

# **Joint Examination of the Welwyn Hatfield Local Plan 2013-32 (WHLP) and the East Herts District Plan 2011-33 (EHDP)**

## **Birchall Garden Suburb/East of Welwyn Garden City**

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

Having now read the respective Local Plans together with the supporting information that relates to the proposed development at Birchall Garden Suburb, the Inspectors have set out their preliminary matters and issues for the hearing sessions.

#### **Matter 1 – Green Belt**

The National Planning Policy Framework stresses that the government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping land permanently open. Additionally, it also says that Green Belt boundaries should only be altered in exceptional circumstances.

#### **Issues**

- 1) In that context, is the extent of the allocation justified, effective and consistent with national planning policy and do exceptional circumstances exist to release every part of the allocation from the Green Belt?
- 2) How and why was the allocated site chosen ahead of other potential options? How did the Councils work together when selecting the site in terms of alterations to the Green Belt?
- 3) Is the proposed new boundary to urban development as robust, in the context of visually preventing urban sprawl and maintaining openness, as the current one?
- 4) The southern part of Welwyn Garden City is 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 aims of visually preventing urban sprawl by keeping some land permanently open is clearly demonstrated, despite the proximity of urban development. The proposal involves development adjacent to or in close proximity to the A414 for much of the distance to the west of the B195.
- 5) How will this maintain the absence of a sense of visual urban sprawl outwards from Welwyn Garden City and impacting upon the experience of travellers along the A414?

#### **Matter 2 – Green Corridor**

Paragraph 114 of the NPPF requires Local Plans to take a strategic approach for the creation, protection, enhancement and management of green infrastructure.

The establishment of a Green Corridor is promoted running between Welwyn Garden City and Hatfield but with onward linkages into East Hertfordshire to the east. It is intended to connect existing green infrastructure and ecological assets by movement routes and at the same time maintain a sense of space/separation between urban developments, consistent with a Green Belt Function.

### **Issues**

- 6) How is this concept of green links to be achieved within Birchall Garden Suburb?
- 7) Would the notional route shown on Figure 8 of the WHLP and figure 13.2 of the EHDP be likely to achieve the Green Corridor Policy objectives at Birchall Garden Suburb? If not, why not?
- 8) Is the proposal in accordance with the overarching objective of providing a meaningful and coherent Green Corridor?

### **Matter 3 – Ecology**

Birchall Garden Suburb contains a number of international and local wildlife sites as well as areas of ancient woodland, some of which contain protected species. The NPPF at paragraph 117 requires that planning for biodiversity should be undertaken at a landscape-scale and across local authority boundaries. It also says that the planning system should minimize impacts on biodiversity and provide net gains in biodiversity where possible.

### **Issues**

- 9) Has an overall holistic survey of the wildlife importance of this area that looked at the interrelationship between the various sites been undertaken, together with risk assessments?
- 10) If so, has this led to a strategy to minimize the impacts on and achieve net gains to biodiversity within the area during and following the development?
- 11) In the context of the area's wildlife, is the Sustainability Appraisal sufficiently robust to act as a justifiable basis for an overall assessment of this development proposal?
- 12) Has a joint Sustainability Appraisal been undertaken to ensure that the overall cumulative impacts of this proposal, within the two local authority areas, have been fully assessed and considered?
- 13) Is there a cross boundary biodiversity plan at a landscape-scale that looks at the cumulative impact of the whole development?
- 14) What mitigation measures are proposed to maintain the functioning of the area's ecological assets? And what confidence can be placed on their robustness and adequacy to minimize any impacts on biodiversity and provide net gains in biodiversity where possible?

- 15) Has sufficient attention been paid to the protection and enhancement of wildlife sites and their inter-linkages?
- 16) Will the priority habitats of species of national and international importance found in the area be preserved, restored and/or recreated when this development is implemented?
- 17) If so how will this be achieved?
- 18) Are the requirements of Section 40(1) of the Natural Environment and Local Communities Act 2006 likely to be met through this development if it is implemented as proposed?

#### **Matter 4 – Minerals**

In Section 13 the NPPF seeks to facilitate the sustainable use of minerals. Minerals Safeguarding Areas are to be defined and appropriate policies adopted in order that known locations of specific mineral resources are not needlessly sterilized by non-mineral development. There are known mineral resources under this site.

#### **Issues**

- 19) To what extent are measures in place to ensure that minerals of local and national importance that underlay this site, are extracted before they become sterilised?
- 20) Could such considerations delay the implementation of development at this site?

#### **Matter 5 – Other Environmental Considerations**

At paragraph 100 the NPPF says that Local Plans should be supported by a Strategic Flood Risk Assessment. At paragraph 109 it also points out 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**

- 21) Is the development of this site supported by a positive Strategic Flood Risk Assessment?
- 22) Will the removal of minerals from the site and the consequent lowering of grounds levels have any implications for flooding?
- 23) Have the ramifications of this proposed development for flooding at locations downstream been examined? If so are all of the issues raised likely to be capable of remediation such that flood risk will not be increased elsewhere?

- 24) Has the ability of this site to be drained through a Sustainable Urban Drainage Scheme been fully assessed?

The river Mimram and the upper Lea are chalk streams of importance as a result of their special ecology

- 25) Has there been any research into the likely leaching of contaminants from the historically tipped areas into ground water and the local water courses?
- 26) If so what are the results? Can a permanently safe environment for the human population and local wildlife be guaranteed?
- 27) Can this development be implemented without major upgrades to the trunk sewage network and/or the sewage treatment facilities?
- 28) If not, what infrastructure improvements are proposed and when are they programmed for implementation?

### **Noise and air quality**

- 29) Has there been an assessment of noise and atmospheric pollution levels along the northern side of the A414?
- 30) If so do these demonstrate that an acceptable residential environment can be achieved in the vicinity of the road without the need to resort to mitigation?

## **Matter 6 – Sustainable location and movement**

### **Issues**

- 31) What is the rationale for the dispersed siting of residential development where some areas are remote from the urban area of Welwyn Garden City? Is this the most sustainable option in terms of access to services and facilities within the City?
- 32) What specific proposals are there to provide improved and segregated movement facilities to connect the distinct parts of this development and to link them to jobs, facilities and strategic transportation in Welwyn Garden City and Hatfield?

## **Matter 7 – Historic Heritage and urban design**

There are a number of historic heritage assets within or 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.

### **Heritage Assets**

- 33) Is there an evidence base that has assessed the sensitivity of development to the nearby Heritage assets, including montages of the views affected (as recommended by the Heritage Impact Assessment produced for the Councils by Beacon Planning)?
- 34) If so, has the allocation had full regard to this evidence?
- 35) Would development in the south-eastern part of the site, in proximity to the A414, be visible from Hatfield House and its Historic Park and from the Essendon heritage assets? Would development in the north western and eastern part of the site be visible from Panshanger Park?
- 36) If so, would the development be harmful to the settings of the heritage assets?
- 37) To what extent could the proposals harm the setting of Holwell Court and Holwellhyde Farmhouse? Has the impact of development on their setting been given adequate consideration in the formulation of the notional layout?

### **Garden City principles**

The original Garden City was founded on a set of principles that sought to establish a settlement that minimized its impact on the surrounding Countryside. A southern boundary known as the "Salisbury Line" was established beyond which it was not considered appropriate for the town to extend in a southerly direction.

#### **Issues**

- 38) Does 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 original boundary?
- 39) Some of the residential areas appear isolated and remote from the urban area of Welwyn Garden City? How does this fit in with Garden City principles.

### **Matter 8 – Retail**

Development is proposed to occur on either side of a reclaimed waste tip area, creating two distinct neighborhoods of similar size.

#### **Issues**

- 40) In that context, why is one of the two centres proposed to be subservient to the other?
- 41) Has there been any assessment of the likely and comparative need for retail and community facilities, within the two neighbourhoods and the respective areas that they abut?

- 42) Does an evidence base justify the differing proposals for the two neighbourhood centre proposals?

## **Matter 9 – Gypsy and Travellers**

### **Issues**

- 43) Is there a robustly proven need for the overall number of Gypsy and Traveller pitches proposed in this locality?
- 44) Has there been adequate consultation to establish the assumed need for Gypsy and Traveller pitches in this locality?

## **Matter 10 – 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.

### **Issues**

- 45) To what extent has the extent and content of the waste tips within the site been surveyed and analysed?
- 46) Has research been able to demonstrate the full extent and nature of any contaminants in this area, their risk to human health and the necessary remediation measures required to make these areas safe for use by the general public?
- 47) How long are the methane vents expected to remain?
- 48) Is there a short term remedy to the outflow of methane from some/all of the tipped areas?
- 49) Is the site capable of being considered as non-contaminated land under Part IIA of the Environmental Protection Act 1990 in the short term?
- 50) If not, what further remediation measures are likely to be necessary and when will they be fully implemented?
- 51) Are the existing waste management facilities expected to remain for the duration of the plan period?
- 52) If so, have the ramifications of their continued operation for the living conditions at proposed nearby dwellings been fully considered and 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?
- 53) Have the requirements of NPPF paragraphs 120-121 been taken fully into account in the planning of this garden suburb?

## **Matter 11 – 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.

### **Issues**

- 54) Is the site realistically likely to deliver over 2,500 dwellings within the plan period?
- 55) What are the implications if one part of the allocation is found to be unsound?