



**Proposed Development by Spenhill Regeneration
Limited**

Broadwater Road West, Welwyn Garden City

**Audit of Environmental Statement Prepared by
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On Behalf of Welwyn Hatfield Borough Council

Our Ref:

JWW1011

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CONTENTS

1	INTRODUCTION	1
2	AUDIT METHODOLOGY	3
3	AUDIT FINDINGS	5
4	DISCUSSION & CONCLUSIONS	20
	ANNEX 1: LEE, COLLEY, BONDE AND SIMPSON METHODOLOGY.....	21
	ANNEX 2: AUDIT COLLATION SHEET	22
	ANNEX 3: NOTES ON AUDIT AND COMPLIANCE WITH REGULATIONS	23

1 INTRODUCTION

Background

- 1.1 On 17th February 2011, Spenhill Regeneration Ltd. submitted an Environmental Statement, dated February 2011, to Welwyn Hatfield Borough Council (WHBC), in respect of a planning application to redevelop the site at the junction of Broadwater Road and Bridge Road at Welwyn Garden City, Hertfordshire (planning ref: N6/2010/2055/MA).
- 1.2 The February 2011 Environmental Statement (ES) was the second ES submitted in respect of the planning application. An ES had originally been submitted in September 2010. However, preliminary review of the September 2010 ES found that document did not comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2008) (referred to as 'the Regulations'). A Regulation 19 notice requiring the submission of Further Information was sent to the applicant on 2nd December 2010. The applicant responded by submitting a revised Environmental Statement on 17th February 2011, which superseded that submitted in September 2010.
- 1.3 Review of the February 2011 ES showed that there were still some shortcomings in respect of compliance with the Regulation 19 request issued in December 2010, and WHBC issued a compliance notice to Spenhill on 20th April 2011. As a result, an Addendum to the ES was issued by Spenhill on 22nd June 2011. This audit report considers the environmental information contained in the ES of February 2011 and the Addendum of June 2011.
- 1.4 The application site forms part of the larger Broadwater Road West site identified in a Supplementary Planning Document (SPD) dated December 2008. The remaining parts of the site which is the subject of the SPD comprise an area to the south in the ownership of Taylor Wimpey, which has planning consent for residential development, and a vacant warehouse to the east owned by the Pall Mall Group, for which no planning applications are currently pending.
- 1.5 The ES and Addendum also consider the some of the cumulative effects that may arise from the parallel redevelopment of the Taylor Wimpey site and the Pall Mall site.
- 1.6 The Addendum also refers to a linked planning application for replacement of a section of an existing footbridge which crosses part of the site, and considers environmental impacts which may arise from that development.

Need for an Environmental Statement

- 1.7 The February 2011 ES ('the ES') and June 2011 Addendum ('the Addendum') have been submitted by the applicant in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2009) (referred to as 'the Regulations') to describe the likely significant environmental effects arising from the scheme.
- 1.8 Following a request by the applicants, a formal Screening Opinion was provided by Welwyn Hatfield Borough Council (WHBC) on 6th May 2009 (planning ref: N6/2009/705/EI). The applicants subsequently requested a screening opinion from the Secretary of State under Regulation 5(6) of the Regulations on the 8th May 2009. A screening opinion determining the proposed development as EIA development was issued by the Secretary of State on 22nd May

2009. The screening opinion records that the development falls within the description at 10(b) of Schedule 2 to the Regulations, exceeds the threshold in Paragraph (ii), column 2 of the table in Schedule 2 to the Regulations, and is a development likely to have significant effects on the environment because of its nature, size and location, in terms of traffic and townscape.

- 1.9 The Regulations define, in Part 1 of Schedule 4, the minimum information required in an Environmental Statement (Part II), as that which is:

“reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile...”.

- 1.10 The environmental information presented in an Environmental Statement must be considered before a planning application is determined in accordance with Regulation 3. The determining authority (i.e. Welwyn Hatfield Borough Council, WHBC) should satisfy itself that the submitted ES and Addendum address those topics and areas in which significant environmental effects may potentially occur, and that the requirements of the attendant legislation have been fulfilled.

Audit report

- 1.11 The ES and Addendum have been audited by RPS Planning & Development to determine whether they fulfil the Regulations and audit criteria. The audit has concluded that the ES and Addendum have attained an overall ‘C’ grade, which equates to a pass, although it is noted that the Non Technical Summary (contained in two parts in the ES and Addendum) does not meet the criteria set out by the Regulations in Schedule 4.
- 1.12 This paper presents the audit of the ES and Addendum, and reviews it against the appropriate legislation, to determine whether it contains adequate environmental information to enable an informed planning decision to be made.
- 1.13 The audit has been conducted on behalf of Welwyn Hatfield Borough Council by RPS Planning and Development. RPS has extensive experience in the preparation, co-ordination and audit of environmental impact assessments and environmental statements. RPS Group is an Assessor Member of the Institute of Environmental Management and Assessment (IEMA).

2 AUDIT METHODOLOGY

ES Review Package

- 2.1 There is no mandatory requirement for planning authorities, or indeed applicants, to conduct a pre-determination review of an Environmental Statement (ES) to ensure compliance with regulations and adequacy of information.
- 2.2 However, the Lee, Colley, Bonde and Simpson Environmental Statement Review Package (1999) provides a well-established method of auditing Environmental Statements that may be readily and, if required, independently replicated. The method ensures a consistent approach to auditing the quality of the ES against the requirements of Directive 85/337/EC, as amended by Directive 97/11/EC (the Directive). The Town and Country Planning (Environmental Impact Assessment) (England and Wales) 1999 (as amended 2008) enacts Directives 85/337/EC and 97/11/EC in England and Wales. Part B of the ES Review Package is reproduced at Annex 1 of this paper, which describes the audit method.
- 2.3 The Lee, Colley, Bonde and Simpson audit produces an overall score indicating whether or not the ES has been prepared in accordance with the Regulations. This score is shown at Annex 2. The notes at Annex 3 provide an indication of the ES and Addendum content and/or omissions which have promoted those scores. A note is made in Annex 3 of areas that are required under the Regulations, and the ES / Addendum performance in relation to those requirements. Whilst the audit methodology is designed to review a wide variety of projects, some questions raised by the methodology may not be strictly relevant to the development in question. Where this is the case a note is made at Annexes 2 and 3.
- 2.4 The ES and Addendum have been prepared by the applicants and information included to specifically address the proposed Broadwater Road development (planning application ref N6/2010/2055/MA), and to also address cumulative effects arising from the proposed Taylor Wimpey development and potential Pall Mall development. Whilst the scope and the general approach have been discussed with the Council and RPS, it remains the applicant's responsibility to ensure that the Environmental Statement fulfils their obligations with respect to Schedule 4 of the EIA Regulations.
- 2.5 The ES audit has been conducted in accordance with the Lee, Colley, Bonde and Simpson methodology, and considers the February 2011 ES and June 2011 Addendum. Comment is included on whether the ES and Addendum fulfils the Regulations and audit criteria.

Environmental Statement Documentation

- 2.6 For the purposes of this audit, the Broadwater Road West Environmental Statement comprises the following documents:

Environmental Statement, February 2011

- Part A – Non Technical Summary
- Part B – Environmental Statement

- Part C – Technical Appendices (Volumes 1, 2 and 3)
- Townscape and Visual Impact Assessment (Part C Appendix B12)
- Part D – A3 Drawings and Parameters Plans

Addendum to the ES, June 2011

- Volume 1 – Addendum to the ES (Including Addendum Non Technical Summary and Appendices)
- Volume 2 – Addendum Technical Appendices
- Addendum to the Townscape and Visual Impact Assessment
- Volume 3 – Addendum Drawings and Parameters Plans
- Revised Transport Statement and Travel Plan

2.7 It should be noted that some of the Technical Appendices in the Addendum entirely supersede those provided in the September 2010 ES, whilst others are supplementary. A contents page at Appendix AA1 in Volume 1 of the Addendum confirms the status of the various documents.

2.8 In preparing this audit, reference has also made to the following documents:

- The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2008).
- DETR Circular 02/99: Environmental Impact Assessment.
- Department for Communities and Local Government, Environmental Impact Assessment: A Guide to Good Practice and Procedures, A Consultation Paper (June 2006)
- Guidelines for Environmental Impact Assessment, Ed. Fuller K (in association with RPS Group plc and Berwin Leighton Paisner (2004) IEMA.

3 AUDIT FINDINGS

3.1 The main findings on the independent audit are presented below.

Part A – Non Technical Summary, and Addendum Non Technical Summary

- 3.2 The Non Technical Summary (NTS) in the ES does not fully define the quantum of development proposed. Mention is made of 'An area of retail and commercial development including small and large retail spaces, offices and studios'. No floor areas are given for most elements of the development and no mention is made of the proposed Tesco store.
- 3.3 The assessment of impacts is provided in very summary form. Reference is required to the main document/s to gain an understanding of the impacts of the scheme.
- 3.4 The NTS lacks suitable plans to show the location / context of the site within its surroundings, or to provide the reader with an understanding of what uses are proposed in which locations on the site.
- 3.5 In section 9 of the NTS, the text is misleading in respect of the existing listed buildings on the site, stating that there is only one, the Shredded What factory, which is to be retained and refurbished whereas the factory in fact comprises a number of buildings which are listed, some of which are proposed to be demolished.
- 3.6 The NTS in the Addendum does not explain the findings of the additional assessments and surveys that were undertaken.
- 3.7 It is considered that the lack of information in the Non Technical Summary, taking together Part A of the ES and the Addendum Non Technical Summary, does not provide sufficient information on the development or the assessment of impacts to comply with the Regulations.

Parts B and C of the ES and Volumes 1 and 2 of the Addendum

- 3.8 Section 1 of Part B of the ES provides a foreword, sets out the legislative context and general scope of the assessment. The results of the scoping exercise are provided in Appendix A. This section also outlines the public consultation that was undertaken and responses from statutory consultees, although no copy correspondence is provided. The EIA methodology is also outlined. Section 1 is updated in the Addendum.
- 3.9 Section 2 of Part B of the ES and section 2 of Volume 1 of the Addendum set out the description of the development. Both the ES and the Addendum have to be referred to in order to confirm the description of the development. Most elements of the development, when read in conjunction with the parameters plans at Volume D of the ES and Volume 3 of the Addendum, are well defined.
- 3.10 The floor areas of the development proposed in the detailed and outline planning applications are generally defined in section 2.2 in Tables 1, 2, 3 and 4. However, the assumed mix of residential units in the outline application area which have been adopted for the environmental impact assessment is only stated in topic assessments (socio economic and transport), and not in the general description of the development, which states an overall total 37,000sq m, subdivided into

Phases in the Tables of floor areas. This is not very helpful in portraying a description of the quantum of development to the average reader, and does not confirm assumptions that have been made for certain topic area assessments (socio economic and transportation).

- 3.11 Sections 3, 5 and 6 of Part B of the ES are for the most part summaries of technical reports which are contained in the Appendices in Part C of the ES and Volume 3 of the Addendum. However, the ordering of topics is different between Parts B and C of the ES, and there is variation in topic study titling between sections 3, 5 and 6 of Part B, and Part C, which leads to confusion in cross referencing (ecology / flora and fauna, contamination and asbestos / contaminated land / geotechnical and remediation, public realm and landscape assessment / townscape and visual impact assessment). Most but not all topic assessments set out in Part B have a summary table defining the impact, significance, nature of impact, mitigation measures and residual impact.
- 3.12 Some information contained in Volume 1 of the Addendum is not provided elsewhere despite the inclusion of technical reports (for example the assessment of impact of construction traffic in terms of defined criteria, commentary on the potential impact to invertebrates and mitigation proposed) under the same topic headings. In some instances an assessment of significance is given in Volume 1 of the Addendum which is not contained in the relevant technical report (e.g. in relation to aspects of the socio economic, noise, transport and visual impact assessments). For example, in Volume 1 of the Addendum, the residual visual impact to residents is defined as 'Minor Beneficial', and the residual townscape and visual impact of the bridge 'Moderate Beneficial'. These assessments of residual impact are not contained in the Addendum Townscape and Visual Impact Assessment. These inconsistencies are of concern and lead to a lack of confidence in the findings of Part B of the ES.
- 3.13 The summaries in Part B are, for the most part, too short to convey the full information contained in the technical reports and too long to provide for the basis of a non technical summary. This necessitates reference to the technical reports in Volume C, which unfortunately do not appear in the same order as the topics in Volume B. Finding the information between the Volumes of the ES and between the ES and Addendum is difficult, confusing and time consuming, despite the provision of a contents section in the centre of Volume 1 of the Addendum. There is also duplication of the information, resulting in very extensive documentation. A better approach might have been to have the technical reports prepared in common chapter format from the start of the EIA production process, so that these could form the main body of information to be presented as the environmental impact assessment.
- 3.14 Section 4 of Part B of the ES presents a review of the national, regional and local planning policy context for the proposed development, but there is no review of whether the proposed development will be in accordance or conflict with these policies, which should be provided in the ES. A review of compliance with PPS4 is contained at Part C, Appendix B2c.
- 3.15 Section 7.1 of Part B presents a very brief review of the compliance of the development with the objectives of the SPD, and a review of performance against WHBC Annual Monitoring Report targets. Section 7.3 presents the overall conclusion that the environmental impact of the development will be beneficial. Tables which follow section 7.3 in Part B of the ES summarise the assessment of impacts under the various topic headings. These are amended and re-presented at Appendix AA4 of Volume 1 of the Addendum.

3.16 Further commentary on the individual topic studies is set out below.

Air quality

- 3.17 The air quality assessment is contained entirely within the Addendum. The assessment refers to existing policies, outlines defined methodologies for the assessment of potential impacts during the operational and construction periods, and reviews WHBC's air quality review and assessment work. It predicts air quality resulting from changes in traffic flow on local roads, considers emissions from the energy centre (CHP) and provides a risk assessment of demolition and construction dust.
- 3.18 The assessment of impacts is based on existing data to which bias adjustment has been made, rather than measurements taken at the application site. The assessment of traffic related impacts during the operational period has been made on a quantitative basis, with reference to receptors located on a Figure. Receptor F is taken as representative of worst case exposure along Broadwater Road.
- 3.19 Comment is made on the likely impact of the CHP, which is assessed as giving rise to imperceptible to small increases in NO₂, with negligible impacts. Text at section 2.1.11 of Volume 1 of the Addendum appears to qualify this conclusion: 'The combination of gas fuel and high stack mean that for Phase 1 at least no abatement technology is necessary'.
- 3.20 The assessment of demolition and construction impacts provides a quantitative assessment of the impact of construction traffic, although it is not clear from the text if any distinction has been made between operatives' vehicles and HGV's (operatives trips appears to have been omitted from the calculations). A qualitative assessment has been made of the potential impact of dust during the construction period, with a recommendation for mitigation through implementation of a Construction Environmental Management Plan.

Heritage and archaeology

- 3.21 The heritage and archaeology assessment is entirely contained in the ES. The studies include a Baseline Assessment, which includes methodology, planning policy framework, and a review of baseline conditions, drawn from reference to existing data, historic maps, previous geotechnical site investigations, and a site walkover. The summary provides an assessment of the archaeological potential for the site. A recommendation is made that a programme of targeted archaeological evaluation trenching should be undertaken before the commencement of development groundworks.
- 3.22 Appended is a Gazetteer of features, extracts from PPS5, and Oasis data collection forms. An Archaeological Impact Assessment (with data from the Hertfordshire HER) is also provided. References are given in full and the assessment is illustrated with annotated maps and photographs.

Ecology

- 3.23 The ecology assessment is provided at Appendix B3 in Part C, Volume 1 of the ES and refers to recommended guidelines published by IEEM. Significance criteria are set out in Appendices to the assessment.
- 3.24 The results of data gathering are described at section 7.1 of Appendix B3 to the ES. It would have been helpful to see the original data as provided by data sources / consultees in an Appendix, and also to have a plan showing the locations of the County Wildlife Sites in the vicinity of the site, although it is noted that the nearest of these, Twentieth Mile Bridge Allotments is shown elsewhere in the ES (on Site Context Plan 568_007_003, although erroneously referred to as '12 Mile Bridge Allotments').
- 3.25 Baseline conditions have been established by desk and field study, including a Phase 1 walkover survey in July 2009, which is illustrated by a Figure with Target notes and species lists. The assessment of effects in the ES has been carried out in accordance with the significance criteria stated.
- 3.26 The results of a bat potential / emergence survey in March / April 2011 and a reptile survey in April 2011 are contained in the Addendum. Whilst the species surveys comment on the likely population of bats and reptiles on the site, and recommend mitigation measures, they do not reach a conclusion on the likely impact to protected species in the absence of mitigation. Additional information is provided in Volume 1 of the Addendum in respect of a proposed invertebrate survey and associated mitigation measures.
- 3.27 Further appendices to the ecology assessment contain a biodiversity management plan, a proposed tree planting strategy (in the Addendum) and the results of a tree survey stated to be in accordance with BS5837:2005. It is noted that some of the cross references to Appendices from the text of Appendix B3 appear to be incorrectly numbered.
- 3.28 The tree survey was carried out in July 2009. Revised text in Volume 1 of the Addendum confirms that 30 no existing trees on site will be retained, and a revised tree plan is provided in Volume 3 of the Addendum. A final check will be needed to confirm that it is still feasible to retain those trees identified in the light of the latest proposals and ongoing discussions in respect of highway improvements required for the scheme.
- 3.29 It is noted that the landscape architect / arboricultural officer to WHBC has made comment on the ES / Addendum (memo from Claire Lilley dated 31st May 2011) to the effect that there are inconsistencies in the drawings showing trees to be retained / removed and the development proposals. This report has not considered such issues in detail and if certain trees are to be retained then there may be an impact on the layout of the development or associated road widening.
- 3.30 Section 8.3 refers to the presence of Japanese Knotweed and the fact that eradication measures have not been completely successful. It is noted that further works are required to avoid potential adverse impacts.

Flood risk assessment

- 3.31 The flood risk assessment is contained at Appendix B4 of the ES. This appendix appears to provide minimal information to support the findings of the assessment. Reference is made to PPS25, but there is no explanation of the overall policy or guidance set out in the PPS, and no reference to other legislative / statutory framework which may be relevant. No significance criteria are stated for the assessment and the methodology is not explained. Reference is made to an aerial view of the redevelopment, but this is not contained in the ES. Reference is made to the results of data collection / consultations but no original copies of correspondence etc are provided.
- 3.32 Section 5.2.3 of Appendix B4 refers to the future design of a SUDs scheme, but cross reference is only made to a separate water and drainage assessment at Appendix B10 in the conclusion of the flood risk assessment. Appendix B10 of the ES is replaced by the Addendum and is reviewed below under the heading of Water and Drainage.
- 3.33 The results of the flood risk assessment, assessment of surface water run off and sewer systems are summarised in section 6.13 of Part B of the ES (sewerage) and Volume 1 of the Addendum (flood risk assessment and surface water), which provide an assessment of anticipated residual impact in terms of stated criteria for surface water run off and sewer systems. Inclusion of the technical reports referring to flooding, surface water and sewerage in a single appendix at Part C would have made cross reference easier.

Geotechnical and Remediation

- 3.34 The ES contains a summarised version of technical reports previously prepared at Appendix B5. Whilst the summary provides a succinct report on the issues encountered on site and remediation to date, there is no background information (site history, results of data search / consultations, significance criteria / methodology) and the original reports would need to be referenced if further detail is required.
- 3.35 The location of the site boundary for the geotechnical investigation cannot be easily referenced to the application site boundary.
- 3.36 The study identifies potential shortcomings in the impact assessment as extensive areas are still occupied by factory buildings and the ground investigation has not been able to investigate these. The study recognises that additional site investigation may be required to demonstrate that the site is suitable for the end uses proposed. No assessment of the residual impact of the proposed development is made, presumably in the light of the need for further studies which it is proposed are addressed through staged planning conditions. It is also noted that ground water monitoring on Polycell site is due to continue until 2015, and this may constrain the commencement of development in this area (Block K in Phase 1).
- 3.37 Section 6.14 of Part B of the ES provides a commentary of risks from contamination during the operational period of the proposed development but no overall summary of the findings of the studies referred to in Appendix B5 and does not refer to any significance criteria.

Noise and vibration

- 3.38 The noise and vibration studies in the ES and Addendum include construction noise assessment, an assessment under PPG24, which takes into account traffic flows generated by the development, noise generated in the Tesco servicing yard, anticipated noise emissions from mechanical plant associated with the development, noise breakout from buildings, noise impact from the CHP plant, and potential noise impact from the Pall Mall site.
- 3.39 The studies refer to relevant standards, guidance and methodologies. They define impacts in measurable terms, and recommend mitigation, which in some instances will require mechanical ventilation in residential properties.
- 3.40 The construction noise assessment has been carried out with reference to a 'determined' matrix of assessment criteria. It is not clear how this has been arrived at, whether it refers to any existing standards, or how it relates to existing noise levels. (WHBC need to be satisfied that the criteria adopted are acceptable.)
- 3.41 Cumulative impacts have been considered through the potential re-use of the Pall Mall site for distribution, which would result in noise impacts to residents of the application site. An acoustic screen fence 3.0 or 4.5m high is recommended as mitigation, which would need to be accommodated in the layout of the development. The fence is not at present shown on the proposed master plan for the development.
- 3.42 It is noted that the Environmental Health Officer at WHBC has commented on the ES and Addendum, with comments on the assessment prepared, the implications of the layout proposed in terms of noise, and recommendations for planning conditions (*memo from Roger Evans dated 1st August 2011*).

Recreation and amenity

- 3.43 The assessment is contained entirely within the ES. It provides a review of the existing provision of leisure / recreation facilities, and an assessment of the impacts of the development which has been made with reference to stated significance criteria. References are made to existing standards, relevant studies and documents, and responses to consultation (demand for new swimming pool, need for teenagers equipped playing areas).

Socio economic and retail impact

- 3.44 The assessment is contained entirely within the ES. The scope of the socio economic impact assessment appears to be satisfactory, but some of the comments made are quite general and unsubstantiated, and appear to emphasise the potential benefits of the development.
- 3.45 There is a discussion of existing education provision and the potential need for additional school places resulting from the development, but no firm conclusion is reached due to expressed uncertainty as to the capacity of existing schools and whether existing school rolls are falling or rising. It is suggested that prediction of the required number of school places 'should be revised nearer the time.' If existing schools cannot accommodate the demand for places generated by the development, it is not clear what mitigation measures would be adopted.

- 3.46 Information is provided on existing doctor's surgeries in the area, none of which have closed lists. The development would provide a new Health Centre which would accommodate 9 GP's who could serve a population of 12,850, which is assumed to be significantly more than the anticipated residential population of the development.
- 3.47 Estimates of employment generated during the construction and operational periods are provided in the report text. There is no summary of the total construction / operational employment numbers which would have been useful.
- 3.48 The PPS4 Retail Assessment is presented with reference to existing policies including PPS4, the District Plan and the adopted SPD. It notes that the SPD seeks a residential led development. In this regard the assessment refers to the planning statement (which does not form part of the ES), which states that only a scheme incorporating food retail would be viable for the site and able to deliver the restoration of listed buildings, improvements to footbridge and the community and leisure facilities incorporated within the BRW master plan (the adopted SPD).
- 3.49 The assessment considers potential alternative sites for the retail store but these are all considered to be unsuitable, unviable or unavailable for the proposed development. A plan to show the locations of these potential alternative sites would have been useful for reference.
- 3.50 The assessment notes that the scheme has the potential to draw shoppers away from out of centre locations, into the town centre where there is the potential for linked trips. Adverse impact to trading on two stores in out of centre locations is anticipated. Although calculations are not shown, comment is made at section 6.2.4 of Part B of the ES (under the heading of 'Employment') that even following trade diversion the food stores affected would be trading at national averages, so there should be no loss of jobs from existing retailers. Comment is also made in the retail impact assessment that the two stores affected are not afforded policy protection.

Transport

- 3.51 The transport assessment (TA) is contained entirely within Appendix B9 of the Addendum, which supersedes Appendices B9 and B11 of the ES.
- 3.52 The transport assessment outlines discussions on the scope of the assessment, and the assessment undertaken but there is no reference to stated methodologies that may have been appropriate, such as the Guidelines for the Environmental Assessment of Road Traffic or the Design Manual for Roads and Bridges – Volume 11 Environmental Assessment. There are no stated significance criteria to explain the assessed residual highway impact of moderate adverse impact, and minor beneficial impact to access and accessibility (Part B of ES). It is assumed that these impacts relate to the general criteria expressed at section 1.6 of Part B of the ES, which are not topic specific.
- 3.53 The Addendum presents traffic modelling for the 2021 scenario, in addition to the 2016 scenario, as well as cumulative impacts resulting from the Taylor Wimpey and SPD compliant Pall Mall developments. The modelling is based on HCC's PARAMICS model.
- 3.54 The modelling reported in the Addendum indicates that the development may result in congestion on the local road network, which would be exacerbated when the development of the Pall Mall site is taken into account. It is not clear if appropriate mitigation methods can be adopted to off

set the potential impacts identified. Some of the mitigation measures proposed (improvements to off site highway junctions) have yet to be committed as their implementation is dependent on the outcome of future monitoring. Proposals for these are not prepared and it is not clear if these can be accommodated within existing highway land. The applicant commits to making an appropriate contribution to the cost of these off site improvements, if required. The conclusions of the assessment (section 7.6, TA) also seek to qualify the findings of the modelling with reference to the economic situation, cost of fuel and other issues which may result in reduced traffic growth from that modelled.

- 3.55 The satisfactory design of the internal road layout of the scheme would appear to depend on changes being made to the proposed design of the Taylor Wimpey scheme to the south. Implementing such changes would require the agreement of Taylor Wimpey / the land owner and are not within the control of the applicant. It is also noted that there may be issues relating to visibility along Broadwater Road which may require the omission of a number of proposed trees. (Appendix T item 3.3), and that realignment of the kerb on the eastern site of Broadwater Road at Hyde Way junction will probably require the removal of two existing trees. These impacts do not appear to be reflected in the landscape proposals drawings / the assessment.
- 3.56 Section 9 of the TA contains a waste strategy which describes the waste generation and storage requirements anticipated. A plan showing the location of some of the waste storage rooms proposed is provided in Volume 3 of the Addendum (drawing 568_07_127). It is noted that Building C will have a waste store for the studio / workshops in that building, as well as a day store for the bins serving the café in Building E and the offices in Building F. The location of the waste store in Building C is not shown on the drawing. The implication is that wheeled bins will be used and it is not apparent how the waste store will be accommodated in Building C without alterations to the fabric of the building (which is listed), particularly given the apparent lack of level access into the building.
- 3.57 Construction traffic impacts for Phase 1 are assessed (as a worst case for the whole development), but not later phases. It is stated that there will be no overlap between Phase 1 and later phases of development. The construction programme does not confirm when the junction improvements will be undertaken, and if these will be in place during the construction period. Section 5.4 of Volume 1 of the Addendum assesses the residual impact of demolition waste transport as minor adverse, the residual impact of construction traffic as minor adverse, and the residual impact of construction operatives' travel as moderate adverse.
- 3.58 At section 5.4 of Volume 1 of the Addendum, the potential for cumulative impacts between construction operatives and construction traffic is dismissed as these types of traffic will utilize the road networks at different times. No cumulative impact assessment is presented of the combination of the operational traffic from Phase 1 and the construction traffic from later phases.
- 3.59 Section 12 assesses the additional requirement for public transport (trains and buses) in terms of a percentage of existing capacity, but there is no indication of the saturation / usage of existing provision.
- 3.60 Hertfordshire Highways have prepared an Interim Road Safety Audit and the applicant includes a response to this in the Addendum. It is stated that some of the mitigation required would need to be resolved during the detailed design process. Land ownership may be an issue in this respect,

if it cannot be confirmed that all of the mitigation can be achieved within highway land and / or land within the control of the applicant.

- 3.61 The Transport Assessment contains a Travel Plan at section 13 which sets out measures that will be introduced to reduce car borne trips. It is not clear what the comments at section 1.4.4 headed 'Enforcement' mean, and whether this could be achieved in practice. It is noted at section 6.3.4 of the Transport Assessment that there may be a need to introduce a CPZ in the Peartree area, depending on the success of the Travel Plan in reducing private car trips to and from the site. This indicates a potential adverse impact to local residents in terms of car parking / congestion on local roads.
- 3.62 It is understood that discussions with Hertfordshire Highways are ongoing at the date of this report as to further studies that may be required in respect of transportation impacts and relevant mitigation measures.

Water and drainage

- 3.63 The Water and Drainage strategy at Appendix B10 is contained in the Addendum. Appendix 2 to the strategy contains responses to consultations with the Environment Agency based on the initial draft/s of the strategy submitted. There are no other consultation responses provided. The basis of the assessment and means of calculating attenuation volumes are defined by reference to other documents (section 4.1). No further details of the methodology / basis of calculation, or defined significance criteria, are provided.
- 3.64 At 5.3, it is noted that bypass separators will be used up to a certain flow rate, but there is no definition of the flow rate adopted.
- 3.65 At 5.6, at the end of the seventh paragraph, and at the end of the second and sixth paragraphs on Page 16, there appears to be incomplete text.
- 3.66 The assessment presents a SUDs hierarchy, and options for a SUDs design, the second option being applicable if contamination of the site has not been satisfactorily remediated. Figures 2 and 3 indicate the cells adopted and the locations of the main SUDs features within the cells. Calculations are provided to substantiate the capacity of the recommended SUDs features, although to the lay reader there appear to be anomalies in these figures. It is noted that the Environment Agency have now removed a previous objection in relation to the development and have recommended conditions in respect of flood risk / SuDS design if the application is to be approved.
- 3.67 Section 8.0 provides an indication of the on site sewage detention tanks that will be required for Phases 1-4, to prevent overloading and flooding of the sewer network. The justification for the capacity expressed to be required (216m³) is not clear and does not seem to be substantiated by reference to 1000m³ for 740 homes, given the quantum of development now proposed. No indication is provided of the location of the storage tanks or the adjacent pumps, although it is noted that these will need to comply with Thames Water's requirements for access and maintenance. Nevertheless, it is understood that Thames Water has no outstanding objection to the proposals in respect of sewerage.

Visual amenity and architecture

- 3.68 The assessment of townscape issues and impact to visual amenity is contained in Appendix B12 of the ES and the Addendum. The architectural assessment and PPS5 statement are contained in the ES.
- 3.69 The methodology for the assessment of townscape / visual impact is not provided in full but reference is made to named Guidelines and significance criteria are defined. Relevant planning policies are set out and a history of the site and description of existing townscape character is provided, together with a description of the visual characteristics of the proposed development.
- 3.70 The assessment has been undertaken largely through the consideration of 12 no views, the locations of which were agreed with WHBC. Photomontages have been prepared showing the impact of the proposed development on those views. The Addendum represents 3 of the 12 photomontages showing the addition of the proposed new footbridge section east of the railway line, with one new additional view taken from a viewpoint on the new section of the footbridge.
- 3.71 It is noted that the assessment of impacts based on the 12 no photomontages in the ES define the impact of the development as 'major, beneficial' even where views towards existing listed buildings would be partly curtailed. The Conclusions at section 7 of the assessment present justification for these findings. Whilst the assessment of visual impact is subjective, the report appears to show bias in favour of the development. It is noted that the assessment of one of the views from the railway bridge (View 12, in the Addendum) is described as 'major, adverse' as the view would be completely blocked by a new balustrade.
- 3.72 All of the photomontage views are taken from publicly accessible viewpoints. The Addendum provides some text on potential views from other locations, and a justification as to why additional views (photomontages) from these areas have not been prepared. A commentary on the potential impact to views experienced by local residents, office and factory workers is also provided, but assessment of these impact to these views in terms of the stated significance criteria for the topic is omitted, on the basis that either the views or the receptors are of low sensitivity and little of the proposed development would be seen, resulting in potential impacts which are not considered to be significant. The definition of 'significance' in this respect is set out at section 1.6 of Part B, under the heading 'Significance of Impacts'. It is noted that at section 6.8.2 of the Addendum, and in the Appendix AA4 to the Addendum, the residual visual impact of the redevelopment on residents is assessed as 'Minor Beneficial'. This text is not contained in Appendix B12.
- 3.73 The photo viewpoints used to illustrate the assessment are all very close to site. The report (at B12 Para 7.15) acknowledges that parts of at least the existing structures are visible from residential areas. An illustration of available views from the residential area of Peartree and from west of the railway would have been helpful.
- 3.74 The Addendum also contains text on the potential impact of the development to the setting of the Roche Building (listed building to the south of the application site).
- 3.75 The Architectural Assessment refers to the former Shredded Wheat factory only. Section 2, methodology, lists data referred to and states that the assessment is based on expert opinion

and relevant national policy and guidance. Section 3 contains a history of the development and expansion of the factory. Section 4 contains the assessment and section 5 a summary of the assessment. Appendices contain further background information and historic plans and photos.

- 3.76 A PPS5 Statement is also provided at Appendix B12. This contains a review of the relevant policies of PPS5 which aims to protect the significance of heritage assets and give added protection to heritage assets which are designated under legislation. Section 2 sets out the PPS5 criteria and assessment. The policies of PPS5 referred to are not set out in full and reference is needed to the original document if the full text is required.
- 3.77 Section 2.18 notes that the balancing of public benefits against harm to designated heritage assets is a subjective exercise and that the PPS5 Practice Guide provides no firm criteria for this. Paragraphs 76-78 of the Practice Guide proposals are referred to with regards to impacts to heritage assets in general (but again, these paragraphs are not reproduced in full).
- 3.78 The conclusion at sections 2.30 onwards notes that the degree of harm proposed to the significance of the designated heritage asset is 'less than substantial', being minor in nature and outweighed by public benefits, and that the development would be in accordance with PPS5.
- 3.79 The Appendices contain more detail of the works proposed to the individual buildings within the group, and more historic reference material including plans and photographs. A Schedule of Demolition Works proposed is also included.

Microclimate

- 3.80 The microclimate assessment at Appendix B14 of the ES comprises a qualitative assessment of potential wind effects, presentation of a sunlight model and consideration of Heat Island effects (which are not fully explained). The sunlight model was assessed against BRE guidance 'Site layout planning for daylight and sunlight'.
- 3.81 There are mistakes in the text at the first paragraph under 2.3; the text does not make sense. There is no discussion of potential wind effects at the base of the silos in the civic square.
- 3.82 The assessment of sunlight indicates that there may be a problem with lack of sunlight in walkways in the vicinity of the grain silos, and to the gardens of some residential plots, caused by high buildings in plots P and Q. The suggestion is made that this impact could be mitigated by reducing the heights of those buildings at the detailed design stage. However, it is assumed that the model has been based on the heights of buildings shown in the parameters plan (which in turn prescribe the number of residential units that can be achieved on site). No daylight study has been provided and it is not confirmed whether appropriate daylight levels can be achieved with the layout proposed.

Construction

- 3.83 A Construction Assessment is provided at Appendix B14 of the ES. The assessment indicates the likely duration of Phases 1, 2 and 3 only, and provides an estimate of trip generation during the construction programme, which appears to be for Phase 1 only (stated duration 103 weeks). The number of vehicle movements 'will depend on the successful contractors preferred construction methods. However, based on previous experience, it is considered that this '...gives a good guide as to what will be expected.'

- 3.84 The assessment details mitigation measures to minimize the impact of construction traffic on the local road network.
- 3.85 Information on services diversions is outlined. It is not clear if these diversions can be achieved without affecting existing / proposed tree planting in the development. Likely employment during the construction period is set out.
- 3.86 Appendix F of the ES provides a Construction Code of Practice (CCoP) (see below).

Appendix C – Energy Strategy

- 3.87 The Energy Strategy provides a commentary on the energy requirements for the proposed development, and considers means by which the energy consumption of the development may be reduced, through passive energy design / energy efficiency, and the potential use of renewable energy technologies.
- 3.88 It is indicated that gas condensing boilers will be used in the CHP. There is an analysis of Phase 1 of the CHP, smaller CHP systems are planned to be added to provide heat to the later phases of the development.
- 3.89 It is not clear from the Energy Strategy whether the existing boiler house and stack will be of sufficient size to accommodate gas fired CHP for the whole site. This appears to be confirmed at section 2.1.11 of Part B of Volume 1 of the Addendum. Section 2.1.11 also confirms that there will be no significant impact to air quality from the CHP, but qualifies the assessment with the words “for Phase 1 at least” (see section 3.18 above). Section 2.1.11 also confirms that satisfactory noise levels to nearby receptors can be achieved by locating the CHP within the existing boiler house. More detailed assessments are contained in Technical Appendices on air quality and noise.
- 3.90 Section 4.6.3 of the Energy Strategy notes that to achieve CfSH level 5, additional renewable energy technologies will be installed. Table 13 and Appendix E to the Energy Strategy outline renewable energy technologies that could be considered for integration into the development. Of these, solar photovoltaic technology is deemed feasible for incorporation into Phases II to IV of the development. However, the impact of providing these (including the potential visual impact of installing solar panels) has not been taken into account in the EIA.
- 3.91 Table 13 also mentions the possibility of installing bio fuel CHP in the future, but the traffic movements that may be associated with this have not been taken into account in the transportation assessment.

Appendix D – Sustainability Statement

- 3.92 The Sustainability Statement identifies sustainability principles which are checked against the WHBC sustainability checklist reproduced in Appendix A to the Statement. Elements achieved by the master plan and to be carried through to construction are identified against the checklist.
- 3.93 A Site Wide Sustainability Strategy (SWSS) is contained at Appendix B. This describes how objectives and targets are to be measured and monitored. The SWSS is to be implemented at each phase of the project through a Sustainability Implementation Plan (SIP), which is subject to site auditing and verification procedures, as well as external audit, to ensure that sustainability

targets are met at each phase of the development. The Statement lists proposed BREEAM and Code for Sustainable Homes standards that are to be achieved for each phase.

- 3.94 At Appendix A, the response to point 8 notes that daylight studies for both detailed and outline elements of the development have been undertaken. However, the Microclimate study includes sunlight studies, not daylight studies.
- 3.95 The response to point 18 states that no protected species have been discovered during ecological surveys, but the Addendum has identified reptiles present on site. The response to point 23a refers to the provision of a heritage centre, but not school places that may be required.

Appendix E – not used in February 2011 ES or Addendum

Appendix F – Construction Code of Practice (CCoP)

- 3.96 Section 1.3 notes that the CCoP will be updated to ensure compliance with planning conditions. Bespoke Specific Construction Method and Management Statements (SCMMS) will be prepared for each project / phase.
- 3.97 Anticipated working hours during the construction period are set out at section 1.6.1. These are to be adhered to 'as far as reasonably practicable'. Certain operations may require longer working hours to be adopted.
- 3.98 The duration of construction for Phases I- IV is stated in the CCoP.
- 3.99 The CCoP considers a range of issues related to construction, with a general description of each, the objective and measures / mitigation measures to be applied. Some mitigation measures are stated as commitments, but in some instances these are qualified by use of words such as 'where practicable', 'so far as is reasonably practicable', 'all reasonable precautions', and 'all reasonable efforts'.
- 3.100 Section 3.4 suggests that maximum permissible noise emissions during the operation of heavy plant may be 75dB. This appears to correlate with the criterion of 75dB as the maximum day time noise level to ensure no effect, shown in the Construction Noise Assessment, Appendix B6 of the Addendum.
- 3.101 The CCoP needs updating before it is adopted for work on site. At section 3.6 it notes that no protected species have been discovered on site, which is not now the case following the reptile survey undertaken for the Addendum. Section 3.6.1.2 needs to be updated to reflect the methodology for demolishing buildings that may contain roosting bats (as set out in the Addendum).
- 3.102 At 3.7 the need for ongoing monitoring of contamination will need to be drawn to demolition / construction contractors, with regards to safeguarding existing boreholes etc.
- 3.103 At 3.8, note is made that the management of land contaminated by Japanese Knotweed will be in accordance with planning conditions. Relevant Environment Agency / Natural England guidelines would also need to be referenced.

- 3.104 At 3.9, comment is made with regards to surface water protection procedures during construction. It would appear that a SUDs / drainage scheme has yet to be designed for the construction period.
- 3.105 At 3.10, procedures are outlined for safeguarding the archaeological / built heritage resource on site. Section 3.12 outlines the need for a Site Waste Management Plan for each phase of the Project.
- 3.106 In view of the lack of commitment to certain mitigation measures, it is recommended that WHBC impose suitably worded planning conditions to ensure environmental impacts are controlled during the construction period.

Part D, ES and Volume 3 Addendum– A3 Drawings and Parameters Plans

- 3.107 A3 parameters plans are contained in Part D of the ES and Volume 3 of the Addendum. These are generally clear and portray the layout, maximum footprint, height and uses of the proposed development, and the hard and soft landscape treatment. Illustrative layouts and sections indicate the landscape scheme and the appearance and massing of the proposed development.
- 3.108 It is noted that parameter plan 568_PP_07_011 shows maximum heights of proposed development blocks in terms of metres AOD. The blocks are also colour coded by number of storeys but it is difficult to distinguish the colours used; this information is also described as 'illustrative'.
- 3.109 Detailed drawings of the detailed application area are also provided in Part D.
- 3.110 Detailed drawings of the section of the footbridge proposed to be rebuilt (the subject of a linked planning application) are contained within the Addendum. The Addendum also contains a revised detailed application boundary for the original application (which now includes the footway on the southern side of the shared access road), additional cross sections, a revised tree plan showing root protection areas of retained trees and a plan confirming the location / distribution of car spaces throughout the development.

Format and presentation of the environmental information

- 3.111 The number of volumes which comprise the ES and the presentation of information in an ES and Addendum make the environmental information difficult to reference. There is a need to reference between Parts B and C of the ES and Volumes 1 and 2 of the Addendum and the townscape / visual assessment which is separately bound.
- 3.112 The finished documents are very extensive. Whilst this is partly as a result of compliance with requests for Further Information, there is significant duplication in some areas. The ES might have been shorter in length if the technical assessments contained in the Appendices had instead been presented as chapters or sections of the ES in a common format using common significance criteria.
- 3.113 The technical reports are summarised at sections 5 and 6 of Part B of the ES, and Volume 1 of the Addendum, although the topics do not appear in the same order, and topic titles vary between sections and documents, which is confusing. In some instances the wording of impacts assessed seems to vary from the technical report. Some information is contained in the

summary at Part B / Volume 1 which is not contained in the technical reports at Part C / Volume 2.

- 3.114 Some text in the ES is hard to understand and would benefit in places from increased use of graphics. There are numerous typographical errors and incomplete text which can confuse the reader.
- 3.115 The Addendum provides a useful Contents list to show the location of information in the ES and Addendum, and areas where there have been revisions / no alterations. If this had been presented at the front of Volume 1 of the Addendum (rather than in the middle) it would have been easier to reference. Contents pages at the front of every volume would also have significantly assisted referencing the material provided in the various volumes.

4 DISCUSSION & CONCLUSIONS

Discussion of Audit Results

- 4.1 Whilst there is some variation in the quality of the assessment between topic areas most impacts have been assessed in accordance with accepted methodologies and mitigation measures have been identified in most relevant areas. There is potential bias in some areas of the assessment and some mitigation measures are not confirmed. An overall score of C is given.
- 4.2 A review of the audit results collation sheet presented at Annex 2 reveals that the ES attained 'pass' grades of 'B' with respect to the identification and evaluation of key impacts, and alternatives and mitigation, and 'C' in relation to the description of the development, local environment and baseline conditions.
- 4.3 The Non Technical Summary needs to be re-presented in a form which encompasses the environmental information provided in the ES and Addendum, in accordance with the requirements of Schedule 4 of the EIA Regulations.
- 4.4 The layout and presentation of the information and duplication of text in some topic areas between volumes makes reference to the environmental information confusing, difficult and time consuming.
- 4.5 A score of 'D' was therefore awarded in relation to the communication of results. Whilst the logical arrangement of results and ease of reference is not a requirement of the EIA Regulations, a suitable Non Technical Summary is required. It is therefore recommended that a revised Non Technical Summary should be prepared to ensure that the Environmental Statement is fully compliant with the Regulations.

**ANNEX 1: LEE, COLLEY, BONDE AND SIMPSON
METHODOLOGY**

ANNEX 2: AUDIT COLLATION SHEET

ANNEX 3: NOTES ON AUDIT AND COMPLIANCE WITH REGULATIONS
