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**Colin Haigh**  
**Head of Planning**

Reply to: address as below  
Date: 31 October 2019

Welwyn Garden City Society  
c/o 47 Elmwood  
Welwyn Garden City  
AL8 6LD

Dear Shaun

Birchall Garden Suburb – public health concerns

Thank you for your recent letter regarding public health concerns associated with the proposed Birchall Garden Suburb site in the Submitted Welwyn Hatfield Local Plan.

The Council considers that a significant amount of evidence has been gathered in order to be reassured that the site is suitable to be released from the green belt and allocated for development. The approach to gathering this evidence follows British Standard BS10175 which emphasises a tiered or phased approach.

Please note that the documents referred to below can all be found on our examination documents webpage <https://www.welhat.gov.uk/local-plan/new/examination/documents>.

Land Quality Management Ltd (LQM) for Welwyn Hatfield Borough Council – Review of Information Relating to the Proposed Inclusion of Birchall Garden Suburb within the Draft Local Plan (April 2018) (Ref: EX70)

The introduction states that:

*LQM were initially commissioned in December 2017 to provide WHBC with technical land contamination support in relation to the proposed inclusion of Birchall Garden Suburb within the Draft Local Plan. This commission included completion of the following report, which WHBC intend to submit as evidence to the Planning Inspectorate in support of the proposed designation of BGS within the Local Plan.*

The overall conclusion states that:

*Notwithstanding the critiques of the information supplied by LQM, Wardell Armstrong and WGCS, which highlighted various deficiencies, uncertainties and potential inaccuracies in this information, the central question is whether there is any land contamination or stability reason that WHBC should not allocated the site for housing and urban open space within the Local Plan. As discussed above, although only preliminary works have been conducted to-date and significant uncertainty remains, the available information could be considered appropriate for the current stage of the planning cycle. The various limitations of the work identified by LQM, Wardell Armstrong and WGCS would need to be addressed in any future investigation and assessments in support of any planning applications. The current evidence does not appear to suggest any substantial*

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*justification of the land not to be allocated within the Local Plan, notwithstanding the possibility that any development may ultimately be unviable/undeliverable. However WHBC will need to consider that due to the historic landfilling in the area and the likely scrutiny and opposition to any subsequent planning applications, the review and management of land contamination issues during the development are likely to require considerable time and expertise, which will need to be provided throughout the development period. WHBC may wish to consider how it will provide and fund this expertise, if its decisions are to be reasonable.*

Royal Haskoning for Tarmac – Birchall Garden Suburb Land Quality Assessment (June 2019) (Ref: EX105 plus appendices in EX106-EX153)

The introduction states that:

*Royal Haskoning was initially commissioned by Tarmac in 2012 to carry out a desk based contamination land study, the findings of which confirmed the need for intrusive ground investigation to provide further clarification with respect to the conclusions of the desk based study. As such RH were commissioned to develop and implement several phases of site characterisation work and advise on the suitability of the BGS site for a proposed mixed-use development. It was therefore agreed with WHBC that a comprehensive report pulling together the existing studies and ongoing work would be beneficial for all parties. This report has been prepared by RH for the sole benefit of Tarmac and presents the findings of historical and contemporary assessments associated with Cole Green and the former mineral workings, and supersedes previous drafted documents.*

The conclusions state that:

*Whilst the assessment has identified a limited number of pollutant linkages that require further investigation and discussion with the regulators, based on the assessments undertaken, understanding of the site conditions and the proposed development, the pollutant linkages identified can be mitigated via a range of engineering techniques commonly utilised during site redevelopment. We therefore consider the site conditions are unlikely to represent a significant constraint to redevelopment and following implementation of remedial measures the BGS site will be suitable for the proposed end use and will comply with the requirements of the NPPF.*

The recommendations state:

*Ongoing liaison with WHBC and contaminated land officer during future planning stages  
Ongoing liaison with the planner / masterplanning team to inform their work*

*Tarmac currently undertake comprehensive monitoring of the ground gas, groundwater and surface waters at the site, and we recommend this is continued, so as to provide further information to refine the conceptual site model and to feed in to detailed design stages of the project*

*Further phases of continuous gas monitoring across the Cole Green site to build on the historical monitoring data previously obtained to inform detailed design*

*Liaison with the Environment Agency during the planning consultation process, with the objective of arranging a meeting to discuss the findings of the studies undertaken to date, and the need and scope for any further works*

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*Review and update of the remediation strategy following outline planning consent, liaison with the Environment Agency / implementation of additional works to feed into the detailed design stage.*

Land Quality Management Ltd (LQM) for Welwyn Hatfield Borough Council – Review of a Draft Summary Report Presenting Updated Environmental Risk Assessments for Proposed Birchall Garden Suburb (August 2019) (Ref: EX159)

The introduction states that:

*WHBC has asked LQM to review a draft report entitled BGS Land Quality Assessment prepared by RH for Tarmac dated June 2019 to ascertain whether any contamination issues may threaten the financial viability of BGS or its progress through the ongoing examination.*

The overall conclusions state that:

*Detailed site investigation, robust risk assessments and fully documented remediate proposals are not a prerequisite for allocation within the Local Plan. At this preliminary stage in the planning cycle LQM consider the amount and quality of the data and risk assessments presented in the 2019 report to be reasonable. More detailed evidence and assessments will undoubtedly be required to fulfil conditions to any subsequent planning application(s). The central question for this review is whether there is any land contamination or stability reason that WHBC should not allocate BGS for housing and urban open land within the Local Plan. Although potential risks relating to land contamination issues have been identified and others may subsequently be identified, these issues are such that they can be adequately dealt with via conditions to any subsequent planning application(s). Therefore, based on our review of the 2019 report, safe and suitable development should be achievable and there seems to be no substantial justification for the land not to be allocated within the Local Plan.*

Cancer Cluster

You will have already received a letter from Jim McManus (Director of Public Health at Hertfordshire County Council) dated 9 October 2019 who advises that rates of cancer deaths in Welwyn Hatfield are in line with the national average, give no cause to suggest any cluster of cancer exists and that as a result there is no basis to undertake a cancer cluster investigation.

Policies

I would like to reassure you that other policies in the Submitted Local Plan includes SP19 which acknowledges that SDS2 (Birchall Garden Suburb) includes a large area of land that was used for mineral extraction and subsequently used for landfill, but asserts that this will not be developed for housing, but will be used as a substantial area for parkland.

Policy SADM18 Environmental Pollution clarifies that the Council will adopt the approach set out below to ensure that pollution will not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment.

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Supporting text in respect of contaminated land states that:

*(12.59) The Council will encourage proposals for the development and reuse of land which is or may be contaminated in line with the general thrust of national planning policy. Under the 1995 Environment Act the Council has a duty to identify sites which may be contaminated and determine the remediation requirements.*

*(12.60) When considering planning applications for the development of land which may be contaminated, the Council will need to assess whether, in the light of the type of contamination, the proposed development will be suitable and whether there are likely to be any unacceptable risks to health or to the environment arising from its development or future occupation. In considering whether planning permission should be granted, the Council will need to be satisfied that there will be no unacceptable risks including impacts on the quality of surface or groundwater that may arise from remedial works or the proposed use of the site in relation to the type of contamination. After remediation, land should not be capable of being classified as contaminated land under Part IIA of the Environmental Protection Act 1990.*

*(12.61) The responsibility for decontamination rests with the developer or owner. The Council will normally require developers to undertake a full investigation to establish the level of contamination in soils and/or groundwater/surface waters on such sites and undertake the necessary remediation measures, if necessary by imposing conditions on planning permissions. Where required planning applications must be accompanied by a full survey of the level of contamination and proposals for remediation measures. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures, in particular the Council's Guide to the Assessment and Remediation of Contaminated Land <sup>(75)</sup> and BS 10175:2011+A1:2013: Investigation of potentially contaminated sites.*

### Next Steps

The next steps in the process are that the examination inspector will host hearing sessions on the contamination and noise evidence associated with Birchall Garden Suburb, to reassure himself that it is sound to include as an allocation in the Local Plan.

Thereafter it is intended that the Council will work in partnership with Tarmac, statutory bodies and other interested parties to prepare a masterplan for the site.

The masterplan will subsequently be used to guide the preparation and determination of planning applications and the identification of appropriate planning conditions and planning contributions.

In conclusion, it is the Council's current position that preliminary contamination evidence justifies the proposed allocation of the site, but that further work will be done in due course to ensure that any issues can be fully mitigated through the masterplanning and design phases.

Yours sincerely

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A handwritten signature in black ink, appearing to read 'Haigh', written in a cursive style.

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