are set out in Appendix A.

4.0 **Planning Considerations**

- 4.1 The site and surroundings and the proposed development are described in the report attached as Appendix A along with the Key Issues, which remain the same.
- 4.2 As a reason for deferral was to allow further investigation into the tilted balance, this report addresses this concept and how it should be applied to assist Members in considering this matter and the application before them.

Relevant policy relating to the tilted balance

- 4.3 The so-called “tilted balance” applies where a local authority does not have a five-year housing land supply or the Housing Delivery Test shows that the local area delivered less than 75% of its housing requirement or the area’s development plan is significantly out of date.
- 4.4 The “tilted balance” means that planning permission should be granted unless the negative impacts **significantly and demonstrably** (my emphasis) outweigh the benefits. This principle or concept originates from Paragraph 11 of the National Planning Policy Framework (NPPF). This states “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless;*

i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;

or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” (my emphasis)

- 4.5 The Council can only demonstrate a 2.6-year supply of deliverable housing sites. Appendix A sets out why there are no policies in the NPPF that provide a strong reason for refusing the proposal. As the Council cannot demonstrate a five-year housing land supply the tilted balance applies.
- 4.6 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning decisions must be made in accordance with the development plan **unless material considerations indicate otherwise** (my emphasis). The Development Plan includes the adopted North Hertfordshire Local plan and Codicote Neighbourhood Plan which was made in September 2025.
- 4.7 The North Hertfordshire Local Plan 2011-2031 was adopted in November 2022, and the Codicote Neighbourhood Plan (CNP) was Made very recently in September 2025.
- 4.8 Regarding the CNP, Paragraph 14 of the NPPF dictates that a proposed development conflicting with an up-to-date neighbourhood plan will likely be refused, provided the plan is 5 years old or less and contains policies and site allocations to meet housing requirements. This can effectively disengage the tilted balance of NPPF paragraph 11 in relation to the policies of the CNP and provide specific protections to Neighbourhood Plans against speculative development. However, whilst the Codicote Neighbourhood Plan was made very recently, it does not have any housing policies and site allocations to meet its identified housing requirement, therefore the provisions of paragraph 14 are not engaged, and the titled balance is not disengaged, relating to relevant policies of the CNP.

Development Plan Policies v Tilted Balance

- 4.9 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out the primacy of development plan policies. The Court of appeal in the case of Gladman Developments Ltd v. Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 104 addressed how decision-makers should apply the NPPF. The Court found it was lawful to apply the tilted balance as part of an all-encompassing exercise under Section 38(6), which requires that any planning decision must be made in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst regard should still be given to any conflict with development plan policies as part of the exercise of considering this application, this is within context of applying the tilted balance, which is the case with the report attached as Appendix A.

Applying the tilted balance

- 4.10 Applying the tilted balance can be challenging because it departs from the approach of simply following local plan policies.
- 4.11 The traditional planning decision starts off from a neutral weighing scale. With this neutral balance the development plan sits on one side of the “seesaw” or scale, and the developer’s proposal sits on the other. If the harms (e.g. Design, visual amenity etc.) outweigh the benefits the scale tips toward refusal.

- 4.12 However, with the tilted balance, because the Council's housing policies are out-of-date, national policy steps on the scale with the benefits. This process starts following a determination that policies of the NPPF do not provide a strong reason for refusing planning permission. If the harms and benefits placed on the scale are equal or where the harms slightly outweigh the benefits the scale tips in favour of approval.
- 4.13 Therefore, in applying the tilted balance, ordinary reasons for refusal or minor development plan policy conflicts are insufficient. The correct application of the tilted balance, as supported in appeal decisions and case law, requires the negative impacts of this proposal to significantly and demonstrably outweigh the positive impacts, which are detailed in the report attached as Appendix A and summarised in Table 2 at 4.4.8.

Duty to apply the tilted balance

- 4.14 The Courts have found that the tilted balance is a fundamental requirement of national policy. A decision maker can err in law by failing to apply the tilted balance if the authority lacks a five-year housing land supply.
- 4.15 Therefore, case law indicates that in cases such as this where the tilted balance is engaged it must be applied.

S106 obligations

- 4.16 Matters relating to S106 obligations and agreed Heads of Terms are set out in detail in the report attached as Appendix A.

5.0 Overall Planning Balance and Conclusion

- 5.1 The application seeks outline planning permission for up to 30 dwellings, with means of access including affordable housing; following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works.
- 5.2 The overall planning balance and conclusion is set out at 4.4 of Appendix A.
- 5.3 This applies the tilted balance in favour of approving the application. The proposal is considered to constitute sustainable development, and it is therefore recommended that planning permission be granted.

6.0 Alternative Options

- 6.1 N/A

7.0 Pre-Commencement Conditions

- 7.1 The applicant agrees to the recommended pre-commencement conditions.

8.0 Recommendation

8.1 That planning permission is resolved to be **GRANTED** subject the following:

- A) The completion of a satisfactory legal agreement that delivers the obligations set out in the agreed Heads of Terms at Table 1 and a scheme of compensation for the loss of the LWS.
- B) The applicant agreeing to extend the statutory period to complete the agreement if required;
- C) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and
- D) the Conditions as set out below.

Mandatory BNG Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Time Limit

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the first of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans and Documents

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved:

HAWR.250206 SLP-01 – Site Location Plan

HAWR.250206 PPL-01 – Parameter Plan

CLC-RGP-XX-XX-DR-T-001 Rev 6

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission or subsequent approval of reserved matters.

Construction and Site Waste Management Plan

- 3) No development shall commence until a Construction and Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction and Site Waste Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan; and
- l. estimated types and quantities of waste to arise from the construction and waste management actions for each waste type based upon the aim to reduce the amount of waste produced on site.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and to promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

CEMP Biodiversity

- 4) No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity), has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “buffer zones” both for species and sensitive habitats to be informed by up to date surveys.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, may include method statements.
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

Archaeology

- 5) No development (excluding site clearance and demolition) shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.
- The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as required by the evaluation
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Provision to be made for public engagement and interpretation
 8. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

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The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and provision made for analysis and publication where appropriate.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan HE4 and Section 16 of the NPPF 2021.

Tree protection

- 6) No development shall commence until a detailed scheme for the protection of existing trees and hedges to be retained in accordance with the general measures set out in the submitted Arboricultural Method Statement (by Merewood dated 101/07/2025), and an accompanying programme for implementation of the scheme, have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the details as approved and in accordance with the agreed programme. Any tree or hedge removal shall be limited to that specifically to be approved.

No building materials shall be stored or mixed within 10 metres of a tree or hedge. No fires shall be lit where the flames could extend to within 5 metres of retained foliage, and no notices shall be attached to any trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Landscape details

- 7) The landscape details to be submitted as reserved matters shall include the following:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained;
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed; and
 - d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Flood Risk and Surface Water Drainage

- 8) Prior to or in conjunction with the submission of reserved matters, in accordance with the submitted FRA and Drainage Strategy (JE/CC/P25-3473/01), or an alternative strategy to be submitted to and approved by the Local Planning Authority, detailed designs of a surface water drainage scheme incorporating the following measures

shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation for each phase of the development. The scheme shall address the following matters:

- I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features, as stated within the FRA and Drainage Strategy.
- II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
- III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - a. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - b. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- IV. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge. This is to include detailed Hertfordshire County Council information on how road runoff will be treated prior to reaching the deep bore soakaways.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Energy and Sustainability Statement

- 9) Notwithstanding the submitted Energy and Sustainability Statement, prior to or concurrently with the application for reserved matters an Energy and Sustainability Statement shall be submitted to the Local Planning Authority for approval in line with the nine themes of the Sustainability SPD. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation and thereafter retained.

Reason To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with the Sustainability SPD 2024 and North Hertfordshire Local Plan Policies SP9 and D1.

Offsite Works and Access –

Design Approval

- 10) Notwithstanding the details indicated on the submitted drawings, no dwellings shall be occupied until a detailed scheme for the offsite highway improvement works to widen Cowards Lane and install a new footway, as indicated on drawing number 8549 CLC-RGP-XX-XX-DR-T-007 Rev 02 dated 11th September 2025, and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Cycle parking

- 11) No dwelling shall be occupied until a scheme setting out details of cycle parking has been submitted to and been approved in writing by the local planning authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of each corresponding dwelling and shall be maintained and retained thereafter

Reason: To ensure that provision is made for cycle parking and in accordance with Policy T2 of the North Hertfordshire Local Plan.

Ecology – lighting

- 12) Prior to the installation of any lighting, a lighting design strategy for biodiversity for the site, shall be submitted to and approved in writing by the local planning authority. The strategy shall;
- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and:
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the development is ecologically sensitive in accordance with North Hertfordshire Local Plan Policy NE4.

Ecological Enhancement Plan

- 13) No development above slab level shall take place until an Ecological Enhancement Plan (EEP) for the site, for the creation of new wildlife features including integrated bird/bat and bee boxes in buildings/structures, where heights allow swift bricks should be used, together with hedgehog holes in boundary features has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with approved the EEP and features thereafter retained. The approved measures shall be implemented prior to occupation of the relevant phase.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Hertfordshire Local Plan Policy NE4.

Rights of Way

Design Approval

- 14) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Implementation / Construction

- 15) Prior to the final occupation/use of the development hereby permitted the on-site Rights of Way improvement plan works (including any associated highway works) required by condition 14 shall be completed to the written satisfaction of the Local Planning Authority. Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Noise

- 16) Prior to the commencement of works above slab level a scheme shall be submitted for the protection of the dwellings from noise for approval in writing by the Local Planning Authority. Such recommendations shall be provided in accordance with the approved details prior to the first occupation of each corresponding dwelling. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To ensure an acceptable noise environment in the interests of residential amenity and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Contamination

- 17) No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:

- An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

- 18) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority detailing how contamination will be dealt with. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. Prior to occupation of each phase, a verification report shall be submitted to and approved in writing by the local planning authority.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Flood risk and drainage

- 19) The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation;
 - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and,
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council.

- 20) Prior to occupation of the relevant phase a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council.

Fire Hydrants

- 21) Prior to the commencement of any roads (excluding the construction access), details of a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The provision and installation of fire hydrants shall be at no cost to Hertfordshire County Council or the Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies in the event of an emergency in accordance with North Hertfordshire Local Plan Policies SP1 and SP7.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives

Thames Water

“A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

Hertfordshire Constabulary

Prior to construction the applicant should contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. This is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations.

HCC as Highway Authority recommends inclusion of the following Advisory Note

(AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take

appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Roads to remain private: The applicant is advised that all new roads* / the access routes marked on the submitted plans * / the access routes [describe*] [*delete as appropriate] associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN9) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN10) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by

telephoning 0300 1234 40047. This should be carried out prior to any new apparatus is placed within the highway.

AN11) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN12) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk