

Statement for Central Hertfordshire Green Corridor Group

Statement from proposed hearing attendees: Dr Jonathan Fisher (Environmental Economist) & Cllr Gary O'Leary

Matter 4 – Topic Specific Policies

SP4 Transport and Travel

Issue 4: Should the policy be promoting long term strategies that contain sustainable solutions to the transportation issues?

Yes. But it does not do so.

Issue 7: What specific measures does the plan contain to encourage the use of alternatives to the private car as a means of travel?

Issue 8: Is any dedicated cycling and/or walking infrastructure, capable of being used for strategic trips, being proposed?

Issue 8: If not why not?

WHBC's draft report on the Green Corridor made a good start to identify such alternatives. But WHBC have failed to develop these and incorporate them in the Local Plan.

We welcome and share the Inspector's concerns and his question in issue 8, which WHBC have not addressed adequately in the Local Plan.

SADM 3 Sustainable Travel for All

Issue 14 Is the policy, as currently worded, likely to be effective in achieving changes towards the use of more sustainable modes of travel through new development?

No. Sustainable modes of travel have not been adequately developed (see response to issue 7).

Issue 15 Will the Policy ensure that the requirements of Section 19(1a) of the P&CPA 2004, with regard to the future development and use of land in the Borough contributing to the mitigation of and adaptation to climate change, will be met?

No. because the plan does not adequately develop alternatives to private car use (see response to issues 4,7,8 & 60). Also the Plan does not require sufficiently stringent environmental requirements for sustainable design and construction of the proposed housing (see responses to issues 61 – 63 & 69).

SADM 12 Parking, Servicing and Refuse

Issue 60. Does the plan adequately address the management of car parking demand?

No. The plan does not adequately show clearly what specific and substantive measures to manage car parking demand. Moreover, it does not show any such measures would be effectively implemented.

SP10 Sustainable design and construction

Issue 61 .Is the policy sufficiently robust to ensure that all new development will be environmentally sustainable?

No. See response to issues 7,8, 60, 62, 63 & 69.

Issue 62. Will the Policy ensure that the future development and use of land in the Borough will contribute to the mitigation of and adaptation to climate change as required by Section 19(1a) of the P&CPA 2004?

We welcome and support the Inspector raising this important question, which we consider has not been adequately addressed in the Plan. WHBC need to show what specific and substantive measures they will implement to comply with these requirements.

Issue 63. Should the BREEM and Sustainable Homes ratings be quoted in this policy or its supporting text and should development be required to meet the higher level targets?

Yes and WHBC should show clearly how they will enforce and implement these requirements.

SADM 13 Sustainability requirements

Issue 69. Should the BREEM Excellent rating be required at all new developments?

Yes.

SADM 14 Flood Risk and Surface Water Management

Issue 70. Should the plan require all proposed development to provide sustainable drainage systems?

Yes. But, in their statement for the Inspectors' joint examination of Birchall Garden Suburb, GCE highlighted that the Wardell report for GCE rightly raises concerns about the adverse implications of contaminants from the former landfill sites for the suitability of Sustainable Urban Drainage Systems (SUDS) to control increased flood risks arising from the development (see p. 18, 22/23, 27 of the Wardell report). This raises further doubts about the suitability of SUDS at this specific site. Moreover, it raises severe doubts and concerns about how adequately have Tarmac assessed this important subject as well as the adequacy of WHBC and EHDC's consideration of this matter in proposing to include it in their Local Plans.

Issue 71 Should this policy make specific reference to the sequential as approach

to flood risk management?

Issues 72 Should the policy require all proposed development to demonstrate, through a Flood Risk Assessment, that it will not contribute to flooding harm at locations downstream of the development?

The answer to these issues 71 & 72 is No. We welcome the inspector raising this question. We highlight in bold above the key aspect to his question – being assessment of “**contribute to flooding harm at locations downstream**”.

An adequate positive Strategic Flood Risk Assessment for all proposed developments in the Plan has not been prepared in line with the Environment Agency’s requirements. Specifically, the developer has failed to incorporate findings of any such assessment into the proposed development at BGS with necessary remediation – as set out in their letter to WHBC. WHBC’s Flood Risk and sequential test document and Appendix are thin and do not adequately assess flood risks downstream and do not provide sufficient supporting evidence to justify their conclusions. WHBC and EHDC’s Sustainability Appraisal fail to assess adequately the impacts of the development downstream of the site. Will the Policy ensure that the future development and use of land in the Borough will contribute to the mitigation of and adaptation to climate change as required by Section 19(1a) of the P&CPA2004?

SP 11 Protection and enhancement of critical environmental assets

Issue 76: Would the plan be more effective if there was a specific strategic policy that sought to conserve and enhance the historic environment?

Yes.

Issue 77 Is the interpretation of green infrastructure in the plan consistent with the definition in National Planning Policy Guidance (NPPG)?

Issue 78: Does the policy adequately define and promote the fundamental role of green infrastructure in managing sustainability?

Answer to issue 78 is that WHBC policies do have the right intentions and statements. But WHBC fail to show how they will follow and implement clearly in the Local Plan so that the answer to issue 77 is NO.

Issue 79: Does the policy ensure that that new development will contribute towards achieving net gains to biodiversity?

WHBC refer to this in S. 14.1 to the Garden City principles. However, their actual local plan does not include any specific policy commitments on this matter. Moreover, WHBC have failed to carry out adequate surveys and assessment of the ecological and biodiversity assets in the areas affected so that they do not have a baseline against which to determine any such net gains. Moreover, they fail to assess adequately and substantively the negative impacts of the proposed developments nor how these might in any way be offset any gains, which are also not substantiated.

Issue 80. Does this section of the plan sufficiently recognize the ecological importance of the River Mimram and its environment?

We welcome the Inspectors' statement that the river Mimram and the upper Lea are chalk streams of importance as a result of their special ecology, which we highlight in our report that we submitted for the joint examination of BGS). The Mimram is a significant chalk stream of regional (it not national) importance and a priority habitat under the EU Habitats Directive. Any impacts of the proposed development that could deteriorate this river and the River Lea would therefore be particularly significant and would require special attention by the Environment Agency in implementing the Water Framework Directive and preparing the River Basin Management Plan for this catchment.

The plan recognizes this matter but not sufficiently.

Issue 81. Is the Water Framework Directive clearly reflected in this policy?

No. See response to issue 80.

Issue 82. Should the River Basin Management Plans be referred to?

Yes. See response to issue 80. Moreover, the Plan should also refer to the water companies' national environment plans that the water companies are currently preparing for the next periodic review of water industry investment and prices in 2019 (PR19).

SP 12 Strategic Green Infrastructure

Issue 85. Does the policy adequately define and promote the fundamental role of green infrastructure in maximising sustainable development?

Issue 86: Is the policy consistent with the definition and understanding of green infrastructure as set out in NPPG?

Issue 87: Should there be better referencing of the inter-authority network of green infrastructure?

Issue 88: Should the policy explain and promote the multi-functional uses and benefits of green infrastructure?

In theory WHBC's policies in the Plan do address these matters and make the right statements and intentions. Moreover, they made a good start to address these matters in the stage 1 report on the Green Corridor.

This is significantly more than their neighbouring council - East Herts District Council, who do not even mention or consider a Green Corridor in their Local Plan nor the potentially damaging impacts upon it of this proposed development at BGC/EWEL1 in their Local Plan.

However, WHBC's actual actions in the Local Plan fail to fulfil and put into practice their good intentions. Moreover, their proposed revisions to the changes in the Green Belt designation and the proposed developments in the Local Plan at Birchall Garden Suburb would actually significantly encroach on the Green Corridor and would significantly damage it and the benefits it currently yield.

WHBC have not adequately addressed the multi-functional uses and benefits of green infrastructure. We have tried to help fill this gap in our report on the ecosystems services

benefits of the Green Corridor.

Issue 89: Does the policy give sufficient emphasis to the role that cycling can play in sustainable movement?

Issue 90: Has sufficient attention been paid to the value of green infrastructure to cycling and its overall health benefits?

No. See responses to issues 4, 7 & 8. WHBC policies make no reference to this. Moreover, the Plan fails to address this matter.

Issue 92. Should River Basin Management Plans guidance and the Water Framework Directive be referenced in this policy?

Yes. See response to issues 81 and 82.

Issue 93. Is too much development being proposed in the Welwyn / Hatfield Green Corridor to maintain its existing natural assets, including its wildlife and to enable their enhancement to be achieved?

Yes. Our report on the ecosystem services benefits of the assets in the green corridor (see our Appendix A that we submitted to the joint examination of BGS) set out the important assets that could be damaged by specific developments proposed in the plan – specifically in the case of BGS. Moreover, we set out how these benefits could be enhanced, which the plan does not adequately consider.

Issue 94. Is the proposed Green Corridor sufficiently wide to enable it to be environmentally viable as a strategic ecological route?

In our statement and report on the ecosystem services benefits of the assets in the green corridor that we submitted to the joint examination of BGS, we specifically addressed this issue.

This shows that WHBC's proposed green corridor is too narrow and would not yield the benefits to the local community that our report sets out.

Issue 95: Has a holistic assessment of the cumulative effects of development on the ecological environment within the Green Corridor been undertaken?

No. See statement by us and Hertfingfordbury Parish Council to the joint examination of BGS.

SADM 16 Ecology and Landscape

Issue 105. To achieve measurable net gains to biodiversity should applicants be encouraged to use expert ecological and landscape consultants when preparing material to support planning applications?

Yes. But these should be independent experts. Moreover, WHBC should draw on extensive local expertise and information that is readily available.

Issue 106. In achieving a net overall gain to biodiversity, shouldn't compensatory habitat replacement be on site as well as off-site?

Overall net gains should consider both off site and on-site impacts. But they should assess impacts on the benefits and services of the ecological assets affected on a wider landscape scale. This requires a thorough independent survey and assessment to set out a proper baseline for any such assessment.

Issue 107: Should the policy define measures by which the impact of development on habitats and biodiversity can be effectively measured and assessed?

Yes. WHBC have failed to do this adequately.

Issue 108: Should the policy refer to the biodiversity impact calculator?

No. We have the following important reservations about how net gains to biodiversity is often currently measured assessed using the Biodiversity Impact Assessment Calculator (BIAC).

- The Biodiversity Impact Assessment Calculator measures impacts in terms of area (HAs) or lengths (kms) of habitats affected – not in terms of the ecosystem services they generate.
- It entails subjective scores (eg for distinctiveness) that are just based on the assessor’s hidden subjective judgements.
- It is simplistic and gives misleading spuriously quantified findings.

We strongly concur with and support the the views of the House of Commons Environment Audit Committee’s comments on offsetting and the calculator that:

“The Government’s Green Paper does not provide an evidence based analysis of how offsetting would deliver “biodiversity gain”, according to the MPs. The twenty minute assessment for calculating biodiversity losses at a site, that has been proposed by Ministers, is also overly simplistic. It should include particular species, local habitat significance, ecosystem services provided – such as pollination and flood prevention - and ‘ecosystem network’ connectivity to reflect the full complexity of habitats, according to the Environmental Audit Committee....

Joan Walley MP (Chair of the EAC) added:

“The assessment process currently proposed by the Government appears to be little more than a twenty minute box-ticking exercise that is simply not adequate to assess a site’s year-round biodiversity. If a twenty minute assessment was carried out in a British wood in winter, for instance, it would be easy to overlook many of the migratory birds that may use it as habitat in summer.”

The EAC also report (p 7) that the Wildlife Trusts told this EAC inquiry that

“Ecology is a complicated thing. At the moment, the metric is too simplistic even to capture effectively some of those lower value habitats, particularly because there is not a species component”.

We believe that any assessment of “net gain” should be in terms of impacts on the ecosystems services benefits that the oseenvironmental assets in question (including key species) currently deliver – as set out in our report. It should not just be in terms of impacts on or area of specific biodiversity assets.

Issue 111: Are the requirements for protected species surveys and any required

mitigation, adequately covered?

No.

Issue 112: Should the policy require surveys and assessments, of the potential harm to protected species, where there is a reasonable likelihood of their presence and demonstration that their populations will not be diminished with or without appropriate mitigation?

Yes. WHBC has not adequately carried out such surveys. Moreover, they have not sought the best available information from local experts.

Issue 114: Has the harm resulting from potential impacts from contamination been adequately assessed and covered in policy?

No. Moreover, WHBC have failed to address this key matter in the local plan with respect to contamination risks at BGS.

Issue 115. Should better use be made of the Water Framework Directive and the River Basin Management Plans guidance in the policy?

Yes. See response to issues 81 & 82.

SADM 18 Environmental Pollution

Issue 123: Does the policy give adequate attention to noise and air pollution?

Yes in principle. But in practice, WHBC do not apply these statements and good intentions in the proposed site allocations nor in pursuing these matters substantively with the responsible body (Hertfordshire County Council).

SP 13 Infrastructure Delivery

Issue 129: Are the mechanisms by which infrastructure will be delivered and to time adequately addressed and set out?

Issue 130: Should the more fundamental infrastructure improvements required to support the new development be set out in the plan?

We welcome and support the inspector raising these fundamental issues, which WHBC fail to address in the Local Plan. The Local Plan should specify what the developers need to provide and/or contribute financially for the implementation and sustainable maintenance of the required infrastructure.