

## **SUMMARY OF REGULATION 19 ISSUES FOR BROADWATER ROAD WELWYN GARDEN CITY- 3.11.2010**

It is considered that a Regulation 19 notice should request the following clarification / additional information:-

### **Description of the development**

Confirmation is needed as to the description of the development which has been adopted as the basis for the Environmental Impact Assessment, as:-

1. The parameters plans are not expressed to be part of the Environmental Statement, and those that are included within the ES are incomplete, superseded and too small to be legible.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 expressed to be a further volume of the ES.
2. 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 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.
3. 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' in order, provided these figures have been used as the basis of the EIA.
4. The site area should be confirmed in the ES. At 1.1.1 there is a query remaining in square brackets.
5. 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.
6. 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.
7. 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.

8. 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.
9. Confirmation is required of the required relocation of any existing services crossing the site, which may lead to on or off site environmental impacts.

(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

### **CHP unit**

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.

### **Construction impacts**

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.

### **Microclimate**

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.

## **Socio economic**

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).

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

- Assessment of employment creation in the construction and operational periods.
- 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.
- 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.

## **Residential impacts**

An assessment is required of the impact of the development on local residents, in terms of any visual, noise, air quality, traffic impacts etc.

## **Accessibility and Traffic Impacts**

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. Need to confirm that it was agreed not to test the 2021 scenario, and only to use low growth figures, particularly in view of the likely time span for implementation of the development.

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.

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

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.

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.

Confirmation is required that the traffic modelling is based on the finalised description of the development with regards to assessment of impact.

Confirmation should be provided that the MVM results of PARAMICS modelling are not 'Draft' as stated.

Construction traffic figures should be provided, together with an assessment of construction traffic impacts.

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.

### **Noise impacts**

An assessment of construction noise, including construction traffic noise should be provided, including an assessment of impact to nearby residential and other sensitive receptors. (Alternatively a limit to noise levels for the construction period and hours of working could be agreed with WHBC.)

Confirmation should be obtained from the EHO that he is content with the approach to the assessment of noise impacts during the operational period as 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 noise report in the Appendix provides no detailed impact assessment provided for plant noise, but limiting noise criteria have been set for proposed plant. WHBC should be content that this can be covered by suitable condition. Otherwise further assessment is required.

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.

Confirmation should be provided of any potential noise impacts to residents in the surrounding area during the operational period of the development.

### **Air quality**

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

The EHO should confirm that the assessment of emissions from the CHP plant is complete and to the scope required.

See also comment above as to construction impacts- calculation of air quality impacts resulting from construction traffic including HGV's and construction workers vehicles is required.

### **Surface and Ground Water Impacts**

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 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. 4<sup>th</sup> para 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).

### **Heritage and archaeology**

WHBC / the County Archaeologist will need to confirm that they are content that the potential for further archaeological deposits can be covered by a planning condition that will cover any archaeological investigation thought necessary. The scoping opinion had indicated that trial trenching may be required as part of the EIA. (A condition of this type would not be appropriate if there were likely to be anything that may require retention in situ, which would affect the proposed master plan and quantum of development.)

### **Ecology**

The text of the assessment seems to indicate that the assessment of baseline conditions is incomplete. 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 County Ecologist should be consulted with respect to the potential for the site to contain reptiles as the ES does not provide confidence that this issue has been fully

investigated. Advice on the potential impact to the CWS at Twentieth Mile Bridge Allotments should also be sought.

Confirmation is required that ecological mitigation measures identified have been carried forward into the design of the scheme, including the landscape proposals.

### **Tree survey**

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.

### **Geotechnical and remediation**

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.

The EHO / EA 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.

### **Townscape and Visual Impact Assessment**

Confirmation should be provided why, at Table 1-1, the definition of the impact assessment criteria includes the existing site.

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 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.

### **Sustainability Statement**

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.

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?

**Appendix E – Site wide sustainability strategy**

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.