

**EAST HERTFORDSHIRE DISTRICT COUNCIL DISTRICT PLAN  
EXAMINATION**

**WEWLYN HATFIELD BOROUGH COUNCIL LOCAL PLAN  
EXAMINATION**

**Statement of Common Ground regarding land east of Welwyn  
Garden City (Policy EWEL 1/ Policy SP 19)**

**as agreed between:**

- 1) East Hertfordshire District Council**
- And**
- 2) Welwyn Hatfield Borough Council**
- and**
- 3) Hertfordshire County Council**
- and**
- 4) Tarmac Trading Ltd**

**Date: January 2018**

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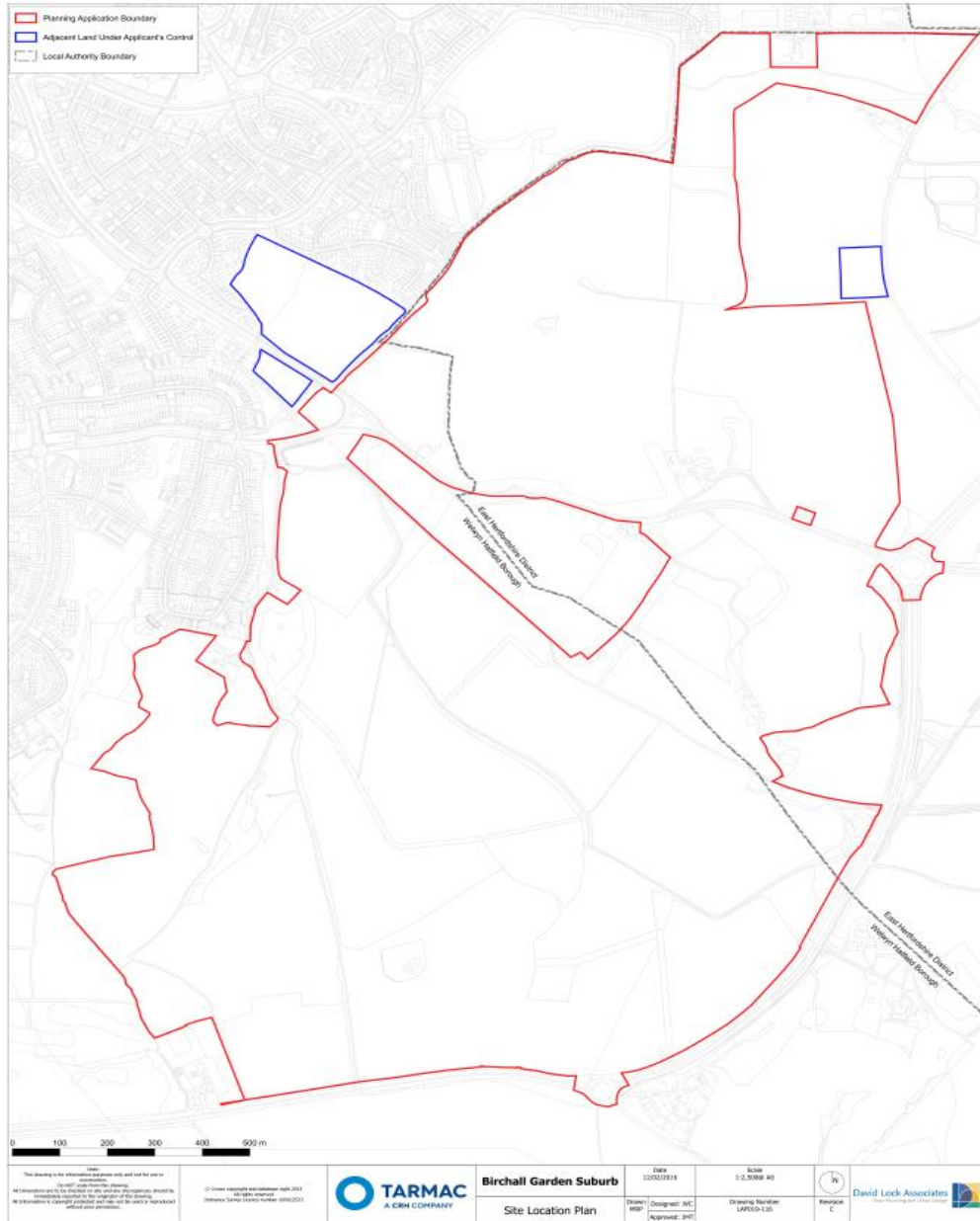
**Appendix 4: Environmental Assessment Scoping Opinion – February 2016**

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**1.0 INTRODUCTION****Background to Birchall Garden Suburb**

- 1.1 This Statement of Common Ground (SoCG) has been prepared jointly on behalf of Tarmac Trading Ltd, East Hertfordshire District Council, Welwyn Hatfield Borough Council and Hertfordshire County Council.
- 1.2 The Statement sets out those matters which have been agreed between the following parties:
- **East Hertfordshire District Council**, as the Local Planning Authority for those parts of the site to the north and south of Birchall Lane (land at Birchall Farm);
  - **Welwyn Hatfield Borough Council**, as the Local Planning Authority for that part of the site between the A414 and the existing built-up edge of Welwyn Garden City (land at Cole Green);
  - **Hertfordshire County Council**, as the Minerals and Waste Authority and Education Planning Authority;
  - **Tarmac Trading Ltd**. (“Tarmac”), as the promoter of the proposed Birchall Garden Suburb development on behalf of the landowner Birchall Gardens LLP.
- 1.3 The site for the proposed development of BGS extends to some 260 hectares, is situated to the south east of Welwyn Garden City and straddles the administrative boundary between East Herts District Council and Welwyn Hatfield Borough Council, the two local planning authorities.
- 1.4 BGS is a proposed allocation in both Local Plans; the Submission Plans propose a residential development of approximately 2,550 new homes together with open space and supporting infrastructure. The policy requirements are set out in East Herts District Plan (EHDP) Policy EWEL 1 and Welwyn Hatfield Local Plan (WHLP) Policy SP 19, supported by a Strategy Diagram (Figure 13.2 and Figure 12 respectively).
- 1.5 BGS has been promoted as a development site for 10 years, initially under the Regional Spatial Strategy and latterly through the current Local Plan processes. The plan at **Appendix 1** shows the site location and boundary. (Plan 1 overleaf reproduces this at a reduced scale).
- 1.6 The matters agreed in the SoCG do not prejudice or preclude further written and oral representations being made on behalf of the parties on those matters which have not been agreed between the site promoter and the local planning authorities.

Plan 1 – Site Boundary



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**2.0 THE SITE AND THE PROPOSED DEVELOPMENT****Quantum of Development and Principal Land Uses**

- 2.1 Birchall Garden Suburb is a strategic allocation which will deliver approximately 2,550 homes over the two Local Plan periods. Of the 2,550 homes proposed at BGS, around 1,350 will be within East Herts District. The remaining 1,200 homes will be within Welwyn Hatfield Borough.
- 2.2 As a minimum Birchall Garden Suburb will comprise:
- 2,550 homes, providing a wide range of types and sizes of housing, including a mix of market and affordable dwellings, with different accommodation tenures.
  - Sites for two primary schools and one secondary school. The layout of the schools should be designed to accommodate the potential community use of indoor and outdoor sports facilities.
  - Two mixed use local centres.
  - A Gypsy and Traveller site to accommodate 15 pitches.
  - A network of green infrastructure to complement existing open space features in the site's environs, including extensive informal open space, as well as allotments /community orchards, play areas and links to accommodate wildlife movements.
  - Outdoor playing pitches.
  - Vehicular access via the A414 and B195 (Birchall Lane and Cole Green Lane), including specific upgrades to the two existing junctions on the A414 Corridor and localised improvements to the B195.
  - Internal roads, footpaths, cycleways and bridleways, with connections to existing rights of way (including the Cole Green Way Sustrans route), which would be retained with an enhanced crossing of Cole Green Lane.
  - Sustainable drainage and utilities infrastructure, including drainage basins, foul water pumping stations and electricity sub-stations.
  - Prior extraction of circa 162,000 tonnes of sand and gravel from that part of the site north of public footpath Hertingfordbury 023 and west of Birchall Wood.
  - Remediation of the historic landfill in the central part of the site as required for its proposed use as public open space.
  - Management and aftercare of areas of the site which are neither sold nor adopted.
- 2.3 Local employment will be provided adjacent to BGS at two sites located adjacent to the proposed development, accessed separately from Birchall Lane / Cole Green Lane (The Holdings and Highlands). Planning permissions have been issued for both sites. A planning consent for B1, B2 and B8 uses at The Holdings was issued by WHBC on 15/09/2016 (Reference 6/2015/2415/MAJ). A planning consent was issued by HCC for an inert waste recycling facility at Highlands on 04/02/2016 (Reference 3/1124-15 (CM0091A)). Retail and service uses within the BGS development will also provide local employment opportunities.
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- 2.4 The development at BGS will include an extensive central parkland incorporating previously excavated land. The topography of the site and the existing landscape features will continue to inform the configuration of the housing layout and key habitat features will be preserved.

### **3.0 GARDEN SUBURB PRINCIPLES**

- 3.1 The BGS development will be delivered in accordance with the Garden City Principles derived following a collaborative process involving the Town and Country Planning Association, landowners, developers, residents' groups and others to guide the master planning of strategic developments in Welwyn Garden City. As a Garden Suburb, the new community will complement and supplement facilities already offered locally in Welwyn Garden City. The proposals include a large central parkland located on previously excavated and filled land, new community facilities including three new schools, local shops and services, and a local health facility. These will benefit both new and existing communities. A set of bespoke Garden Design Principles will be developed including tree lined streets, generous public parks and open spaces, thoughtful design and orientation of housing to promote healthier living, and walkable neighbourhoods.

### **4.0 PRIOR MINERAL EXTRACTION**

- 4.1 Information has been provided to Hertfordshire County Council in connection with potential gravel extraction at the site. Hertfordshire County Council is agreed that under the specific circumstances demonstrated c 162,000 tonnes of mineral extraction is considered to be reasonable.
- 4.2 The proposed prior extraction of sand and gravel will be limited to the north-western part of the site north of the footpath connecting Moneyhole Lane Park with Panshanger Lane. The material in this location is of reasonable quality with a good balance between sands and gravels.
- 4.3 It is proposed that (subject to planning) the minerals extracted would be removed from the site to Tyttenhanger Quarry, which is operated by Tarmac, for processing and storage, thereby minimising any potential risk of delay to subsequent development arising from market conditions.
- 4.4 The indicative trajectory for BGS demonstrates the delivery of the full 2,550 dwellings proposed to be allocated for development by 2033, facilitated by a short mineral extraction period of circa 6 months. The indicative trajectory for housing delivery is discussed in more detail in section 12 below.

### **5.0 EDUCATION PROVISION**

#### **Proposed School Sites in BGS**

- 5.1 The BGS development will generate a need for 5 forms of entry (FE) at the primary and secondary stage. The development proposals include:
- A two form entry primary school site to serve the Welwyn Hatfield part of the development, including early years' provision.
  - A primary school site of up to three forms of entry to serve the East Herts part of the development, including early years' provision.

- A site for one secondary school, including sixth form provision, of up to eight forms of entry which will meet wider needs in addition to the requirements arising from BGS and will be partly funded from other sources.
- 5.2 The new secondary school will be in East Herts and the primary school of up to three forms of entry is proposed to be co-located with this school.
- 5.3 Subject to securing the necessary permissions, the current development programme could enable the East Herts primary school site and the secondary school site to be made available in 2020/21 if required.

## **6.0 UTILITIES AND INFRASTRUCTURE**

- 6.1 Thames Water has advised the Local Planning Authorities that the level of development proposed in their respective plans will need to be supported by improvements to wastewater services, specifically from 2026 onwards. Pre-application discussions have taken place between the site promoter and Thames Water, which have not raised any major concerns in respect of the proposed drainage strategy for BGS. The Sewer Impact Assessment completed by Thames Water confirms local improvement options for the BGS development, which would ensure that adequate capacity was available without reliance on capacity upgrades at the Rye Meads Wastewater Treatment Works.
- 6.2 Technical studies undertaken to support the outline planning application for BGS have confirmed that all main services are available within the vicinity of the site. The outline application will include an Environmental Assessment of the potential effects of the proposed development, the proposed mitigation measures and any residual effects; this includes assessment of the impact of the development on utilities. Utilities assessments have been undertaken and provided to the Local Planning Authorities.

## **7.0 TRANSPORT AND HIGHWAYS**

- 7.1 Access to Birchall Garden Suburb is proposed via Birchall Lane / Cole Green Lane and via the A414. Improvements to Birchall Lane / Cole Green Lane will include local re-alignment and a roundabout will be introduced to replace the existing 'T'-junction. A new vehicular access is proposed to Birchall Farmhouse and the associated cluster of farm buildings.
- 7.2 HCC has identified a need for specific upgrades to the two existing junctions on the A414 Corridor, including mitigation schemes at the Birchall Lane / A414 Roundabout and the Holwell Lane / A414 Roundabout. There will also be a need for capacity upgrades to the B195, including the construction of new roundabouts for access. HCC has responded as Highway Authority to a Draft Transport Assessment for BGS and its comments received in September 2017 confirm that it has no objection to the proposed development in principle, subject to the submission of detailed information. This information will be provided within the planning application.
- 7.3 Tarmac's transport and highways consultant DTA has agreed a Statement of Common Ground (Position Statement) on highway and transportation matters with HCC; this is attached as Appendix 2.

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**8.0 GREEN INFRASTRUCTURE**

- 8.1 The location, scale and configuration of the site presents a major opportunity to provide an accessible, multi-functional green infrastructure network which will enhance biodiversity and incorporate sustainable urban drainage systems. The green infrastructure within the development will form part of a wider strategic green corridor, as set out in policy SP 19 of the WHLP, running east to west across Welwyn Hatfield connecting existing green infrastructure, ecological assets, footpaths, cycleways and bridleways including onward linkages to East Herts.
- 8.2 The BGS green infrastructure network is being designed to integrate and connect existing areas of wildlife habitat within and adjoining the site. The open space links are being designed to incorporate new connections and generous buffers providing increased public access for informal recreation where appropriate. Suitable buffers are being planned where the site abuts established woodland. The BGS Strategy Diagram, which has been revised by WHBC and EHDC, proposes a wider buffer to the A414 and the waste facility at Burnside in line with the BGS Parameter Plan. A modification to the BGS Strategy Diagram to establish a wider green buffer between the development and the A414 has been accepted by Historic England.
- 8.3 The large former landfill in the centre of the site (the Cole Green Landfill Site) will become an extensive informal parkland. This will be the central focus for Birchall Garden Suburb, around which the proposed development would be orientated and through which routes for walkers, cyclists and equestrians and corridors for wildlife will be directed.

**9.0 ECOLOGY**

- 9.1 Ecological surveys and reports have been submitted by Tarmac to WHBC and EHDC, and published on the respective Examination websites.
- 9.2 The ecological baseline conditions on the site have been the subject of surveys and studies since 2011, when the first habitat survey and evaluation was undertaken. This was then followed by a range of more specific surveys for flora and fauna, to establish the baseline conditions for these groups or to provide an update on their status. The knowledge gained from such work will continue to be fed into the master planning process, where major ecological constraints are being fully considered. The findings relating to habitats and species will inform the detailed planning of the site. The approach adopted directs development to areas of least environment significance. It will ensure that sites of high ecological value are protected (e.g. the existing woodland, wetlands, mature hedgerows, grassland and the adjacent Commons Local Nature Reserve and remnant woodland) and that important sites remain connected, through the delivery of wildlife links, including proposed new connections. The strategy will address mitigation, compensation, management and monitoring issues.
- 9.3 The planned mitigation will include the delivery of new habitats alongside enhancements to existing retained features. Where necessary, further mitigation measures shall be adopted to ensure that potential impacts upon protected species are eliminated or reduced to acceptable levels. A detailed mitigation strategy will be prepared at the appropriate stage.

**10.0 HERITAGE AND LANDSCAPE MATTERS**

- 10.1 There are two grade II Listed Buildings located within the BGS site: Holwellhyde Farm House in Welwyn Hatfield and Birchall Farm House in East Herts. In addition, the site is located in close proximity to Panshanger Registered Historic Park and Garden,



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which is grade II\* listed, and Hatfield House and its gardens which are both registered grade I.

- 10.2. Historic England has identified concerns relating to the development's potential to impact the setting of Hatfield House and Panshanger Park. To help understand the implications of the development on the historic environment, a Heritage Impact Assessment (HIA) was jointly commissioned by WHBC and EHDC in March 2016. The HIA, prepared by Beacon Planning, concluded that, subject to appropriate mitigation, any harm to the significance of the heritage assets in this area from the proposed development is likely to be less than substantial in the terms of the National Planning Policy Framework.
- 10.3 BGS is also situated within a sensitive landscape context. A number of long distance views have been identified which merit protection. The position of the site between the Lea and Mimram Valleys and the different levels within the site require a considered design response. The mitigation of any impacts is being addressed in developing the detailed proposals.
- 10.4 Tarmac's landscape consultant met with representatives of Historic England (HE) and officers from the local planning authorities on site on 25<sup>th</sup> July 2017 to address matters raised by HE in respect of Policies EWEL 1 and SP 19 in the submitted Local Plans. Additional technical work was undertaken by Tarmac to assist consideration of the proposed scheme. Photomontages showing views into and from the site before and after the proposed development were submitted to Historic England on 5<sup>th</sup> October 2017 and have been published on the Examination websites. These photomontages have demonstrated that any harm to heritage assets, including the two Grade II listed farmhouses, Hatfield House and Panshanger Park, would not be unacceptable. . A Statement of Common Ground in relation to the representations made by Historic England to the WHLP Submission and EHDP Pre-Submission with respect to land to the south east of Welwyn Garden City was agreed in November 2017. A detailed mitigation strategy will accompany the planning application which will be prepared in consultation with HE and other stakeholders.

## **11.0 LAND QUALITY AND REMEDIATION**

- 11.1 The central part of the BGS site within Welwyn Hatfield includes the former Cole Green landfill site. Investigations have been carried out on behalf of Tarmac to identify the extent of the former landfill to ensure that the area is excluded from the proposed residential development area. The former landfill area is instead proposed to form a central parkland within BGS. No housing will be developed on the filled areas.
- 11.2. Tarmac has monitored the filled area at Cole Green for over thirty years, including monitoring of groundwater, surface water and landfill gas. A desktop study of ground conditions was undertaken by Royal HaskoningDHV in 2012 (commissioned by Tarmac). The report of findings was submitted to WHBC in January 2013, following which Royal HaskoningDHV undertook intrusive ground investigations across the BGS site. On receipt of field and laboratory data, risk assessments were undertaken to establish the potential risk to human health and the controlled waters as a result of the ground conditions. These investigations were undertaken in December 2013, January 2014, June 2014 and July 2014 and comprised boreholes, trial pits, the installation of groundwater and gas monitoring wells and the collection of soil and groundwater samples for laboratory analysis. Three further rounds of gas monitoring were also undertaken on completion of the investigations in 2013/14. A supplementary ground investigation was also undertaken across the filled area in 2017 to corroborate the findings of the previous investigation.

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- 11.3 In support of the proposed allocation of Birchall Garden Suburb, Tarmac submitted a Soil Survey and Generic Quantitative Risk Assessment (October 2014) to WHBC prepared by Royal HaskoningDHV setting out an assessment of the suitability of the former landfill site for the proposed open space end use. The assessment and ongoing monitoring highlighted that most of the contaminants measured did not present an unacceptable risk to human health. It did indicate a limited number of potential unacceptable risks and topics which needed further investigation and monitoring. Royal HaskoningDHV concluded that subject to appropriate mitigation, the potential unacceptable risks should not represent a significant constraint to development. A supplementary investigation which comprised the recovery of additional soil samples was subsequently undertaken in 2017, specifically targeting the locations where potential unacceptable risks had previously been identified. On receipt of laboratory results, a revised assessment was undertaken which concluded that the substances previously identified were unlikely to represent an unacceptable risk to site users. This additional assessment will accompany the forthcoming planning application for the site.
- 11.4 Ongoing assessment of the potential risk to human health will need to be conducted as part of the planning application process and to support the detailed design of mitigation measures. This will be progressed in conjunction with appropriate landscaping and ecological works and co-ordinated with the detailed design of the development. The Environment Agency has raised no objection in principle to this allocation and will continue to be engaged as part of the design process. The need for specific measures to avoid or reduce any significant adverse environmental effects is being addressed through the Environmental Impact Assessment which will accompany the forthcoming planning application for the site.
- 11.5 An Outline Remediation Strategy for the wider BGS site has been prepared by Royal HaskoningDHV to inform the planning application. This sets out the remedial measures to be undertaken to eliminate any potential risks and to improve the baseline conditions of surface and groundwater. These measures include the installation of gas mitigation measures, the excavation of isolated contaminants and their sustainable re-use within landscape bunding (with geotextile layer above) and the installation of a new interceptor drain, in addition to the existing system, to intercept any leachates. The detail in respect of remediation measures will be agreed with the regulators throughout the planning and construction process.

## **12.0 PHASING AND HOUSING TRAJECTORY**

- 12.1 BGS will provide 2,550 new homes over the respective Plan periods of East Herts District and Welwyn Hatfield Borough. The full development is deliverable within the respective local plan periods. It is proposed that the first residential parcels in both the Welwyn Hatfield Borough and East Herts District Council areas of the site would be released for development in 2019/20.
- 12.2 The estimated phasing of the development assumes that planning permission is granted by early 2019 and that prior mineral extraction commences by mid 2019.
- 12.3 Construction of the proposed new access points on Birchall Lane and Cole Green Lane and other infrastructure could commence shortly after the grant of planning permission. Commencement of the first phases of the residential development in East Herts and Welwyn Hatfield would take place by early 2020.
- 12.4 The housing trajectory for BGS assumes that development proceeds at an average annual build rate of circa 200 homes between 2021/22 and 2030/31. The marketing strategy allows for up to four simultaneous housing outlets (each delivering some 50-75 units per annum) to be released.

- 12.5 Development on land at Cole Green in the Welwyn Hatfield Borough Council area is projected to be complete by 2031/32, whilst development on land in East Herts District to the north and south of Birchall Lane is projected to be complete by 2032/33.

### **13.0 STAKEHOLDER ENGAGEMENT**

- 13.1 The proposed allocation of this site in the two draft Local Plans is underpinned by a considerable body of evidence and has been informed by constructive dialogue between Tarmac and its representatives, EHDC, WHBC, HCC, statutory consultees and other key partners.

- 13.2 Public engagement has been undertaken by Tarmac on its emerging proposals as follows:

- A community planning weekend held on 20-21 November 2015.
- A public exhibition of the Birchall Garden Suburb proposals held on 10-12 March 2016.
- A public exhibition of the Birchall Garden Suburb proposals and Illustrative Master Plan on 30 June and 1 July 2017

- 13.3 Further stakeholder and public engagement will take place as more detailed proposals are developed.

### **14.0 OUTSTANDING MATTERS TO BE RESOLVED**

- 14.1 There are certain matters which are not agreed between the parties to this SoCG, which are set out in representations made on behalf of Tarmac in response to the pre-submission consultations on the draft WHLP and EHDP in 2016. These matters include:

- The requirement for a joint master plan (“the Masterplan”) to be prepared by WHBC and EHDC to form the basis of a Supplementary Planning Document.
- The requirement that any application for development should be preceded by the Masterplan to be adopted by WHBC and EHDC.
- The requirement for a Green Corridor Supplementary Planning Document to be adopted by WHBC as part of the master planning for BGS.

- 14.2 Tarmac maintains that its BGS Parameter Plan and Illustrative Master Plan have been developed taking account of and in accordance with Garden City Principles, stakeholder and public engagement and that the preparation of a joint LPA-led Masterplan to form the basis of a Supplementary Planning Document (SPD) would cause undue delay to the planning and development of this site and is unnecessary.

- 14.3 Tarmac is ready to submit and has indicated that an outline planning application will be submitted to both EHDC and WHBC for the whole of the BGS development following the joint examination hearing. This will include an Environmental Statement and supporting plans and documentation and will be capable of being determined upon the adoption of both Local Plans. Tarmac maintains that this approach will minimise any risk to the delivery of the full allocation within the Plan periods. An Environmental Assessment Scoping Report was submitted by Tarmac to WHBC and EHDC in December 2015 and a Scoping Opinion was issued by WHBC on 17 February 2016. These documents are attached as Appendices 3 and 4 respectively.

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- 14.4 The local authorities maintain that a Supplementary Planning Document is required given the cross-boundary nature of the site, its complexities in terms of the prior extraction of mineral and the phasing and delivery of necessary infrastructure and in order to manage the long term delivery of development across the Plan period.
- 14.5 Tarmac maintains that the preparation of a Green Corridor SPD is unnecessary and has the potential to significantly delay the planning process and the delivery of development on the BGS site.
- 14.6 WHBC maintains that a Supplementary Planning Document is required in order to ensure the Welwyn Hatfield Green Corridor is implemented in a coordinated manner and that appropriate arrangements are in place to secure its long-term management.
- 14.7 Preliminary discussions have taken place with the two Local Planning Authorities and Hertfordshire County Council regarding the submission of an outline planning application for BGS in early 2018.
- 14.8 Collaborative working between Tarmac and its advisors, the two Local Planning Authorities and Hertfordshire County Council is continuing and will address the following matters:
- A collaborative approach towards agreeing parameters and concepts upon which future detailed designs will be based.
  - The Heads of Terms for a draft Section 106 Agreement.
  - The process for considering the minerals element of the planning application.
  - Further pre-application engagement with stakeholders.

## **15.0 CONCLUSION AND DECLARATION**

- 15.1 This Statement of Common Ground has been prepared to assist the Examination of the Local Plans for EHDC and WHBC. It constitutes an agreed position between the following signatories:
- East Herts District Council as the LPA for the northern part of the site (land at Birchall Farm)
  - Welwyn Hatfield Borough Council as the LPA for the southern part of the site (land at Cole Green)
  - Hertfordshire County Council, as Minerals and Waste Authority and Education Planning Authority for the site.
  - Tarmac Trading Ltd, as the promoter of Birchall Garden Suburb.
- 15.2 The SoCG provides a statement of those matters which have been agreed and is without prejudice to those matters which are currently not agreed between the parties, notwithstanding any further future agreement which may be reached between the site promoters, East Herts District Council, Welwyn Hatfield Borough Council and Hertfordshire County Council.
- 15.3 This SoCG does not preclude any additional representations or supporting material relating to the BGS site being prepared and submitted by the parties, either orally or in writing, to assist the Examination.

**Signatories**

**Clr Linda Haysey**  
**Leader of East Hertfordshire District Council,**

**Clr Mandy Perkins**  
**Executive Member for Planning, Housing and Community, Welwyn Hatfield**  
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