

**Submission from Welwyn Garden City Society to the Joint Hearing of the Inspectors considering the draft local plans of Welwyn Hatfield Borough Council (WHBC) and East Herts District Council (EHDC) in relation to the site known as Birchall Garden Suburb (variously referenced as WGC5, SDS2, EWEL1)**

The Society wrote to WHBC on 25 October 2017 (Referenced **AA1** in this submission) which it acknowledged and a copy of that letter was sent to EHDC which did not. This letter sets out information with supporting evidence to the effect that some of the material submitted to both councils is incorrect, and includes other information that the Society thinks is relevant.

**AA1** is supported by evidence contained in its Appendices A to R and references a BBC transcript marked Appendix X.

This submission references the relevant paragraphs of that letter, where appropriate, back to the questions posed by the Inspectors in their note headed “Inspectors’ matter and issues” relating to this joint examination.

We also respond to the points made in subsequent submissions, ED 169 and ED 171 from EHDC (or in WHBC documentation as EX35 and EX37).

**Matter 1 - Green Belt**

Issue 4 & 5. Inspectors have noted that from the outside, WGC is largely hidden from view from all directions by trees and this development would be a break from this historical approach. The land is on a downward slope towards the south and this would mean that the site could be seen from further south. The use of a five meter bund along the A414 is wholly novel to Welwyn Garden City and does not equate with the city’s garden city heritage of trees. Part of the development within EHDC is wholly unconnected from the town itself; it lies alongside the A414 and Birchall Lane is equally exposed. It would be easily visible from the road.

**Matter 2 - Green Corridor**

Issue 7 & 6. The Society believes that the proposed sprawl from the town southwards towards the A414 will act as a barrier to wildlife travelling north east and east and only a narrow strip is left for wildlife and for humans to move through the green corridor. This is but a sop towards the regulations. At best, Figure 8 is aspirational and woolly; in practice, such diagrams are meaningless.

The diagram ‘Figure 12 Birchall Garden Suburb’ produced by WHBC in its recent Statement of Common Ground with East Herts and Historic England shows a very narrow strip of land forming the corridor. It also shows that Birchall Farm (a listed building) would be directly in the middle of the corridor and at that point the corridor is only as wide as the farm buildings. With fencing and other structures that stand on this narrow strip, it has to be asked whether the new restricted corridor will be fit for purpose.

In the East Herts part of the plan, the barrier is all but complete. If you look at the photomontage in ED 171 which is a view from the south, there is a proposal to build a

primary and secondary school located in an area which is shown as being green in the photomontage. This is misleading but, effectively, these will block the green corridor.

This photomontage is also additionally misleading as it fails to show the proposed building on Panshanger Aerodrome which will further encroach on the green corridor.

### **Matter 5 - Water**

Issue 24. In the WHBC report called Combined Policy Viability Study prepared by the BNP Paris Bas Real Estate, we note that there is a provision of some £2,500 per residential household for a Sustainable Urban Drainage System. It is not apparent where this would be located.

Issue 25. We have not seen any studies that might reassure local people that there will be no leaching of contaminants into the ground waters and local water courses.

Issue 26. The developers have no idea of the contaminants located in the waste tip as records were not kept for the bulk of the time the tip was in operation. No such guarantee can be given that the tip is forever safe for humans and that leachate may seep into the ground waters beneath, despite the landfill closing in the 1990s. Our earlier evidence stated that many of these contaminants may yet break through their containers (see Section 7 of **AA1**). It is for this reason that we do not consider that development plans are sustainable for the long term; there are too many unknowns and this is not consistent with the Precautionary Principle.

Issue 27. We wonder if any realistic assessment has been prepared of the impact on the Rye Meads treatment plant arising from a new sewer to the south of the landfill area – bearing in mind that the leachate could well be of increasing chemical complexity over the years.

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

Issue 31. The only rationale for this development seems to be that the developer owns the land and would like to capitalise on it once it is earmarked for housing or once planning permission is in place.

### **Matter 7 - Garden City Principles**

The Town & Country Planning Association, initiated by Ebenezer Howard in 1899, today acts as guardian and preserver of Garden City Principles. It defines those principles, updated for the 21<sup>st</sup> century in a simple list, referenced as **AA2**. Of the nine principles defined, we contend that the proposed development will satisfy them barely, if at all, particularly the points about delivering healthy, zero-carbon developments and growing food. All of these are questionable, when sited beside a 70 year old landfill site that has been venting methane and other greenhouse gases for many years.

As a Society that has been espousing the garden city ethos and principles since the 1940s, we cannot see how this development on this particular site can be compatible with them.

Issue 38. The southern part of this development is barely connected to the town and stretches like a tentacle into the countryside. The northern part sits like an “appendage”

beside the A414 and is also wholly unconnected to the town. These developments would be unique to the garden city.

Issue 38 & 39. As explained elsewhere in this submission, the town is not visible from outside. It is masked by trees from both the outside and within the town itself. This was all part of the vision of the founding fathers who sought to minimise the impact on the environment. Contrast this with the photomontages, supplied in ED 171, that suggest to us that the development will be seen from outside.

From the outset, the town was additionally defined as “a town designed for healthy living”. This proposed development flies in the face of the town’s ethos (see **AA1** Section 5 and a reference to a DEFRA document headed “Potential Health Effects of Contaminants in Soil” and to Appendix X). It is clear from repeated stories of new developments close to contaminated landfill that there is an impact on human health. We do not believe that this development, either to the north of the B195 or to the south should be allowed on health grounds alone. This follows the precautionary principle relating to the fact that many of the compounds on this site are both unknown and some will be wholly novel to mankind, coming as we believe them to do, from a chemical research facility that used to be located in the town.

#### **Matter 9 – Waste**

Issue 45. The developers have only produced evidence to show contaminants they have been able to locate in land adjoining the landfill site or from relatively shallow holes on the landfill site. We have not seen any evidence as to what the landfill itself contains.

We also include evidence (see **AA3**).that this site was named in the government’s landmark report of 1929, known as the Dawes Report. The site was named as a key household and commercial waste site accepting London’s waste on a large scale. The report states that even then 40,000 tons of waste arrived there per annum by rail and that figure would have risen in later years as London grew, and as lorries also began to supplement the railways to transport waste there

Issue 46. In The first set of reports submitted on behalf of the developer, Royal Haskoning stated that the land to the west and south of the filled waste area was “virgin land” (in this section, the first area). Equally, land to the north of the B195 (in this section, the second area) was described as “having no history of extraction or filling”. **AA1** challenges this, indicating that records in the public domain indicated that sand and gravel deposits were located in both these areas (section 8 of **AA1**). Evidence from local people indicated that the first area had been excavated in pits (and subsequently filled); while evidence was supplied by locals who remembered the second area had been covered by so called “scrap sand” (Section 11 of **AA1**). Tarmac’s response to the “evidence” submitted is merely to assert that elsewhere large areas of land were designated for sand and gravel extraction but, in reality, neither aggregate was actually present. Such a general assertion is not evidence for the purpose of this inspection. We believe that Tarmac should produce realistic evidence from its own or other public records that sets out what happened to the land if they think our evidence is flawed.

We note that borehole data supplied is incomplete and fails to cover the entire site. This is a significant shortcoming. We also note an absence of chemical analysis which would be essential to evaluate what we are being told.

There is some corroboration of our findings in ED 169 which refers to a “borrow pit” but no indication is made of its depth, extent, location or when this excavation and refilling took place. In our opinion, this information should be made available by the developer as the Society believes this is material. Tarmac has not stated when this so called “borrow pit” was either dug or filled and no statement has been produced as to what it was filled with, when the pit was filled, and what records existed as to the engineering standards that were applied. Was drainage even considered when this filling took place? What was the topology prior to the refilling? All these questions are pertinent to this proposal as they will determine what engineering standards should be applied to any of the buildings Tarmac has planned for the site. We are at a loss to understand how any estimate of costs could be prepared without this basic information being clarified. This further applies to the estimate of remedial measures of £2.4M apparently supplied to the local authority. This seems to refer only to the concrete bases on which houses are to be built but does not seem to include any remedial measures that will be required in the open park area or for engineering solutions necessary to carry roads to the houses or to underpin industrial or school or playing field areas on the site.

We highlighted, in particular, Appendix D to **AA1** that Tarmac’s own evidence had stated there was an area described as “Filled Area” and amounting to some 45 hectares. We understand that the “borrow pit” referred to in ED 169 may or may not be part of this “filled area”. As it is, we seem to have a plan for redevelopment without the basic land survey being prepared first. We find this odd.

The developer, however, now states that the material under the land to the south and west of the landfill area is filled with “natural deposits”. We have noted that the developer does not state that these natural deposits are natural to their current location. In other words, this material may be material brought in from elsewhere - which we believe it was.

The Envirocheck maps supplied miss the crucial periods 1947 through to the late 1950s when we believe that the areas to the west and south of the waste tip and north of the B195 were extracted and filled. In addition, the Envirocheck map supplied as 1960 and 1960 to 1965 are clearly not of those dates, as they do not show the houses in the south east of the town. In particular, the houses in Thistle Grove adjoining the site were built in 1953/54.

No research has been submitted to support Tarmac’s assertion that there is no need to cap the landfill site any further. Their earlier submissions indicate that there are risks to human health when using the landfill area as a simple park. This will arise from both wild animal activity and from simply walking dogs over the area. Whilst the response to date has been to state that the paths would be properly formulated to ensure no contact with landfill, no proposals are included as to how general recreationists will be protected from what might be their own folly – such as digging for bottles or other “treasures”, lighting fires or children building camps. In parts of the site, the capping is clearly insufficiently deep. For this reason, we think the proposals would be in breach of Section 122 of the NPPF.

It is unsurprising that Tarmac has adopted an assertive stance on the issue of recapping this landfill site. If this becomes a requirement, then the risks of contamination of the waters below the ground would be significantly higher. This was the argument at the Blackbridge site at nearby Wheathamstead, which Tarmac took to the High Court and the Lands Tribunal and finally lost. As we have already stated in other submissions, the materials dumped at Blackbridge, which closed in 1974, were from the same north London sources over many years. In the case of the Holwell Hyde site, however, the dumping went on for some twenty years longer, is a larger site and we have been told that some of the chemicals deposited are of an unknown type from a local chemical research facility.

Issue 47. We find it difficult to understand that without an analysis of the waste material in the tip and adequate records produced of the gas flows that have so far emanated from that area, how any estimate can be prepared relating to how long any gas extraction system should be in operation. No detailed and comprehensive records appear to have been published that show the concentrations and flows of gases across the whole site and over what time frame. Furthermore, we have no idea how this extraction and monitoring system would be maintained or managed in the long term. We do not even know whether this system will be compatible with open access to the park as we have no information as to what security would be necessary. **AA1** Section 10, for example, states that the gas venting system originally installed was stolen and was never replaced. This is not a record in which local people can have any confidence. We are left with general statements that imply there will be periodic monitoring but we have no idea if this is intended to be daily or even annually.

This is made all the more difficult to assess as Tarmac has failed to clarify what the “filled area” of some 45 hectares is composed of, its depth or condition. These will have a bearing on how the gases flow from the landfill site and may be further affected by the building of both houses and roads above them. We note that this “filled area” lies alongside the whole of west and whole southern side of what Tarmac acknowledges is the landfill area.

Issue 49. We are currently unable to ascertain if the local authority has determined that the site is free from contaminants as per the Control of Pollution Act 1990 (part 2). We have therefore asked under the Freedom of Information Act 2000 for clarification of what work the Council has done in relation to this site since responsibility was passed to it under the Act. A copy of our FOI request is appended as **AA4.**

Issue 52. So far as we can see, no allowance has been made in any of the iterations of the plans for this suburb to take account of the noise and dust emanating from hard core crushing site at the Burnside. As far as the northern part of the site is concerned there is no statement as to when the mineral extraction facilities of ECO Aggregates are due to terminate.

Issue 53. We do not consider that the site is appropriate for housing on health grounds alone. This is set out in Section 5 of **AA1**. We believe that development on this site would be in breach of Section 120 of the NPPF.

Equally, we doubt the Council is able to certify that the site is free of contaminants as per Section 121 of the NPPF; but we await its response to our enquiry and as referred to under Issue 49.

Finally, we regret to find again more errors in the developer's latest submissions. This reduces our confidence in these proposals still further. They cannot be relied on; and deserve even more scrutiny than the local civic society can give them. We are keen that the ratified Local Plan only includes sites that are safe, sustainable, and viable to deliver as well as appropriate to our Garden City

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