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**Colin Haigh
Head of Planning**

**Kevin Steptoe
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Reply To: at the address below

Date: 17 February 2016

Reference: 6/2015/2471/EIA
(WHBC)

S/15/0834/PREAPP (EHDC)

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Dear Mr Wintersgill,

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended)

**Site at Birchall Farm, Birchall Lane and at Cole Green Lane, to be known as
“Birchall Garden Suburb”, Welwyn Garden City.**

Further to your letter of 10th December 2015 seeking a Scoping Opinion in respect of the above mixed use development, Welwyn Hatfield Borough Council and East Hertfordshire District Council ('the Councils') have jointly considered the submitted EIA Scoping Report and, in accordance with the above Regulations, make the following joint response ('The Scoping Opinion').

In accordance with Part 4 of the Regulations, the Councils have taken into account –

- a) The specific characteristics of the particular development
- b) The specific characteristics of development of the type concerned; and
- c) The environmental features likely to be affected by the development.

The site and proposed development

The proposed development site extends to approximately 260 hectares and straddles the administrative boundaries of Welwyn Hatfield Borough Council and East Hertfordshire District Council. The development proposed is for a mix of uses including residential development, business and employment, local centres, education facilities, playing fields, sports pitches, informal open space, allotments, a Gypsy and Traveller site, new footpaths and cycleways and new and amended access roads.

Consultation

The Councils have a duty under Regulation 13 (4) of the EIA Regulations to consult widely before adopting a Scoping Opinion. The table below indicates the authorities or organisations that were consulted on the submitted Scoping Report and whether a response has been received by them by **17 February 2016**. Where consultation responses have not been received, particularly with regard to key areas such as Environmental Health, it is proposed to provide these comments to you as soon as they become available. Should these comments raise any key issues that need to be addressed, then this will be clearly set out.

Consultee	Response Received
British Horse Society	
CPRE	
Cyclist Touring Club	
East and North East Herts CCG	√
East Herts Footpath Society	
EHDC - Conservation	√
EHDC - Economic Development	
EHDC - Engineers - drainage	√
EHDC - Environmental Health	√
EHDC - Environmental Services	
EHDC – Housing	
EHDC – Landscape	√
EHDC – Leisure	
EHDC – Planning Policy	√
Environment Agency	√
HCC – Archaeology	√
HCC - Countryside Access Officer	
HCC – Ecology	
HCC – Education/Children’s Services/libraries/health and Community services/Waste Disposal	√
HCC - Environment & Resources	
HCC - Fire & Rescue	√
HCC - Gypsy Liaison	
HCC - Highway Authority	√
HCC - Historic Environment	√
HCC - Lead Local Flood Authority	√
HCC - Minerals and Waste	√
Hertingfordbury Parish Council	
Herts and Middlesex Wildlife Trust	
Highways England	√
Historic England	√
National Grid	

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Natural England	√
NHS England	
Ramblers Association	
Sport England	√
WHBC – Environmental Health	
WHBC – Planning Policy	√
WHBC – Landscape	√
WHBC – Conservation	√
WHBC – Affordable Housing	
Welwyn Hatfield Housing Trust	

The Environmental Statement (ES) that is submitted should demonstrate consideration of the points raised by the consultation bodies and it is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.

Structure of the document

The Councils note from the Scoping Report that the Environmental Statement (ES) would cover a number of assessments under the broad headings of:

- Socio-Economic effects
- Transport
- Air Quality
- Noise
- Landscape and Visual effects
- Ecology
- Cultural Heritage
- Agriculture and Soil Resources
- Water Resources
- Ground conditions
- Utilities

This Scoping Opinion will address each of the broad headings in order as well as addressing the chapters on introduction, the site and the proposed development and planning policy context.

Introduction

It is noted that, whilst the submitted scoping report does not propose to ‘scope out’ any matters, it does state that energy conservation, water management and waste minimisation are proposed to be addressed in a freestanding strategy. Treating these aspects separately is not justified and it is our opinion that they need to be considered at the same time and as part of the same assessment, particularly given that the ES is considering water resources, ground conditions and utilities. In any case, it should be noted that Hertfordshire County Council (HCC) as minerals and waste planning authority suggest the production of a full technical chapter that quantitatively evaluates a wide range

of possible waste arisings that may be generated during the construction and operational phases of the project. It is hard to establish if there are significant environmental impacts without assessing waste implications from the outset. Following on from this, a Site Waste Management Plan (SWMP) should support the proposal.

The Councils agree with the proposed structure of the various topic chapters as set out at paragraph 1.9 of the scoping report.

Cumulative Effects

The table of development proposals to be taken into account in the assessment of cumulative effects is noted, as is the commitment at paragraph 1.10 to take into account a wider range of reasonably foreseeable projects at the request of the highways authorities. In this regard the Councils would suggest that the following additional sites are considered as well as the process for the proposed mineral extraction at the application site itself:

Welwyn Hatfield Borough Council Emerging Local Plan

Land North of Hatfield – HAT 1 – 1350 Homes
Land West of Hatfield – HAT 2 – 1100 Homes
Land North East of Welwyn Garden City – WGC 4 – 700 Homes

East Hertfordshire District Council Emerging District Plan

Land to the west of Hertford – HERT3 – 550 homes (300 north of Welwyn Road, 250 south of Welwyn Road)

Other foreseeable development proposals

Panshanger Quarry - HCC ref: 3-0527-15. Importation of inert restoration materials via a new access off Panshanger Lane.

The Site and the Proposed Development

The proposed development is set out in a working draft Parameter Plan and comprises the following:

- a. Up to around 2,500 dwellings
- b. Sites for two primary schools, one of which could be co-located with a site for a secondary school
- c. Two mixed use local centres, which could include land uses within the following Use Classes: A1-A5 (local retail and related uses); B1 (business uses); C1(hotels); C2 (residential institutions, including care accommodation); C3 (housing); D1 (non-residential institutions, including health services and community facilities); and D2 (assembly and leisure uses, including local indoor sports facilities)
- d. Employment land, accommodating B1 (business) uses
- e. A potential gypsy/traveller site, indicatively accommodating twelve pitches

- f. Playing fields, sports pitches and play areas
- g. Informal open space
- h. Allotments / community orchards
- i. New access points from the A414 and the B195 Birchall Lane
- j. Improved access arrangements from Cole Green Lane
- k. Drainage and utilities infrastructure

The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the ES. It is understood that at this stage the details of the development continue to be refined in the light of discussions with the local planning authorities, ongoing technical work as well as stakeholder and community engagement. However, it is important to be aware that the description of development in the ES must be sufficiently certain to meet the requirements of the EIA Regulations. Furthermore, any proposed works and/or infrastructure required as associated development or an ancillary matter (whether on or off site) should be considered as an integrated approach to the EIA. In this regard it is considered that the description of the proposed development is lacking because it refers to a “potential gypsy/traveller (sic) site”. Gypsy and Traveller provision should be part of the development and the number of pitches set out in the description should be reflective of the Councils’ evidence. Welwyn Hatfield Borough Council draft local plan/evidence indicates a requirement for the provision of at least 15 pitches in Welwyn Hatfield. The East Herts Gypsies and Travellers and Traveling Showpeople Accommodation Needs Assessment Update, February 2016, indicates that 3 pitches are required for Gypsies and Travelers and 9 plots for Travelling Showpeople. In order to meet longer term needs across the Plan period and beyond, a site that would enable the provision of at least 15 pitches within the masterplan should be factored into proposals to meet both immediate and longer term needs, which could enable expansion beyond the plan period. Any proposed site for Gypsies and Travellers should be provided in a suitable location within the development and will be assessed against the same criteria as any other application for traveller provision. For East Herts, emerging Policy HOU7 ‘Gypsies and Travellers and Travelling Showpeople’ should be taken into account in formulating proposals. It should be noted that if these requirements change after the ES has been prepared or during the course of any planning application, the ES may need to be revised again.

It is recommended that the ES should include a clear description of all aspects of the proposed development at the construction and operational stages. This should include the land use requirements, site preparation, construction processes and methods, transport routes, operational requirements, maintenance activities and emissions. A construction programme has not been included in the Scoping Report. It is recommended that information on phasing of the programme; methods and activities associated with each phase; siting of construction compounds (both on and off site); lighting equipment/requirements; and the number, movements and parking of construction vehicles should be clearly indicated in the ES. It is further recommended that a Construction Management Plan should be prepared and the ES should include a Code of Construction Practice which will set out the objectives and measures to be applied generally throughout the construction period to maintain satisfactory levels of environmental protection and to limit disturbance from construction activity.



It is noted that, at paragraph 2.16 of the scoping report, it is proposed that this EIA will include an assessment of the potential effects arising from parallel extraction/restoration and development. It is important that both this EIA report, and that for the proposed mineral extraction/restoration, consider the findings of the parallel EIA processes, particularly with regard to cumulative effects. It is noted that a commencement date of 2018 is stated in paragraph 2.16 of the scoping report. However, it would be helpful if the timescale of the potential stage of development and the relationship to the proposed mineral extraction could be included within this ES to help assess cumulative impact.

Planning Policy Context

In relation to the planning policy context within Welwyn Hatfield borough it should be noted that the northern part of the site WGC5 was identified in the Welwyn Hatfield Borough Council Local Plan Consultation Document (Jan 2015) as a “more favourable” location for 700 dwellings. The southern part of WGC5 featured in an appendix as “finely balanced” with a capacity for 500 dwellings. This was due to uncertainty about the extent to which this part of the site could be developed. The draft East Herts District Plan identifies the location of the site as a Broad Location for Development . The policy intention is that a masterplan will be prepared for the more favourable part of WGC5 and the land within East Herts, by both Council’s in partnership . Planning Policy colleagues have advised that it is intended that the masterplan will set a vision for the garden suburb, the objectives for the type and tenure of housing, design and layout, infrastructure provision (including green infrastructure), the provision of mixed uses, and the need for a buffer around the adjacent waste facility.

The Sustainability Appraisal (SA) which accompanies the WHBC Local Plan Consultation Document assesses the impacts of allocating WGC5 for between 700 to 1200 dwellings. Where significant impacts are identified proposed mitigation is set out which includes reference to the policies of the Local Plan. This Local Plan is still under preparation. The Sustainability Appraisal accompanying the East Herts Preferred Options Consultation Plan assessed the impacts of allocating the EWEL1 site for between 450 and 1,700 homes in combination with other development scenarios. The SA highlights the need for development in this location to provide for all its community needs and should take the opportunity to incorporate low carbon heating options.

Whilst SA and EIA are separate processes it is recommended that you refer to the SAs undertaken and are aware of the impacts identified at a strategic level. If the application is submitted in advance of the adoption of the Local Plans it will be necessary to consider the two Council’s Local Plan evidence base and to demonstrate how the applicant proposes to mitigate the issues identified at strategic level and this may inform the consideration of potential alternative forms of development on the site.

The planning policy context should also draw attention to the fact that the site is currently in the green belt as well as drawing attention to other designations across the site and close by that could be impacted by the proposed development, including Wildlife Sites and Areas of Archaeological Significance.

Socio-Economic Impact

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The Councils welcome the range of subject areas proposed for inclusion in the socio-economic chapter of the ES. Specific consultation responses, which are considered to be of relevance to this chapter, have been received from Hertfordshire County Council Development Services and East and North Hertfordshire Clinical Commissioning Group.

Education

Please note that the following comments from Hertfordshire County Council on education have been made on the basis of 700 dwellings being constructed in Welwyn Hatfield and 1,700 in East Hertfordshire. However, it is understood that these figures may now be out of date and alternative quantum are proposed. The principle of the HCC comments still stands with regard to forms of entry generated by numbers of dwellings however.

Hertfordshire County Council (HCC) has advised that, for a development of this size, there is an expectation that the provision of new schools will be met within the site. HCC uses a child yield rate of 1 form of entry (FE) per 500 dwellings which would equate to 5FE of school places for this proposal. Specifically with regard to primary schools, HCC prefers the development of new primary schools to be a minimum of 2FE for reasons of efficiency and viability, although primary schools can be provided on 3FE sites to enable expansion. It is advised that the proposed provision of 700 dwellings in Welwyn Hatfield and 1700 in East Hertfordshire would make planning for primary school places difficult. 700 dwellings equates to 1.4FE and 1700 dwellings to 3.4FE. It is stated that the preference would be for the 1.4FE to be provided in a 2FE school. New schools should also be designed so that they can offer community facilities, such as the ability to provide extended schools.

Turning to secondary school provision, HCC advise that 5FE of secondary school places should be provided. It is noted that the parameter plan shows the secondary school on the north eastern edge of the development adjacent to one of the proposed primary schools. HCC advise that an "all through" school, serving both primary and secondary school need, may be appropriate in this case but this is likely to be dependent on land requirement and cost. It is also noted that the school would be better located on the northern edge of the development adjacent to Moneyhole Park as it would help to provide flexibility. Shared community use of the sports facilities and community uses will be expected.

Early years, nursery education and childcare facilities should also be considered as part of the development. Both of the primary schools would be expected to provide nursery education.

It is noted that there is no information provided on the proposed phasing of the development and this makes it difficult to understand the timeframe of demand for school places, and therefore the period over which they would need to be provided. It is advised that detail of the proposed phasing is provided.

Health

East and North Hertfordshire Clinical Commissioning Group (CCG) has advised that they would anticipate a planning application of this size yielding approximately 6,000 new residents. They have noted that it will be important to consider the age profile of residents as people at both ends of the age spectrum disproportionately consume healthcare services. It is suggested that a development of this size would need to provide a health facility of some sort and it is likely that it will need to include GP delivered primary care as well as community and mental health services. A calculation of the likely financial cost on local healthcare has also been calculated.

Alongside this, Hertfordshire County Council has advised that there is demand for learning disability accommodation which should be provided through the provision of individual flats with some shared living spaces and will often need to be affordable and socially rented.

Transport

The Councils acknowledge that some work has already taken place with regard to assessing the transport effects of the proposed development and that this work has been informed by discussions with Hertfordshire County Council highways officers. Having said that, it is noted that there have so far been a number of inconsistencies in the arrangements that have been discussed with the highway authority. These matters will need to have been addressed before the EIA is carried out.

A detailed response has now been received from Hertfordshire County Council highways setting out a range of requirements for the Transport Assessment. It is noted at paragraph 5.1 of the Scoping Report that your discussions with HCC have included a scoping of a full Transport Assessment (TA). Specific additional comments on the content of the ES have not been received from HCC.

Highways England has responded to the scoping consultation and note that paragraph 5.3 of the scoping report states that the impacts on the A1(M) and the A414 will be assessed. Highways England welcome this approach and wish to be kept informed of the results of this work.

Air Quality

The Councils acknowledge the scope of the assessment work set out in section 6.0 of the Scoping Report and strongly recommend that an agreed methodology is submitted to each Council for approval prior to the preparation of the ES. This would enable agreement to be reached in respect of assessment positions and appropriate standards, and would avoid the need for significant additional work or delay when the ES is submitted.

Noise

The Councils acknowledge the scope of the assessment work set out in section 7.0 of the Scoping Report and strongly recommend that an agreed methodology is submitted to each Council for approval prior to the preparation of the ES. This would enable agreement to be

reached in respect of assessment positions and appropriate standards, and would avoid the need for significant additional work or delay when the ES is submitted.

Landscape and Visual Effects

The Councils welcome the approach shown on the Scoping report's Parameters Plan (LAF019-PP-001) to retain significant and important areas of informal open space within the site. This would ensure the retention of green features which aid place setting, screening and works towards a development which respects and integrates green infrastructure successfully. Green Space Infrastructure provision (or loss of) within and beyond the area, and the means by which it is well connected with development in an overall strategy should be clearly identified and assessed in the ES. It should be noted that Welwyn Hatfield Council has a clear ambition to provide for a green corridor across the Borough and this site would form an important part of that scheme. It is advised that the applicant engages with the WHBC on this matter.

The provision of Sustainable Drainage Systems (SuDs) schemes within the site is welcomed in landscape terms, from rain gardens to floodable tree pit systems, and swales to attenuation basins. The ES should consider the design and impact of these schemes on the landscape and visual amenity of the site and its surroundings. The ES should make it clear how the development incorporates these features within the existing landform, particularly in the context of mineral extraction, land remediation and development platforms.

The ES should include an assessment of the impact of the proposed development on existing areas of woodland, incorporating an assessment of longer term and maintenance impacts; on hedgerows across the site, and on trees. It is noted that a separate Arboricultural assessment will be appended to the ES, informed by a tree survey to BS5837:2012 and this should identify important and veteran trees, as well as woodland units, and any subsequent landscape masterplan should consider the phasing of the landscaping proposed.

The inclusion of a Landscape Character Assessment is noted and welcomed, and this should incorporate a Landscape sensitivity and capacity study, and topographical survey. The Councils welcome the intended consultation with regard to the selection of suitable viewpoints for the assessment work; and also welcome the inclusion of an assessment of the impact of lighting.

Ecology

The proposed ecological assessment of the site is noted. Natural England has provided detailed advice on the scope of the ES and this is attached to this Opinion. A third party representation has also been received which stresses that the ES should give detailed consideration to the impact of the development on the Commons Local Nature Reserve and that the scope of biodiversity must also consider red listed species, birds of conservation concern, UK and Local BAP species and habitats.

The Environment Agency has advised that their data indicates that the site has a potential presence of wolverines which would pose an ecological constraint. As such the inclusion of a wildlife habitat and species survey mentioned in chapter 9 of the Scoping Request is strongly supported. It is expected that the results of any ecological surveys are included as part of a planning application.

Cultural Heritage

In respect of archaeology, the Councils welcome the inclusion of a detailed archaeological evaluation of the site and note that some trial trenching has commenced within parts of the site, with other areas already agreed for trialing with the County Council. A representation from Central Hertfordshire Green Corridor Group (CHGCG) urges the developer to include within the ES an evaluation of this area in a wider geographical sense as this interfluvium between the Mimram and Lea has proved to have significant Neolithic, Bronze and Iron Age remains along an area stretching from west of Welwyn Garden City to Hertford and on both sides of both river valleys. These sites were connected by a series of routes and CHGCG are concerned that not all of this information will be gathered by the proposed methods and wider consultation with local museums and archaeologists will be required.

CHGCG also highlight that the presence of an ancient Bronze Age Burnt Mound and flint tools found on The Commons Local Nature Reserve and on the arable ridge stretching from Holwell Hyde Farm southwards indicates substantial use of the land by prehistoric communities. This, coupled with other finds, has the potential to establish occupation of the area over thousands of years linking The Commons area to the extensive arable farmland around Birchall Farm.

The Councils welcome the assessment of the impact of the proposal on listed buildings within the site and its environs, as set out in section 10 of the Scoping Report. The site is considered to be sensitive in terms of its historic environment, with a number of designated and non-designated heritage assets potentially affected, and the ES should, therefore, include an assessment of undesignated, as well as designated, assets and the potential for as yet unidentified heritage assets.

Historic England have commented that they welcome that the assessment will take into account potential effects on Hatfield House (both the house and registered park and garden); Panshanger and several other listed buildings and Conservation Areas close to the site. The ES assessment should also include the impact on the Conservation Area at Essendon and its many listed buildings; on the number of listed buildings within the settlement of Cole Green, and on an unlisted World War II decoy control room associated with the former Panshanger Aerodrome on the edge of the site between Rolls and Blackthorn Woods.

Historic England further comment that it is not clear why the assessment will focus 'in particular' on the listed buildings at Birchall Farm and Holwell Hyde Farm, as the proximity of other heritage assets also require particular attention. Consideration will need to be given to how the site, in its current form, contributes to the significance of heritage assets, and how any development would affect that significance.

The EHDC Conservation and Urban Design Team and Welwyn Hatfield Council's Conservation Officer comment that the ES should also consider impact on the Grade II Registered Goldings Park; Grade II* Listed Goldings House; the Grade 1 Listed Church of Saint Peter and its churchyard in Tewin; Holwell Court; the Grade II* Marden Hill House, and a variety of Grade II ancillary structures; the Grade II Listed Cole Green House; Grade II listed Tewin Water House; and the Grade II listed Warrengate Farm House and its associated Grade II listed barn.

The Conservation consultees from both authorities make some detailed comments in respect of aspects of the proposal and these are attached to this Opinion.

Agriculture and Soil Resources

The Councils welcome the approach that has been set out with regard to agriculture and soil resources. It is noted that the scoping report suggests that there is a possibility that excess topsoil will be exported from the proposed mineral extraction area at Birchall Farm to the former landfill area in the south of the site.

Water Resources

The Councils note that the ES will assess the impact of the development on sewerage and waste water treatment provision and, in particular, will address the need for essential improvements to be made to the Rye Meads Sewage treatment Works (STW). Further details of this will also need to be included in the FRA. Thames Water has acknowledged that some consultation has already taken place but they highlight the need for continued liaison and consideration of this aspect of the scheme. They also express concern that construction works may damage sewers on the site and, as a result, they recommend that the ES includes the following:-

- The development's demand for Sewage Treatment and network infrastructure both on and off site and can it be met
- The surface water drainage requirements and flood risk of the development both on and off site and can it be met
- Build – out/ phasing details to ensure infrastructure can be delivered ahead of occupation
- Any piling methodology and will it adversely affect neighbouring utility services.

The assessment of the effects of the development on flood risk; surface water run-off, and on the quality of local waterbodies and local groundwater is also welcomed as set out in section 12.0 of the Scoping report. The quality and quantity of existing drainage features on the site (springs, ponds, watercourses) should be assessed in the ES to inform the provision of a high quality SuDS scheme. Herts County Council, as Lead Local Flood Risk Authority (LLFA), have commented that the development should provide a pre-development greenfield run-off rate and demonstrate that the surface water drainage from the development can be managed in a sustainable manner, giving priority to above ground storage and source control. It must also be demonstrated that there will be no increase in

flood risk to the surrounding area. The LLFA would expect any FRA submitted to support any future planning applications to demonstrate that the proposed drainage system can be designed to cater within the site and off-site the post development surface water run-off rates and volumes for its lifetime for all rainfall events up to and including the 1 in 100 year rainfall event + climate change. (Please note that the Environment Agency has recently advised local planning authorities that the allowances for climate change are set to be revised very shortly and you should contact the EA for further details before proceeding with an FRA for the site). The FRA should demonstrate that any existing areas of surface water flood risk can be managed within the site without increasing flood risk elsewhere. We note that the EA National flood maps for areas susceptible to surface water flooding shows areas of ponding within the site. The FRA should detail the ground levels of where these areas are located and how this will be managed post development. It is advised that the applicant considers the recently updated WHBC Strategic Flood Risk Assessment (SFRA) in this regard.

The LLFA notes that ground investigations have been carried out and should also be provided within the FRA. This should include detailed assessment of ground conditions, groundwater levels, permeability of the underlying geology and demonstration that there will be sufficient surface water quality treatment by implementing an appropriate amount of water quality treatment stages through the use of SuDS.

They note that there are ordinary watercourses within the site and any works proposed to the ordinary watercourses that affect the flow within the channel will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes all temporary and permanent works such as dams, culverts, weirs etc. They recommend that the applicant consults the LLFA prior to developing their detailed drainage strategy.

The Environment Agency (EA) has also noted that the Hatfield Hyde Brook runs along the site boundary with some parts comprising of Flood Zone 3a and 3b. It is noted that the Scoping Request commits to a Flood Risk Assessment (FRA) and you are referred to the EA fact sheets, appended to this Opinion, in this regard. It is advised that one of the eastern tributaries of the Hatfield Hyde Brook on the site has not been included in any national generalised modelling and this will need to be considered in the FRA. Flood levels will be required to assess the suitability of the proposals, it is noted that no flood level is known for this site so a conservative level could be agreed for the design level. The EA require you to undertake some flow analysis and basic modelling like Flood Estimation Handbook (FEH) to establish the level.

The EA also note that revised climate change allowances for peak river flow based on river basin districts are due to be published in early 2016. These allowances will replace the current allowance for peak river flow which is 20%. Hertfordshire and North London fall within the Thames river basin district. From the date of publication the EA will be expecting applicants to factor the revised climate change allowances into the FRA rather than the current 20%.

Finally the EA advise awareness that under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the EA is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank

of the Hatfield Hyde Brook designated a 'main river'. They would like to see an 8 metre buffer zone from the top of bank to any development.

Comments have also been received from the Environment Agency with regard to groundwater. They have noted that The Thames River Basin Management Plan (TRBMP) determines that both groundwater and surface water currently are in 'poor' condition in the vicinity of the site. The National Planning Practice Guidance (NPPG) states that development must have regard to the TRBMP. TRBMP should be consulted for required actions which may impact the EIA. This information can be accessed at <http://environment.data.gov.uk/catchment-planning/>

It is noted that the site is also within a Nitrate Vulnerable Zone for surface water, partially within a Safeguard Zone for bromated and within several Source Protection Zones for public water supplies. Private licensed and unlicensed abstractions are recorded in the vicinity of the site and the EIA should confirm their current status.

All potential controlled water receptors on site and down gradient need to be identified and the potential risks assessed. Potential receptors should include but not be limited to:

- Underlying aquifer(s) (superficial strata and bedrock)
- Surface watercourses
- Water abstractions (groundwater and surface water, licensed and private)

In addition to this, potential activities which may affect controlled waters prior to, during and post construction should be identified and assessed to include foundation design and sustainable drainage systems.

Ground Conditions

Paragraph 2.6 of the Scoping Report recognises that much of the site was a former quarry with subsequent landfill and restoration. It is noted that the landfill area has been monitored over a number of years and the Scoping Report states that 'any effects of the landfill on the local environment are therefore known and managed'. The report outlines that a section on ground conditions will be included and provides an explanation of the previous intrusive investigations carried out. Advice from HCC is that it will be important that this explanation is provided as part of the ES with particular attention paid to any possible migration and environmental impacts due to the proposed development.

Comments have been received from the Environment Agency with regard to contamination. It is noted that all existing sources of contamination affecting the site and all potential pathways should be identified and assessed relative to the potential receptors. Reports and risk assessments should be prepared in line with:

- Groundwater Protection: Principles and Practice (August 2013)
- Technical Guidance Pages on the Environment Agency website, which include links to CLR11 (Model Procedures for the Management of Land Contamination)
- GPLC (Environment Agency's Guiding Principles for Land Contamination) in the

'overarching documents' section.

It is noted that the historic mixed waste landfill on the site is to be utilised as open space for the proposed development. To ensure this does not pose a risk to the environment or future inhabitants it is probable that it will need to be capped as part of the development. Should this be the case there may be implications for landfill gas management as a capping layer will alter the existing flow routes. Any threats from landfill gas should be adequately addressed in the proposed development in conjunction with environmental health officers and building control. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development. Based on the extent and significance of these issues a section in the EIA relating to the management and control of the historic landfill would be required. Consideration should also be given to the measures required to ensure that this is an attractive and useable open space in any scheme.

The Environment Agency have also offered the following advice with regard to environmental permits:

"Any importation of material for a capping layer may require an environmental permit from us under the Environmental Permitting (England and Wales) Regulations 2010. The applicant is advised to contact Robert Devonshire on 0203 025 9152 to discuss the issues likely to be raised.

Mineral Extraction

There is planned mineral extraction north of Birchall Lane. The restoration of this site could have a significant impact on the proposed land use. If the mineral extraction is backfilled with imported material (waste), then housing may not be viable. It is critical the scoping for the mineral development is closely linked to this application.

Existing waste management

Two existing waste management sites have been identified in the scoping document, Ecoaggregates on Birchall Lane and Burnside on the A414. Another site is seeking an Environmental Permit adjacent to the northern part of the development. New development within 250m of existing waste facilities can result in the community at the proposed development being exposed to odour, noise, and dust impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste and prevailing weather conditions. The site layout should look to minimise problems between these existing facilities and the new community. We would recommend that this is addressed in the EIA.

Utilities

The Councils note the assessment to be included in the ES but (apart from the representations from Thames Water cited in the 'Water Resources' section above) no representations have been received from utility providers setting out any detailed matters to be considered. These will be forwarded if received.

Conclusion

Having considered the information set out in the Scoping report and the consultation responses received, it is considered that all effects outlined in the report, and those outlined above, should be scoped in the Environmental Statement. You will see from the table at the start of this letter that consultation responses have not been received from all of the bodies/organisations who were consulted. There may therefore be other issues which are raised by those consultees at a later stage and we will endeavour to make you aware of those as they are received.

Should you have any questions regarding the content of this letter please contact one of the case officers.

Yours sincerely



Colin Haigh
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Welwyn Hatfield Borough Council



Kevin Steptoe
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East Hertfordshire District Council