

# **Examination of the Welwyn Hatfield Local Plan 2013-32**

## **Policy SP 19 Birchall Garden Suburb/East of Welwyn Garden City, Southern Section :- Outstanding Matters**

### **INSPECTORS' MATTER AND ISSUES**

This proposed development site, which extends into East Hertfordshire District, was considered at a joint Examination Hearing on 30 January 2018. Considerations concerning a number of matters, as they affect the part of the site in Welwyn/Hatfield, were adjourned pending the production and receipt of additional technical information.

A Hearing considered additional information, in the context of the northern part of the site within Welwyn/Hatfield, on 16 December 2019. In particular, the release of this part of the site from the Green Belt, the establishment of a Green Corridor across the site and the appropriateness of the site for residential development, in the context of the proximity of the former waste tip that occupies the eastern part of the proposed neighbourhood in Welwyn/Hatfield, were discussed, along with community, educational and retail facilities. The consideration was adjourned to enable an accompanied site visit to be arranged and to take place.

A further hearing is to be held in March 2020. It will consider matters relating to the suitability and appropriateness of the part of the site that consists of the fields to the north of the A414 and to the east of Burnside, for allocation in the Local Plan, as a part of the wider neighbourhood and to contain residential development. This Hearing will consider the appropriate historic evidence, together with additional information that has subsequently been submitted to inform the suitability and appropriateness of this part of the site for major housing development. This includes papers on the contribution the site makes to the purposes of the Green Belt (EX99), the ramifications of the adjacent waste tip for development (EX70, 105-153, 158 & 172) and the implications of noise (EX157, 158 & 172) and air pollution (EX 167A & 171), from traffic on the A414 and the operations at Burnside.

**Consultation has already been held on most of these documents. Representations that have already been received will be considered and it is not necessary for them to be repeated. Any representors wishing to make further submissions on the matters and questions listed below, particularly in the context of the new information in EX 167A, 171 and 172 should do so by 5.00 pm on 20 February, 2020.**

### **Matter 1 – Historic Heritage and Urban Design**

#### **Heritage Assets**

There are a number of historic heritage assets, close to the site, some of which are of national significance. In preparing Local Plans the NPPF requires Local Planning Authorities to recognize that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. The Planning (Listed Buildings and Conservation Areas) Act 1990 also requires

them to have special regard to the desirability of preserving the setting of listed buildings.

- 1) Other than the Montages produced by David Jarvis Associates on behalf of Tarmac (EX37), is there any other evidence (such as a Heritage Impact Assessment) that has considered the sensitivity of development to the nearby Heritage assets within Welwyn/Hatfield?
- 2) To what extent has the proposal had regard to the available heritage evidence?

Paragraph e) of the Council's response to the Matter 7 at the first hearing says that the notional plan is to be modified to provide an enhanced green buffer adjacent to the A414.

- 3) How wide is this enlarged buffer to be?

Development in this part of the site could still be visible from Hatfield House and its Historic Park, from the Essendon heritage assets, as well as from Holwell Court and in the wider views of these heritage assets.

- 4) In this context would the development be harmful to the settings of these heritage assets?
- 5) If not, why not?
- 6) Would any harm be substantial and if not what weight should be given to it?
- 7) Has the impact of development on the setting of these heritage assets been given adequate consideration?

### **Garden City principles**

The original Garden City was founded on a set of principles that sought to establish a settlement that minimised its impact on the surrounding Countryside.

- 8) Would the proposed new edge to Welwyn Garden City maintain the principles of urban containment, upon which the Garden City was founded, to the same extent as the current boundary?
- 9) If not should the proposed new boundary to the town be accepted?
- 10) What is the rationale for the siting of this part of the development in a location where its residential areas appear isolated and remote from the urban area of Welwyn Garden City?
- 11) How does the development of this part of the site fit in with Garden City principles?
- 12) Is the development of this part of the site a sustainable option?
- 13) If so how/why?

## **Matter 2 – Environmental Considerations**

At paragraph 100 the National Planning Policy Framework (NPPF) says that Local Plans should develop policies to manage flood risk from all sources. It also points out at para. 109 that the planning system should prevent new and existing developments from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. At paragraph 123 it further points out that planning policies should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

### **Water**

- 14) If surface water is to be managed on this part of the site via balancing ponds, how extensive are the ponds expected to be and where would they be located?

A leachate inceptor drain is to be installed close to the norther boundary and extending northwards to near the fishing lake.

- 15) Will this require a balancing pond?
- 16) If so how extensive would this be and where would it be located?
- 17) In the context of other proposed developments within the catchment area, how much capacity has Rye Meads Sewage Works got available to accommodate development at Birchall Garden Suburb?
- 18) When are the upgrades to the drainage infrastructure to and at Rye Meads Sewage Works likely to be implemented and completed to provide sufficient capacity to accommodate the expected discharges from the Welwyn/Hatfield part of Birchall Garden Suburb?
- 19) Can this development be implemented without major upgrades to the trunk sewage network and/or the sewage treatment facilities?
- 20) If not, what infrastructure improvements are proposed and when are they programmed for implementation?

### **Noise**

The noise assessment report suggests that with a 60m buffer containing a 5m bund to Burnside and the A414, not all dwellings beyond that feature would have external noise levels below acceptable maxima levels and some would also require mitigation measures to achieve acceptable internal noise levels.

- 21) Would this be a positive outcome?
- 22) In the context of a site requiring exceptional circumstances to secure its release from the Green Belt, is it appropriate to have to undertake such mitigation to make development acceptable?
- 23) Has the noise impact on this part of the development been considered in the sustainability appraisal?
- 24) If so how?

## **Air quality**

The air quality assessment suggests that those parts of the site beyond the buffer would not be the subject of dust nuisance or unacceptable atmospheric pollution concentrations.

- 25) Can the air quality assessment be considered to be robust?
- 26) If so does it demonstrate that an acceptable residential environment can be achieved in the vicinity of the road without the need to resort to further mitigation?

## **Matter 3 – Waste**

An extensive area within the central part of this site has been historically filled with household refuse. There are also existing waste operators with functioning premises in the area.

- 27) Is the former waste tip now capable of being considered as non-contaminated land under Part IIA of the Environmental Protection Act 1990?
- 28) If not, what further remediation measures are likely to be necessary?
- 29) When will they be fully implemented?
- 30) Have the ramifications of the continued operation of Burnside for the living conditions at proposed nearby dwellings and the implications of new dwellings in close proximity to an existing business that generates noise and other pollution been fully considered?
- 31) In this context does the notional layout meet the requirements of NPPF paragraph 123 in the context of the operations of the existing users as well as any future residents?
- 32) Have the requirements of NPPF paragraphs 120-121 been taken fully into account in the planning of this part of the garden suburb?

## **Matter 4 – Green Belt**

The National Planning Policy Framework stresses that the government attaches great importance to Green Belts and says that Green Belt boundaries should only be altered in exceptional circumstances.

The Council carried out a stage 3 Green Belt Review in 2018/19 in order to ascertain the contribution that a finer grain of sites than were previously examined, around the urban fringes within the district, made to the different purposes of the Green Belt. Despite a request to examine this part of Birchall Garden Suburb as a separate parcel, this has not been done. The area is included within a much larger parcel that includes most of that part of the proposed Birchall Garden Suburb Site within Welwyn/Hatfield District. The overall harm in the assessment is considered to be Moderate/High.

- 33) Is the overall assessment of Moderate/High harm a sound interpretation of the contribution that this part of the site makes to the purposes of the Green Belt?

- 34) In that context, is the allocation of this part of the site justified, effective and consistent with national planning policy?
- 35) Do exceptional circumstances exist to release this part of the proposed allocation from the Green Belt and if so, (other than Welwyn/Hatfield's housing need), what are they?
- 36) This part of the site appears to have been added to the suburb during the course of the plan's preparation. Why was that?
- 37) How and why was the extension to the site chosen ahead of other potential options?
- 38) Has this part of the site been adequately assessed in the sustainability appraisal?
- 39) Is the proposed new boundary to urban development as robust as one further to the north could potentially be, in the context of visually preventing urban sprawl and maintaining openness?

The southern part of Welwyn Garden City is now largely hidden from the view of travelers along the A414 by topography and woodland. The journey from Hertford to Hatfield is one through pleasant open countryside where the Green Belt aim of visually preventing urban sprawl, through keeping some land permanently open, is clearly demonstrated, despite the proximity of urban development at Welwyn Garden City. The proposal involves development in close proximity to the A414 for much of the distance to the west of the B195.

- 40) How will this retain the absence of a sense of visual urban sprawl outwards from Welwyn Garden City?
- 41) What impact would built development on this part of the site have upon the experience of travelers along the A414 or the public footpaths to its south?
- 42) In the context of safeguarding the wider countryside from encroachment, in this instance, is the choice of a highway as the physical feature to be used as a boundary the most appropriate solution?

## **Matter 5 – Implementation**

A large part of the site is covered with historic landfill whose remediation does not appear to be complete. Parts of the site are underlain with strategically important minerals that should be extracted before development commences above them.

- 43) How many dwellings are objectively expected to be built on this part of the site?
- 44) When is this part of the site realistically likely to be able to deliver these dwellings within the plan period?
- 45) What are the implications for the development of BGS in Welwyn/Hatfield as a whole, if a part of the allocation is found to be unsound?