

JB/NW/1285

14 August 2018

BY EMAIL

Mr M Middleton - Planning Inspector
C/O Louise St John Howe
Programme Officer
PO Services
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Dear Mr Middleton

Welwyn Hatfield Local Plan Examination – Birchall Garden Suburb

Further to the brief discussion at the end of the Stage 4 Hearings on the 28 June 2018 you will recall that Tom Hill QC raised a question on how the further work was progressing on re-examining the proposed Birchall Garden Suburb allocation taking account of various potential constraints. In response you kindly indicated that you would be prepared to receive a letter from us on this subject once we had reviewed the position.

In terms of context for what follows, you will recall that considerable discussion took place during the Joint Hearing on the 30 January in relation to the availability and late disclosure of information by the Borough Council of Examination Document EX59 (excluding appendices) concerning historic landfill operations in the area and the potential implications upon the deliverability of the proposed allocation. In this respect, you specifically requested that the Borough Council should publish Appendix 9, although all the appendices to EX59 were missing from the bundle of documents that appeared the evening before the opening of the Hearing.

All the appendices, including Appendix 9, have subsequently appeared on the Borough Council's website (Examination Document EX59 B) but it is not clear whether this is the original document or another version of it. The note prepared to accompany Appendix 9 (published 6 April) states that the document was revised in March 2018; this would appear to be contrary to your request at the Joint Hearing to receive Appendix 9 as referenced in EX59.

Furthermore, the Borough Council's letter addressed to you dated 27 February (Examination Document EX66) identifies as Task 8 an independent review of the evidence on contamination being undertaken. This did not feature as part of the discussions which took place on 30 January but an additional report (Examination Document EX70) has now been published which contains conclusions that, in our view, warrant examination in public.

In addition to the above, you will recall at the Joint Hearing Session you made several observations in relation to the proposed allocation and sought further clarification from the Borough Council. In summary these were that:

- Further information may be required in relation to former waste disposal operations;
- The land to the west of the bridleway in the northern part of allocation may be suitable for development but you expressed reservations about the suitability of the proposed “fingers” of development to the south in the area between the existing wooded copses and the A414 road;
- Further consideration was required to assess how the southern sliver of land would relate to the surrounding Green Belt and the land on the opposite side of the A414 road. You asked the Borough Council to consider its significance and requested that an independent review was obtained;
- A map was required to show the extent of the proposed bund of 50 to 80 metres in depth adjacent the A414 and how much land would potentially be left for development and whether this would be viable (in such oddly shaped parcels);
- You advised that low density development might need to be considered on the edges of the proposed allocation which may have further implications upon viability. In this respect you questioned whether there were any areas on the edge of the former landfill site that could be included;
- Further consideration was required to the way the proposed Green Corridor was to be accommodated in the light of the above;
- You questioned whether a 50 to 80-metre-wide strip adjacent the A414 was sufficient to address noise and air quality issues from both the road **and** Burnside and whether it would be necessary to relocate the proposed Primary School; and
- You also questioned whether a 50 to 80-metre wide strip would be sufficient to accommodate surface water attenuation ponds.

Although the Borough Council’s letter dated 27 February (Examination Document EX66) suggests that further consideration is being given to address noise, dust and air quality issues associated with the A414 and Burnside (Task 9), no further information has been produced to date, nor for that matter in relation to the other items listed above.

It is for all these reasons - but more fundamentally the unresolved issues relating to the suitability of the allocation for development because of historic landfill operations - that our clients seek reassurance that you will give consideration to a further public session on the Birchall Garden Suburb allocation once there is clarity as to the timing and nature of any further material to be brought forward by the Borough Council and once it is possible to ascertain the extent to which the evidence base has changed in relation to this highly contaminated and contentious site.

We look forward to hearing from you.

Yours sincerely



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cc Gascoyne Cecil Estates
Welwyn Hatfield Borough Council