

Friday, 20th May 2018

The WHBC Draft Local Plan is not legally compliant because;

- 1. Not Positively Prepared;** not consistent with achieving sustainable development because the 2009 WCS did not incorporate a super sewer from Panshanger in WGC to Rye Meads Waste Water Treatment Works Southern Outfall 11 miles away and because of this TWU kept insisting that WHBC should build one. In the 2009 WCS it gives a fair advanced warning by stating the following and which I highlight these 4 points; ‘this equates to less than 4 years’ worth of residential development; upgrades to the rye meads Network and wwtw are unavoidable, and for the majority of local authorities there are no viable alternatives to this except developing in other catchments; it is recommended that the upgrades of the rye meads wwtw and sewerage network proposed by TWU are further assessed and constructed without delay; **It is important therefore that the core strategy makes proper provision for such uncertainty and does not place undue reliance on critical elements of infrastructure whose funding is unknown.**
- 2. Not Justified;** when considered against the evidence and any reasonable alternatives, because the reasonable alternatives were the local villages which already has infrastructure in place and this was also a recommendation as in 2012 the sustainability appraisal was mentioned by Councillor. that ‘to adopt Option 6 (Villages) would be perverse’. In 11:23 Option 6 would offer wider housing choice and would sustain the levels of facilities and services in the large excluded villages and their economy. 11:24 The sustainability appraisal raises concerns that this Option 4 (Panshanger) will be sufficient to meet locally generated housing need from within the Communities and that this in turn could have an impact on the Viability of local shops and services and the ability to deliver jobs to support rural communities and businesses. In the June 2004 Inspectors Report to WHBC District Plan Review, the following extract in section 4.2.7; ‘For the reasons I have already stated, I do not consider there is a general case to support the release of the sites put forward as alternatives in order to meet longer-term development needs in this plan, irrespective of their merits as compared to the safeguarded site at panshanger. However, I consider that many of the objections to the suitability of panshanger as a means of meeting any longer term housing needs are well founded. I note that the site has been safeguarded since at least 1993 and it seems to me that it would now perform poorly against any criteria., which are set out in Annex B of PPG2 and the governments objectives for housing contained in PPG3 and PPG13’.
- 3. Not effective;** the Local Plan will not be deliverable over the intended plan

period because of the Sewerage Infrastructure is not in place to support growth in and around Panshanger; THDA (on behalf of Lafarge) had made a developers enquiry to TWU in September 2015, TWU Sewer Impact Study "Confirmed that whilst the existing network has insufficient capacity" (All 7 Boroughs this is about, not just panshanger) and the 2015 Rye Meads Water Cycle Study Review 5:13 TW "Consider there to be Spare Minimal Capacity within the existing processes to Accommodate additional load". The 2008 East of England Plan states that 'to deliver broad location for growth 1(north east of wgc) A New Direct Connection to the southern outfall sewer at rye meads will be required' and in the 2012 emerging core strategy policy CS12, 'to deliver broad location for growth 1(north east of wgc) 'A New Direct Connection to the southern outfall sewer at rye meads will be required'. The WHBC 2015 draft IDP revised it states in service planning 13:27 'Thames water have identified that to deliver growth around wgc and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required; 'A New Direct Connection to the Southern Outfall Sewer at rye Meads'. August 2016 draft IDP, service planning 13:34, Thames water have identified that to deliver growth around wgc and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required: A New Direct Connection to the Southern Outfall Sewer at Rye Meads'. The May 2017 Draft IDP in the Utilities section states in service planning 13:34 'Thames Water have identified that to deliver growth around wgc and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required; A New Direct Connection to the Southern Outfall Sewer at Rye Meads'. In whbc's answers to my local plan questions in October 2017, they state as their answer to my question 6: "The council acknowledges that the information given in paragraph 13:34 of the infrastructure delivery plan (IDP), May 2017 edition, is likely to be in need of updating in the light of results work currently being carried out by Thames Water. To that extent the origin of the requirement in the first bullet point of paragraph 13:34 of the IDP is not critical. As previously stated, a new direct trunk sewer connection to Rye Meads is not currently a preferred option of Thames Water". In response to the 2009 wcs Thames Water committed to douse the incoming sewerage with an iron solution and this was their response to the recommendation from the 2009 WCS. Taking in to account that the new direct sewer to rye meads will facilitate the proposed panshanger development and i have aptly named this the panshanger super sewer aka the 4th sewer. The recent change of heart from thames water and whbc came ONLY as a result of our August 2017 infrastructure meeting and as whbc point out the new direct sewer is not a preferred option of thames water; this is based on what was supposed to be fact based but turned out to be fiction based evidence to justify the reason why no new sewer was actually needed and IF this new sewer was justifiably not needed why were Thames Water Mendacious to me in that infrastructure meeting and why do they both continue this Charade as if it is fact when it is

only fiction based supporting evidence. Thames Water claimed in the August 2017 meeting that "a mistake was carried over in to the 2009 wcs from a 1990's report and subsequently this mistake carried over in to all the whbc IDP's since at least 2012 which was "Thames Water have Identified that to deliver growth around WGC and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required "a new direct connection to the southern outfall sewer at rye meads will be required"; bear also in mind that over the years the wording changed while i kept up the pressure of my investigation; from the 2012 IDP "1 (North East of WGC) to 2017 IDP "around WGC and Hatfield". The Environment Agency made it quite clear in the East of England Plan of 2006 for Harlow that they felt an alternative to rye meads had to be looked for to enable discharges in to the water courses, namely a new sewerage works. Rye Meads is no longer fit for purpose as a sewerage works and is operating on borrowed time; built in the 1960's for 2 boroughs (Stevenage and Harlow) but now has 7 boroughs connected to it. How long before or how far in to the point of no return will this council commit themselves with thames water on a project which is doomed to fail. The superficial turnaround came at our infrastructure meeting last August 2017 and i wholeheartedly believed (at that time, and on their testimony) the super sewer was not needed because why would thames water be prevaricating, but later i came to realise, that new direct sewer was never mentioned in the 2009 WCS as Thames water claimed and that is Fact! Therefore whatever happens here today I am stating that both 'Panshanger Aerodrome and Hilly Fields Meadow cannot support housing' and the aerodrome should have never been put forward for housing in this local plan as my investigation has proven that for development to go ahead the new direct sewer has to be built 'but that is not conditional' that rye meads can accept the new flows in dry or wet weather conditions; Rye Meads should not be used. Rye Meads and Panshanger are money pits. The authors of the 2009 WCS not the fictitious 1990's report are the true architects as they had no reason to be mendacious when the 2009 WCS was written and gave a fair and honest appraisal of what would be needed in just my area at panshanger; that this 4th sewer (the 11 mile super sewer) would have to be built to enable a panshanger development.

Since then I have discovered that the sewerage constraints have whittled down to the fine end of the gauntlet which will not sustain panshanger; my community or the 7 boroughs in the rye meads catchment area in the interim or long term proposed by this council or thames water and is why, this WHBC Local Plan fails on this NPPF point of being 'Not' Effective.

4. **Not Consistent with National Policy**; the plan will not enable the delivery of sustainable development in accordance with the National Planning Policy Framework because the super sewer from Panshanger to Rye Meads Waste Water Treatment Works was never intended to be built but merely stated as a box ticking exercise to pass the local plan. In 2 TW emails to me in August 2015 TW stated 'There is no direct connection from WGC to Rye Meads. All sewerage from WGC passes through local sewers, including the WGC Southern outfall. And should development in WGC proceed, then developers will make their own connections to the existing sewerage systems and where appropriate. 'Thames Water are not planning any further major sewers in WGC'. In a March 2016 email to me from TW I asked the question 'Why was no direct sewer from WGC to the Rye Meads Waste Water Treatment Works factored in to the 2009 WCS? TW responded 'This is not to say that network upgrades won't be required, just that they will be more discreet in nature'. In a September 2016 email to WHBC about TW wording in the 2012, 2015 and 2016 draft IDP's, the response was 'The principle reason for this is that advice from TW in response to consultation on the emerging core strategy, local plan and IDP's has remained consistent, if fairly general'. In an email to me from TW in March 2017 regarding the 2009 WCS upgrades to date, TW responded 'The TW sewers have not been upgraded since 2009; they also said 'They were Unaware of Insufficient capacity'. In March 2015 to WHBC from the TW Town Planning Manager, he states on page 16 reference 43380 WGC4 East of WGC (Panshanger Aerodrome); we have concerns regarding wastewater services in relation to this site, specifically the wastewater network capacity in this area is unlikely to be able to support the demand anticipated from this development. The East Herts Strategic Sites Delivery Study – Final Report 2015; Lafarge Tarmac Commissioned THDA who submitted a Developers Enquiry to Thames Water Utilities; The Outcome of the Enquiry, (outlined in their accompanying TWU Sewer Impact Study & File Note prepared by THDA), Confirmed that whilst the **Existing Network has Insufficient Capacity**. Rye Meads Water Cycle Study Review 2015; **Thames Water consider there to be Minimal Spare Capacity within the Existing Processes to accommodate additional load**. Thames Water Email to Me 1st March 2016 from TW; Question to Thames Water from Me: 'Why was no Direct Sewer from Welwyn Garden City to the Rye Meads WwTW factored in to the 2009 WCS?' Response from Thames Water to Me: 'This is not to say that Network Upgrades won't be required, just that they will be more discreet in nature'. *The Email above makes it quite clear that, A New Direct Connection from Panshanger to the Rye Meads Waste Water Works Will have to be built before development can take place and bearing in mind, that the super sewer connection is pretty long (in fact 11 miles) from the aerodrome site that it will be very costly and could be the reason behind why it has been dismissed for so long, but only accepted on paper* 'A New Direct Connection from Panshanger to the Rye Meads Waste Water Treatment Works Southern

Outfall; meaning the Panshanger Super Sewer (the 4th sewer) and the Southern Outfall will have to be built First! In my view Mariposa cannot develop Panshanger Aerodrome, nor HCA with Hilly Fields, but then I have been saying that since 2013 & now the evidence is made that case very Clear. Panshanger Aerodrome should never have been brought forward for Housing in this or any Local Plan; our councillors and infrastructure partners should have researched thoroughly this dilemma but I feel it was left to chance.....

Therefore Inspector My questions which I put to this council in October 2017 were answered 7 months later in May 2018 and I do not need to ask these questions again. I feel my challenge to the 4 NPPF points above carry their own evidential weight.

Thank You Inspector!