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Reply To: address as below  
Our Ref: N6/2010/2055/MA  
Date: 20 April 2011  
Direct Tel: 01707 357298  
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Dear Mr Gostling,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
(ENGLAND AND WALES) REGULATIONS 1999  
Planning Application N6/2010/2055/MA - Former Shredded Wheat Factory Complex  
and Land Adjoining at Broadwater Road West, Welwyn Garden City**

I am writing with regard to the aforementioned planning application and revised Environmental Statement (ES), dated February 2011.

As you are aware, on 2 December 2011 the Council issued formal notification under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 that additional information was required to supplement the original Environmental Statement (dated September 2010), in order to assess the full range of environmental impacts.

In response to the notice under Regulation 19, a revised Environmental Statement (dated Feb 2011) was received on 17 February 2011, alongside a note of response to indicate what further information had been provided.

In accordance with the statutory processes, the revised ES has been subject to re-consultation procedures, furthermore, the Council has now had the opportunity to review the revised ES with reference to the schedule of additional information originally requested under the S19 notice.

An assessment of compliance against the schedule has been undertaken and is attached to this letter. This should be read alongside the updated consultation responses from the statutory consultees which refer to the revised ES. Copies of the latest consultation responses are available online at [www.welhat.gov.uk](http://www.welhat.gov.uk). As you will see, there remain some areas of clarification as well as concern that there are some outstanding gaps in relation to the Regulation 19 notice which the Council considers require further consideration. Furthermore, the additional matters raised by consultees that are relevant to the revised ES should also be addressed.

In addition it is noted that you have now submitted a separate but linked planning application (reference N6/2011/611/FP) which proposes the part replacement of the pedestrian footbridge linking the development site to the Howard Centre. As it is the stated intention of the applicant to deliver this latest proposal in lieu of the works to the bridge proposed under application N6/2010/2055/MA it will be necessary to ensure that the latest proposals are considered as part of the EIA process.

I would like to take this opportunity to reiterate that the environmental information presented in an ES must be considered before the planning application is determined and therefore the Council as determining authority should satisfy themselves that the submitted ES addresses those topics and areas in which significant environmental effects may potentially occur, (and ultimately that the submitted ES fulfils the requirements of the attendant legislation). If the Council does not consider that there is enough information to complete the Environmental Statement, the application can only be determined as a refusal (Regulation 3 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999).

Given the points listed in the schedule of compliance I suggest that a meeting to discuss any aspects of the outstanding information required and the resultant programme for auditing the Environmental Statement would again be appropriate and I will contact you shortly with some provisional dates.

If you have any other queries with regard to this letter or the attached note of compliance please do not hesitate to contact Richard Aston or Anita Ward on 01707 357000.

Yours sincerely,

Tracy Harvey  
Head of Development Control

Cc: Francis Russell, RPS  
Lindsey Lucas, Herts County Council

# REVISED BROADWATER ROAD WEST ENVIRONMENTAL STATEMENT, FEB 2011

## REVIEW OF COMPLIANCE OF FEB 2011 ES WITH REGULATION 19 NOTICE

Issues and omissions which the applicant is formally requested to resolve by the submission of further information, in accordance with Regulation 19.

**GREEN TEXT** = Comments against revised ES.

**RED TEXT** = Outstanding matters/clarification required.

### **1. Description of the development**

- 1.1 Confirmation is needed as to the description of the development which has been adopted as the basis for the Environmental Impact Assessment, as:-
- i. The parameters plans are not expressed to be part of the Environmental Statement (ES), and those that are included within the ES are incomplete, superseded and too small to be legible. The full set of parameters plans provided with the application should be submitted at a legible size and either contained within the ES or expressed to be a further volume of the ES.  
**The parameters plans are now, with other drawings of the outline and detailed scheme, contained in Part D of the revised ES.**
  - ii. The description of the development is incomplete at section 2.1 of the Environmental Statement. There are anomalies in the description of the development as set out in different sections of the ES, including the NTS and under different topic areas (for example the floor area of the Tesco store, the area and quantum / mix of different sizes of the residential units, the definition of the extra care home / sheltered accommodation, and the number of car and cycle spaces to be provided). The floor area of development also does not appear to match that stated on the application forms. The description of the development should be clearly re-stated in terms of the floor areas and number and type of residential units within each plot or block which have been used as the basis of the Environmental Impact Assessment. Confirmation should be provided as to whether the quantum of development has been adopted as the basis of all the topic area impact assessments contained within the Environmental Statement, in particular the Transportation Assessment. Cross reference should be made to the relevant parameters plans.  
**The description of the development is now much clearer, and additional description has been added. There are still some anomalies:-**
    - **The floor areas assumed in the ES are stated more clearly than before and these appear to generally tally with those in the TA, although it is noted that the heritage centre is not listed at 2.1.1. It is also noted that for some uses the TA has assumed a worst case (larger floor area).**
    - **Please can the area of store be confirmed – this is shown as having net sales area of 4,646m at 2.1.1 of Part B, 8,027m GEA at 2.2 of Part B, and 6,968m GFA at Table 6.2 of TA (trip generation). Is 6,968m GFA the net sales area for worst case scenario trip generation, or is it the area of the whole store ?**
    - **At 2.1.15 and 2.5.4 of Part B the text states that supermarket car park entrance is under building K, but it is under building F.**
    - **At 2.1.17 of Part B comment is made on the heights of the development at the southern end of the site and that they comply with the SPD guidance which suggests lower rise buildings. This does not seem to tally with parameter plan 568\_PP\_07\_011 which indicates buildings up to 16.3m high on Plot Q and up to 13.3m on Plot P.**

- At 2.3.6 of Part B it stated that justification will be provided for the lack of use of the top floor of the silos - this has not been located in the ES.
  - At 2.5.1 of Part B it is stated that the northern access road will only provide access to the supermarket service yard, the Network Rail service yard, the proposed hotel, the YMCA building and the Pall Mall site. However, at 2.1.16 of Part B it is stated that access to the Leisure Centre car park is also provided from Bridge Road along the diagonal access road. This seems to be a contradiction. Furthermore, Dwg 568\_PP07\_006 indicates that the diagonal access road will not provide access to the leisure centre and clarification is required.
  - At 2.5.4 of Part B the number of car spaces in the text do not tally with those shown in the table following, furthermore, the table does not tally with fig 568\_07\_119.
  - At 2.10.2 of Part B the location of waste storage rooms for the detailed application are shown in Part D Figure 568\_07\_127. However, for Plot C reference is made to an 'illustrative' fit out drawing. This is part of a detailed application and building is listed Grade II.
- iii. The basis of floor area measurements in the ES should be confirmed. The use of 'approximate' is not appropriate but floor areas could instead be quoted as anticipated maxima qualified by 'up to', provided these figures have been used as the basis of the ES.  
Floor areas now stated as Gross External (exact).
- iv. The site area should be confirmed in the ES. At 1.1.1 there is a query remaining in square brackets.  
Site area now confirmed and context explained.
- v. The description of the development should contain enough information to convey the nature of the development and its appearance without cross reference to planning documents which do not form part of the Environmental Statement.  
An improved description is now contained in section 2.1 of the revised ES.
- vi. The description of the development should confirm which existing buildings are to be retained and which are to be demolished with reference to a suitable plan.  
The description is now contained in section 2.2 and parameter plan no 568\_PP\_07\_004.
- vii. The Transport Assessment, at section 1.3 states that Broadwater Road is to be widened by taking land from within the site. This is not mentioned in ES at section 2.1 despite being a major issue in setting the scene for the development and assessment of impacts. This should be confirmed in the description of the development.  
This is now explained at 2.1.16 of Part B, and at section 5.4.4 of the TA under the heading 'External Highway Improvements'.
- viii. The applicant should confirm whether any renewable energy sources are to be included within the development. If these are proposed for the part of the development subject to the detailed planning application, then an assessment of their environmental impacts, including visual impact, is required.  
At 2.1.11 of Part B, it states that in conjunction with the energy centre, solar thermal and PV renewable energy sources may be installed in southern residential plots – although the southern residential plots are indicative only. The combination of district heating and local solar renewables, insulation and green roofs will help to achieve the established objective of the WHDC of achieving 10% renewables. In ensuring this objective is achieved the Council may require suitable condition in respect of detailed design of later phases of development.

- ix. Confirmation is required of the required relocation of any existing services crossing the site, which may lead to on or off site environmental impacts.  
Section 5.2.5 of Part B sets out main issues and cross refers to Part C Appendix B14.
- x. Confirmation needed of the proposed location of waste stores / recycling centre to serve the blocks within the detailed planning application.
- At 2.10.2 the location of waste store on Plot C shown on an 'illustrative' fit out drawing. This is part of a detailed application and the building is Grade II listed. Has the issue of levels / steps been resolved.  
The waste strategy now contained at section 8.3 of the TA.
- 1.2 The need for a robust master plan, description of development and level of detail required was established in the case of R vs. Rochdale Metropolitan Borough Council ex parte Tew, Milne and Garner, 1999. In the case of Berkeley v SSETR, 2000, it was held that the Environmental Statement should be 'a single and accessible compilation'. To make clear the description of the development, plans and reports that are to be read in conjunction with the Environmental Statement should therefore be contained within it. Other documents which have been submitted within the application pack but should form part of the Environmental Statement to avoid a 'Berkeley' situation are:-
- Townscape and Visual Impact Assessment
  - PPS5 Statement
- The Townscape and Visual Impact assessment, the Architectural Assessment and PPS5 statement are now part of the revised ES.

## 2. CHP unit

- 2.1 Confirmation is needed on the fuel type proposed for the CHP, and whether or not the CHP will serve the whole development. Confirmation is also needed as to whether the existing building and stack proposed to be re-used for this purpose will be adequate to house all of the plant required. Confirmation should be provided of the air quality, noise and visual impacts that will result from the CHP, as nearby residential units and other uses which may be adversely affected by the CHP lie within the area of the detailed application.
- At 2.1.11 of Part B it is confirmed that the CHP will be gas fired and will serve the retail store and the remainder of the development. The description of the Energy Centre at 2.1.11 appears to confirm that the building and existing stack will be adequate. No additional information has been provided in the air quality assessment in relation to the CHP unit. The noise assessment at Appendix B6 notes that the CHP may require attenuation from 45dBA at 10 metres to 33 dBA at 10metres, and it is not confirmed whether mitigation is available to ensure that this reduced level can be obtained within the existing building.
- 2.2 The scheme drawings appear to show a CHP within the Tesco store. Clarification should be provided of the CHP proposals for the development.  
Now removed (shown in error).

## 3. Construction impacts

- 3.1 There is no assessment of impacts that would arise during the construction period and no confirmation or commitment to mitigation measures. These should be provided, and should include, but not necessarily be limited to, traffic, noise and vibration, air quality and visual impacts.  
The construction traffic assessment for Phase 1 is now contained at Section 9 of TA.
- A construction noise assessment is provided, however, please see comments under section 8.1 below.

- The assessment of air quality impacts during the construction period is unchanged and assumes an average of 8 construction vehicles per day. However, the construction traffic figures are now confirmed in the revised ES and the TA states that the peak construction traffic movements will be 71 two way trips per day. The average no of weekly trips across the construction period is not confirmed but appears to be generally above 100 two way trips per week. Trips by staff / operatives are in addition and at the peak time will be 290 average daily two-way trips. The assessment of air quality impacts during construction (as opposed to dust impacts) therefore needs to be reviewed.

The commentary on visual impact is confined to discussions on the use of mitigation measures such as hoardings.

Where mitigation measures are not fully detailed or confirmed these will have to be enforced by suitably worded planning conditions.

#### 4. Microclimate

4.1 Confirmation should be provided that appropriate daylight / sunlight levels can be provided to the southern part of the development covered by the outline application given the footprint and quantum of development proposed.

- At 3.16 of Part B it is noted that residential blocks P and Q may be affected by a lack of sunlight in winter months (due to overshadowing by the taller buildings at the southern perimeter of the development). The revised ES states that this will be addressed during detailed design but this could trigger the need for further EIA if the footprint / height or quantum of development is then changed at the detailed design stage. There could also be a difficulty if the quantum of development approved at outline stage will not fit on the site allowing for appropriate daylight / sunlight levels.

#### 5. Socio economic

5.1 Confirmation is needed as to whether the development meets the NPFA standard as identified in the SPD (see section 6.1.1 of the ES), and also the Fields in Trust standard and the Welwyn Hatfield Borough standard (see Recreation and Amenity section).

Appendix B7 has been updated to confirm that NPFA / FIT standard will be met by the proposed master plan.

5.2 The following have not been provided, and are required:-

- i. Assessment of employment creation in the construction and operational periods. Construction employment figures are outlined at section 5.4 (page 23) of Appendix B8 (not B6.1), at Appendix B14, and at 5.3 of Part B. Figures are indicated as 'Targets'. Estimated employment during the operational period is outlined at section 5.3 of Appendix B8, and also summarised at 6.2.4 of Part B.
- ii. A review of the existing provision of school places, assessment of the need for school places that would be generated by the proposed development, and identification of any resultant shortfall in education provision resulting from the development. Review of the existing situation is provided at 2.3.2 of Appendix B8. Calculation of the potential need for nursery and school places is contained at section 5.6 of Appendix B8. No conclusions are drawn as to need generated by the development due to uncertainty with existing / falling school rolls and an ongoing review by Hertfordshire County Council. Findings are summarised at 6.2.5 of Part B.
- iii. A review of the existing provision of primary health care facilities and assessment of the need for primary health care facilities that would be generated by the development. Confirmation that the doctors surgery proposed to be provided is adequate to meet the need generated by the development.



A review of the existing situation is provided at 2.3.2 of Appendix B8. Comment on the provision of GP's is contained at section 5.6 of Appendix B8, although 'need' is based on ONS statistics of existing actual average provision in England, rather than any stated target or standard. Comments are summarised at 6.2.5 of Part B.

## 6. Residential impacts

- 6.1 An assessment is required of the impact of the development on local residents, in terms of any visual, noise, air quality, traffic impacts etc. It is unclear whether local residents have been considered as possible receptors of environmental impact.
- The visual assessment has mentioned views from residential streets but not assessed the impact to views from residential properties.
  - The noise assessment has taken local residents into account but the conclusions are queried as the residents in Blakemere Road are not closest to all parts of the site. See also comments at section 9 below on air quality.

## 7. Accessibility and Traffic Impacts

- 7.1 Confirmation is needed from the County Highway Authority that they are content with the scope of the traffic modelling undertaken, in terms of its geographic scope, junctions affected, and the assumptions made in respect of the model. Advice to date from the County Highway Authority is to the effect that the figures in Table 6.11 for the traffic modelling scheme are not the same as the agreed figures that were fed into the Paramics modelling therefore it cannot be confirmed that modelling is a worst case assumption at this point in time.
- It is noted that further modelling is currently being undertaken. It should be noted that the results of this should be contained within the ES (this is a possible Berkeley issue). It is stated that HCC have agreed that this should not affect the master plan or quantum of development (although HCC have yet to confirm this statement). The results of the further modelling may also have knock on effects for other environmental issues e.g. noise and air quality if traffic figures are revised. The completed ES should therefore contain assessments reflecting the finalised traffic figures.
- 7.2 Mitigation measures required in respect of the surrounding highway network need to be confirmed. At present the proposal to give consideration to 'future highways upgrades' based on continued monitoring of traffic levels in the town is thought too vague to be enforceable by condition or a section 106 agreement.
- At 7.5.3 of the updated TA, it is stated that Spenhill will pay a contribution to the costs of implementing future mitigation, but the measures required are not defined, and further monitoring is required. HCC have yet to confirm they are satisfied with this approach and that any appropriate contributions can be enforced/implemented.
- 7.3 The proposed highway layout is subject to a Stage 1 Road Safety Audit by the County Highway Authority, which will be submitted subsequent to the application. The County Highway Authority should confirm whether this might lead to changes in the master plan or quantum of development.
- At 1.4 of the updated TA it is stated that the results of the Interim Road Safety Audit and Designers Response will be submitted separately following the application. Again these should form part of the ES. It is also noted at 1.4 that HCC are satisfied that in the event that any proposed highway changes to the proposed design of the external highways are required as a result of the audit, the design of the master plan or quantum of development will not be affected. HCC have advised that they cannot confirm this position until the further modeling required has been completed.

- 7.4 Confirmation is required of the status of the Pall Mall site and whether this was occupied at the time of the traffic surveys in 2007. Confirmation is required as to whether the proposed junction designs will be adequate to serve the Pall Mall development.
- This assessment is provided Section 6.5 of the updated TA and notes that there could be significant traffic increases; however it is not clear as to whether there would be any knock on effects to the design of the junction of Bridge Road/Broadwater Road or other parts of the highway network. Further modeling is required and is to be undertaken. The completed ES should therefore contain assessments reflecting the further modelling.
- 7.5 Need to confirm with the County Highway Authority that they are content for the provision of bus services / contribution to their provision to be subject to discussion and that this can be covered by planning conditions / s 106 agreement, as no definite proposals have been put forward.
- The response to the Reg 19 notice advises that HCC are content for this to be covered by condition. HCC have indicated that further discussions regarding the provision of bus services/contributions are taking place and that these can be covered by condition/S106 agreement.
- 7.6 Confirmation is required that the traffic modelling is based on the finalised description of the development with regards to assessment of impact.
- See comments above under floor areas at para 1.1.ii. The area of the store assumed for trip generation needs to be confirmed.
- 7.7 Confirmation should be provided that the MVA results of PARAMICS modelling are not 'Draft' as stated.
- The response to the Reg 19 notice has confirmed this is final not draft, although it is still annotated as such.
- 7.8 Construction traffic figures should be provided, together with an assessment of construction traffic impacts.
- At 1.4, of the updated TA it is stated that the impact of construction traffic for Phase 1 has now been provided (at section 9 of the TA). The Council will need to confirm with HCC that they are content with conclusions / impact on highway network. It is also noted that after store is completed and open, construction traffic would use the Northern Access Road and HCC have indicated that this is acceptable.
- 7.9 Confirmation should be sought from the County Highway Authority that they are content with the proposed internal road layout as it is understood that reservations were expressed at the quantum of development to be served by the internal spine road accessed from the southern junction and that a request had been made that the internal road layout should allow for all internal routes to be connected such that alternative access routes from the site were available should one become blocked.
- A 5.4.4 of the TA, it is confirmed that an emergency access route is provided linking the leisure centre car park with the Northern Access Road, in the event of the Southern Access Road becoming blocked. This needs to be clarified with regard to matter 1 (ii) above; although HCC have indicated that the proposed emergency access is acceptable.
- 8. Noise impacts**
- 8.1 An assessment of construction noise, including construction traffic noise should be provided, including an assessment of impact to nearby residential and other sensitive receptors.
- The construction noise assessment is now provided.



- The construction traffic noise assessment is based on worst case scenario of 80 vehicle deliveries over the 16 hour daytime period (i.e. a max of 392 per week). Staff / operatives vehicles not taken into account. It is assumed that the assessment of the impact of noise from construction plant is based on the schedule of plant at Appendix B14, which does not appear to include an on-site concrete crusher, which is still assumed in enabling reduced construction vehicle movements (see Demolition Waste Transport in section 5.4, part B).
  - Construction noise impact has been assessed by reference to properties in Blakemere Road to the north west, but properties to the east, south east and south of the site, in Peartree and Broadwater Crescent, appear to be closer to the site. Whilst Blakemere Road may have been the appropriate receptor in considering the impact of the store service yard noise levels the Council would question this being the only sensitive receptor in relation to construction noise impacts and would request that this is reviewed.
- 8.2 Whilst the Council's Environmental Health officer is content with the approach to the assessment of noise impacts during the operational period, the scheme design has been changed since the assessment was prepared, both in respect of the layout of proposed blocks and the turning movements permitted from the Tesco servicing yard onto / from Bridge Road. The assessment should therefore be updated to reflect the submitted scheme.
- PPG24 assessment is updated for latest layout at section 4 of Appendix B6. However, the access arrangements assumed for the service yard of the Tesco store described in Appendix B6 still do not match those elsewhere in the revised ES. The parameters plan showing vehicle access shows a 'left in – left out arrangement and this is confirmed at 5.4.4. of the TA whereas the noise report assumes arrival and departure in an easterly or westerly direction. Confirmation is needed that the restricted access arrangements do not lead to additional service yard noise.
- 8.3 The noise report in the Appendix provides no detailed impact assessment provided for plant noise, but limiting noise criteria have been set for proposed plant. Given that this is a part of the detailed planning application further assessment of the impact of plant noise is required.
- A provisional assessment of the noise impact of likely mechanical plant has been provided but final plant selections need to meet with Limiting Noise Criteria.
  - Uncertainty is also raised in the noise report (Appendix B6, page 35) as to whether appropriate attenuation can be provided to the CHP.
- 8.4 Confirmation should be obtained that the noise impact assessments, including the PPG24 assessment and the impact of noise from the store servicing area take account of proposed traffic generated by the development.
- PPG24 Assessment appears to have taken traffic generated by the development into account but it is not clear if the service yard assessment has, or if this is based on existing noise levels plus service yard noise only.
- 8.5 Confirmation should be provided of any potential noise impacts to residents in the surrounding area during the operational period of the development.
- The Council's EHO has noted that a further potential source of noise is that from the Pall Mall warehouse/distribution site. Whilst the site is currently non operational it is available to let and the established planning consent would permit any future user to operate on a 24/7 basis. The site comprises of a warehouse, yard and roadways for parking. The yard is directly adjacent to residential blocks L and K. Furthermore, the site is also access via the Northern Access Road where there is potential impact upon blocks A, B, C, and H. Further assessment is therefore required.
  - The Council' EHO has further noted that only Broadwater Road and the railway noise has been measured; other sources have been predicted, although not traffic using

the proposed internal roadways. These sources may have a significant effect on the residential units and external noise levels e.g. the access route to the underground car park for the food storey is directly adjacent to block F. Further assessment is therefore required.

- The impact of additional traffic noise to local residents does not appear to have been assessed / confirmed. Confirmation is needed of whether any impacts would arise. The impact of service yard noise appears to have taken local commercial and residential occupiers into account (the mention of residential in Blakemere Road and also conclusions at 5.7.)  
Impact of plant noise to local residents in Taylor Wimpey development and Broadwater Crescent, Peartree / Bridge Road has been taken into account in provisional impact assessment.  
Noise criteria is proposed to limit noise break out from noisy uses.

## 9. Air quality

9.1 Confirmation is required as to any potential air quality impacts on the wider area, beyond Broadwater Road and Bridge Road.

- A statement is provided in the response to the Regulation 19 notice, but the revised ES has not been amended to contain this.

9.2 The predictions in respect of Air Quality are based on the Design Manual for Roads and Bridges. The Council's EHO officer has advised that full details of the inputs to the model should be provided. Local Air Quality Management Technical Guidance LAQM.TG(09) Section 6.32 requires that such models are verified by comparison between predicted and measured concentrations. The closest passive NO<sub>2</sub> sampling site operated by the Local Authority is in Parkway, Welwyn Garden City TL236131 which is not representative of the area under consideration. Details of a verification study should be agreed before any work is undertaken.  
Some additional information in respect of the air quality studies has been provided in the response to the Regulation 19 notice and in correspondence / discussion with the Council's EHO. Amendments to the submitted ES appear to be confined to the inclusion of the DMRB screening methodology. The Council's EHO has confirmed they are content with the approach to model inputs / baseline data, and are advising as to the suggestion that any further requirements for modelling etc can be dealt with by condition.

## 10. Surface and Ground Water Impacts

10.1 Confirmation is needed of surface water run off from the site and how the risk of flooding from storm water run off will be mitigated. The water and drainage strategy presents a discussion of SUDs design options. The ES should identify the adopted solution and explain its design, whether and how it can be accommodated on site given the footprint of development proposed, and any impacts arising. Recommendations for mitigation measures in the ES are at present open ended and not confirmed. Confirmation of agreed discharge rates with the Environment Agency is also required.

- The FRA contains no details of volumes of surface water run off that will result from the development but instead cross refers to the water and drainage assessment at Appendix B10. The EA have advised that further discussions are on going to ensure that the drainage scheme can meet EA prescribed criteria.
- The EA have advised that an updated Water and Drainage Strategy March 2010 Issue 3 has been forwarded to them for consideration. This should be included in the ES.
- The Water and Drainage Strategy at Appendix B10 contains an indicative SUDS scheme, SUDS options assessment and outline SUDS design based on division of

the site into five cells. The EA have advised that there is an outstanding objection requesting the maximization of SUDS on the site and that once a scheme is agreed, the FRA will need to be updated accordingly. This should be included in the ES.

- 10.2 The ES states that there is a risk of flooding from sewers, which are already at capacity, but no design of mitigation measures that would alleviate this risk is provided. The ES indicates that further flow monitoring by Thames Water is required before this issue can be properly addressed. The 4<sup>th</sup> paragraph under 5.2.4 of the Water and Drainage Strategy has a question mark which indicates uncertainty / incomplete text. Confirmation is required of the size and location of the holding tank and any pumping facilities, given the footprint of the development proposed, and any associated environmental impacts (such as noise and odour).

An indicative assessment of the size of detention tank required for each Phase of development has been provided, together with confirmation that Thames Water requirements will be met in its detailed design. Pumps are to be below ground.

- 10.3 Confirmation is needed of the location of the existing Three Valleys live water main which crosses the site and whether this will pose a constraint to development. Appendix B14 contains a commentary and plan showing the proposed diversion of water mains.

- 10.4 Appendix A to the Water and Drainage Strategy and Appendices A to G inclusive of the Drainage Appraisal Report should be provided. These reports now contain the relevant appendices.

## 11. Heritage and archaeology

- 11.1 Assessment of impact to the setting of the Grade II listed Roche building which adjoins the site to the south should be provided.

- There is no additional text on this issue in the Townscape and Visual Impact Assessment. Section 6.8 of Part B mentions maintaining a view to the Roche building.
- The response to the Reg 19 notice and section 2.1.17 of Part B indicate that the designs for the residences at the southern end of the site step down towards the Roche building, but parameter plan 568\_PP\_07\_011 shows these could still be up to 13.3 and 16.3m in height.

- 11.2 English Heritage have advised that the information provided does not allow detailed assessment of the works to the historic buildings that are to be retained. Although the drawings are generously annotated explanatory material should be provided to justify proposed changes (e.g. windows are to be replaced but no account is given as to whether these are original or otherwise of interest or as to why they are to be replaced. Given the complexity of the works a brief statement on each alteration would be helpful (please note the council is still awaiting detailed comments from English Heritage which may elaborate on this point further).

Further description of alterations / development are provided at section 2.1 of Part B.

- 11.3 HER Summary and OASIS forms should also be provided in respect of Archaeology. These are provided together with an updated Archaeological Impact Assessment.

## 12. Ecology

- 12.1 The text of the assessment seems to indicate that the assessment of baseline conditions is incomplete. Notwithstanding the consultation response from Natural England dated 14 October 2010, the report as submitted is very basic and lacks detail, particularly specific species surveys. The Hertfordshire Biological Records

Centre (HBRC) have commented that the data collected is already 16 months old and will be considered too old if there are protected species issues to be mitigated for in the proposed development. A full list of species and Phase 1 Habitat Map with Target notes should be provided, together with a report of the bat survey which has already been carried out. The Phase 1 Habitat Map should also show the extent of any Japanese Knotweed infestation.

Reference is made at 3.15 of Part B to a bat survey carried out in May 2010 and the report of bat survey is provided at Appendix B3. No further Phase 1 survey has been carried out. A list of species is also provided. The text notes that only blackbird was recorded on site, but the list also cites swift. A Phase 1 Habitat Map is provided with Target notes and the extent of Japanese Knotweed.

- 12.2 The results of the bat survey which has already been carried out should be provided and HBRC advise that a full reptile survey should be carried out.

Report of bat survey provided.

- The ecological impact assessment does refer to the potential for reptiles, but no reptile survey has been undertaken. The assessment recommends that a survey would be undertaken prior to work commencing on site. Circular 06/2005 states that the presence or otherwise of protected species and the extent to which it may be affected by development should be established before permission is granted. A reptile survey focusing on the area of ruderal vegetation should be undertaken pre-determination.
- 12.3 A statement at section 7.2 of the assessment indicates that plant communities on the site may provide habitats for numerous species of insects, but no invertebrate survey has been provided. A suitable invertebrate survey should be provided.
- The response to Regulation 19 notice states that an invertebrate survey will be carried out, but does not confirm when (and there appears to be no mention of this in the revised ES text.)
- 12.4 Confirmation should be provided of ecological mitigation measures and measures to enhance the site for biodiversity which have been identified and carried forward into the design of the scheme, including the landscape proposals. The consultation response from HBRC dated 1 December should be referred to in this respect.
- A brief biodiversity management plan is provided, which contains recommendations for tree planting. However, the species list in the biodiversity management plan does not tie up with those recommended by the landscape architect (with one exception).

### 13. Tree survey

- 13.1 The tree survey which has been omitted from Part C Appendix B3 should be provided. This should include a plan showing the locations of trees to be retained and removed as part of the proposed development.

- A tree survey is provided at Appendix 10 to Appendix B3. However, it should be noted that the text at section 8.2 of Appendix B3 does not seem to tie up with the tree survey drawings in terms of numbers of trees and trees to be retained / removed. Furthermore, arboricultural notes on the tree removal plan indicates both trees and root protection areas that may pose a constraint to development. Further discussion is required with the Council's arborist as if required to be retained these trees could impact on the layout and quantum of development.

### 14. Geotechnical and remediation

- 14.1 The ES notes that there has been contamination on the Polycell site and remediation of polluted ground water will continue by 'pump and treat' until early 2011. Ground water monitoring is continuing and is proposed to continue quarterly

for a further 4 years and bi-annually for a further 2 years. The report (dated September 2010) records that the last ground water monitoring took place in September 2009. Confirmation is needed of monitoring undertaken between Sept 2009 and Sept 2010.

Groundwater monitoring results are now included for the period to December 2010 at Appendix B5, and new figure is also provided to show borehole locations.

- 14.2 The Council's EHO and the Environment Agency need to be satisfied that the situation regarding contamination can be covered by suitable planning conditions, as the investigations across the entire application site are not yet complete. It is noted that the re-drafted geotechnical report still recommends further work, including ongoing assessment to assess the effectiveness of groundwater remediation and additional site investigation risk assessment, and that these works could be addressed through staged planning conditions. The advice of statutory consultees is currently being sought to ensure that the further works can be addressed through appropriate planning conditions.
- 14.3 Confirmation should be provided as to whether there has been a baseline assessment of the likelihood of asbestos in the Shredded Wheat complex - a building where significant amount demolition is proposed. The impact of asbestos removal during demolition and construction should be assessed. (please refer to paragraph 3.1 above). Information on asbestos in buildings, removal to date and proposals for removal during demolition is provided at 3.11 of Part B (under the description of baseline conditions). Mention is also made of the risk from VOC contamination, however, no text on asbestos or VOC's seems to appear in section 5, under the heading of construction impacts.

## 15. Townscape and Visual Impact Assessment

- 15.1 Confirmation should be provided why, at Table 1-1, the definition of the impact assessment criteria includes the existing site. Provided at section 2.8 of the TVIA, Appendix B12.
- 15.2 The townscape / visual context of the surrounding area should be confirmed. New text is provided at sections 4.12 to 4.16 of the TVIA (although there appears to be some text missing at section 4.15 as the last sentence does not scan).
- 15.3 The assessment has been conducted with reference to 12 no views from and within the site itself. Views experienced by other receptors / from other viewpoints have not been mentioned, for example views for local residents in Peartree and other areas, views for users / employees within commercial premises in Broadwater Road, views from the railway. Presumably agreement of the photomontage views with WHBC was not intended to exclude consideration of other visual impacts that might arise. Confirmation should be provided of any other visual impacts that will arise as a result of the development which are not already identified in the TVIA.
- Some mention is made of the potential for views from locations other than the 12 defined locations at sections 4.14 to 4.16 and 4.30 of the TVIA. A rationale for the assessment of visual impact is provided at section 6.2. It is misleading to state that it is industry standard methodology to only consider views from publicly accessible locations as the Guidelines for Landscape and Visual Impact Assessment, which are referenced in the methodology, do include, inter alia, occupiers of residential properties with views affected by the development as amongst the most sensitive visual receptors. To omit the consideration of views from visual receptors / locations other than publicly accessible locations in the area means that the assessment of visual impact resulting from the development is incomplete. If there are no views towards the site from residential properties or other potential receptors, as detailed in



the Guidelines, then the assessment should confirm this. If there are potential views from residential or other visual receptors towards the development then the ES should include an assessment of the impact to visual amenity of the various receptors that may result. At 7.15 the assessment notes negligible impact to views from some residential streets but the assessment does not appear to have taken into account views from properties within those streets, some of which may have windows with views towards the site. There may be a difference between planning policy in this respect and the assessment of effects under the EIA Regulations which require us to assess the impact on the population. Under the EIA Regulations we need to consider the impact of the development on the population, whether that be noise and air pollution experienced, or an impact to private views / the visual amenity of residents. There may be no significant impacts to private views in this particular instance, but the assessment would still need to explain why.

## 16. Sustainability Statement

16.1 Appendix A, the response to the WHBC Sustainability checklist indicates a range of mitigation measures to be implemented but the detail of these is not confirmed in the design or in the ES, e.g. noise suppressing enclosures, lighting schemes designed to prevent light pollution, stack filtering of plant emissions, attenuation measures to water and sewerage systems, water efficient features and rainwater storage and re-use will be implemented 'where appropriate'. Confirmation is required of the mitigation measures that will be incorporated in the development.

Appendix A does not provide additional confirmation of mitigation measures and some of the retained wording in the Appendix still indicates uncertainty as to where / how / to what extent mitigation will be provided, although some additional details are provided elsewhere in the ES text (e.g. indicative SUDS scheme). If it is not possible to confirm further details at this stage, then suitable planning conditions will have to be imposed, for example requiring compliance with stated standards such as BREEAM and the Code for Sustainable Homes.

- It is noted that in the case of solar shadowing a more detailed study is now provided at Appendix B13 which indicates that there will be significant shadowing to some parts of the site, including blocks P and Q, but that mitigation will only be resolved at the detailed design stage. Appendix A therefore erroneously states that avoidance of overshadowing is 'Achieved in design with the present proposals'.

16.2 In the scoping opinion the Environment Agency had advised that water efficiency /water saving measures should be confirmed. Very general mitigation only is indicated but not confirmed at section 7 of Appendix A to the Sustainability Statement. In Appendix A to the CCoP (Appendix F), Tesco's mixed use sustainability policy is provided. This sets out policies re water usage which are not mentioned in the Sustainability Statement. Are there commitments to these measures, or are they only aims?

- Section B7 of Appendix A is still qualified by 'where appropriate'. Therefore it is difficult to understand how this can be expressed as a 'Committed Target and Objective' when there seems to be no quantifiable target expressed.

## 17. Appendix E – Site wide sustainability strategy

17.1 Appendix A to Appendix E appears to be the same as Appendix B to Appendix D (with slightly different formatting). Should Appendix B to Appendix D instead be Sustainability Targets for Site Wide Plan, as per the contents page to Appendix D? Please confirm and provide any appropriate additional documentation.

Noted that sustainability issues are now reported in the consolidated Appendix D.