

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 5 JANUARY 2017  
REPORT OF THE DIRECTOR (GOVERNANCE)

S6/2014/2292/FP

LANDS SOUTH EAST OF NORTHAW ROAD EAST (CATTLEGATE FARM),  
CUFFLEY, POTTERS BAR, EN2 8AU

INSTALLATION OF PIPEWORK TO PROVIDE A PRIMARY DISTRIBUTION HEAT  
NETWORK

APPLICANT: Magenta Planning Limited

(Northaw & Cuffley)

**1 Site Description**

- 1.1 The application site comprises land which forms part of Cattlegate Farm located southeast of Northaw Road East and east of Cattlegate Road. The site is linear in form, comprising the proposed route of pipework which would extend to approximately 1km in length within a trench typically measuring 1640mm. The working area would widen to 3700mm in width where the pipework crosses two watercourses. The total site area is approximately 0.178 hectares. The existing land and surrounding area is primarily within agricultural use.

**2 The Proposal**

- 2.1 This is a full planning application for the installation of twin pipework to transport hot and cold water to provide for a primary distribution heat network.
- 2.2 In January 2012 Hertfordshire County Council (HCC) resolved to grant planning permission for an anaerobic digestion (AD) and biogas combined heat and power (CHP) plant at Cattlegate Farm. CHP works by recovering heat from the power generation process. The plant became operational on the 11<sup>th</sup> December 2015 and produces renewable heat and electricity through the process of converting organic waste into liquid organic fertiliser and biogas.
- 2.3 In July 2014, an outline application was submitted for a residential led mixed use development at the nearby land at Northaw Road East, Cuffley (planning reference: S6/2014/1697/PP). This associated application is the next item on this Committee agenda.
- 2.4 The AD development site is located approximately 1km from the proposed residential led development site on a strip of land to the east of the railway line embankment.
- 2.5 The proposal is for the installation of highly insulated pipework to connect the AD plant to the energy centre on the proposed residential-led mixed use development site. This would enable heat energy from the AD plant to be captured in hot water and utilised in a district heat network. District heating (DH) comprises a network of insulated pipes used to deliver heat, in this case in the

form of hot water, from the point of generation (the AD plant) to an end user (households and businesses) for use in space heating and hot water.

- 2.6 The heat pipe network will comprise of two pipes (ranging between 110mm and 180mm diameter) laid parallel within a shallow trench within an imported sand backfill. A 200mm soil layer will be laced over the sand backfill.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee for the following reasons:

- The application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee;
- The application has attracted an unusually high level of public interest; and
- The application has wider ramifications of more than just local interest.

### **4 Relevant Planning History**

- 4.1 S6/2014/1697/PP – Installation of pipework to provide a primary distribution heat network (Outline application for residential led mixed use development comprising up to 493 residential dwellings; 115 retirement units with associated care and administrative facilities; 3,138 sqm of retail/leisure/community floorspace; primary school; energy centre, together with associated infrastructure including new vehicular access, public open space, landscaping, car parking and other associated works with all matters reserved except for access and scale [number of storeys] (associated application which has not yet been determined)
- 4.2 S6/2014/2108/EI – EIA Screening for proposed development of a primary district heat network (Confirmed not EIA Development, letter dated 08/10/2014)

### **5 Planning Policy**

- 5.1 National Planning Policy Framework 2012 (the Framework)
- 5.2 Welwyn Hatfield District Plan 2005 (Saved Policies)
- 5.3 Supplementary Design Guidance, February 2005

### **6 Site Designation**

- 6.1 The site is not allocated in the Welwyn Hatfield District Plan for development and lies outside of the specified settlement of Cuffley. The site lies wholly within the Metropolitan Green Belt.
- 6.2 The part of the site extending to the south of Northaw Road East lies with an Area of Archaeological Significance and Landscape Character Area 55 “Theobalds Estate” as defined by the Welwyn Hatfield District Plan. Northaw Road East itself and the remainder of the site lies within 53 “Northaw Common Parkland”.

### **7 Representations Received**

7.1 The application has been advertised by means of site notice, newspaper notice and neighbour notifications. Approximately 105 objections have been received which may be summarised as follows:

- Planning permission has not been granted for the residential development that this pipeline is proposed to serve
- The pipeline is not necessary being entirely dependent and driven by the residential development on Northaw Road East
- Granting planning permission will support the applicant's very special circumstances case for the residential development on Northaw Road East
- Disruption to traffic during installation of the pipeline
- Impact on access for emergency services
- Installation works should be undertaken outside of peak hour traffic and during peak hours two way traffic should be maintained at all times
- Not clear from submitted details whether there is space under the road for the pipeline or indeed what existing services may be disturbed by the works
- Impact on the Green Belt
- The technology is unproven and liable to failure
- Energy will be expended in pumping the hot water
- The pipeline will require above ground structures
- Possible future contamination of the surrounding land
- The plan cover the pipe with sand infill and a mere 8 inches of soil
- The effect of the heat in the land the pipe travels through in unspecified
- Effect on flooding and existing drainage
- It is unclear if there provision for leak detection
- How will the works be carried out in the vicinity of the railway viaduct
- The application for the AD plant suggested that it would be connected to a district heating system to serve Cuffley school and Greenfields
- Future end users would have no alternative heating supply
- Disruption to neighbouring occupiers who live close to proposed road section

## **8 Consultations Received**

- 8.1 **Hertfordshire County Council Historic Environment Advisor** – The Historic Environment Record notes that the route of the pipeline runs through an Area of Archaeological Significance as identified in the Local Plan. It is also close to a cropmark which may show archaeological features (HER16963) and passes across part of the boundary of the 17<sup>th</sup> Century Theobalds Park which is visible as a tree line and walling (HER2961). An Archaeological Desk-based Assessment has been submitted with this planning application. It concludes: *“The proposed pipeline runs across an Area of Archaeological Significance, as defined in the Welwyn Hatfield District Plan 2005, within which are areas of archaeological potential”* (paragraph 6.1). The proposed development is therefore likely to have an impact on heritage assets. An appropriately worded condition is suggested.
- 8.2 **Welwyn Hatfield Borough Council Landscape and Ecology** – No objection subject to a suggested planning condition
- 8.3 **Network Rail & Welwyn Hatfield Borough Council Environmental Health** – No objection
- 8.4 **The Environment Agency & Hertfordshire County Council Transport Programmes and Strategy & Hertfordshire County Council Rights of Way &**

**Hertfordshire Ecology & Hertfordshire and Middlesex Wildlife Trust – No response.**

- 8.5 The applicant has recently served notification (Certificate B) to Network Rail as part of the development crosses their land in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010. The later service of this notice is not considered to prevent or fetter Network Rail from making appropriate representation on this application as they have already commented on the proposal. However, it will be necessary to await the outcome of the 21 day notification before a decision on this application can be made. Should any response be received that requires further consideration from Network Rail, then a report will be brought back to Committee for consideration.

## **9 Parish Council Representations**

- 9.1 Northaw & Cuffley Parish Council has objected to the proposal stating the following reasons:

*“The PC objects to this application on the grounds that this is part of/linked to the Metropolis development application – S6/2014/1697/PP – to which we have already objected.*

*We understand that in some similar District Heating Schemes, for instance a recent scheme in Southwark, there were a number of above ground structures such as Inspection pits, Manholes and Small Plant Housings. These types of structures seem to be needed at key points, particularly at 90° levels. We understand that there are no above ground structures shown in this application and we find this to be a questionable assumption.”*

## **10 Analysis**

- 10.1 The main planning issues to be considered in the determination of this application are:

- 1. The principle of the development within the Green Belt (GBSP1, GBSP2 and the Framework)**
- 2. Principle of development with regards to sustainability (SD1, R3, GBSP1, GBSP2 and the Framework)**
- 3. Other material considerations**
  - i) Highways (the Framework)**
  - ii) Archaeology (R29 and the Framework)**
  - iii) Trees (R17 and the Framework)**
  - iv) Flood risk (the Framework)**
  - v) Contamination & ecology (R2, R6, R7, R11 and the Framework)**

### **1. The principle of the development within the Green Belt**

- 10.2 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 10.3 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special circumstances to justify its approval.

#### *Appropriateness*

- 10.4 The proposed development, as set out in the submitted application, comprises the installation of pipework. This would be an engineering operation on which the Local Plan is silent. The policy test for the proposal is paragraph 90 of the National Planning Policy Framework (the Framework). This states that engineering operations are appropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 10.5 The reference to “engineering operations” in the Framework draws on the use of the term in s.55 of the Town and Country Planning Act 1990 which defines development as:

*Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

#### *Openness and Purposes of including land in the Green Belt*

- 10.6 The proposal does not include any above ground structures. The pipeline would be concealed underground and as such although there would be some impact on openness through the construction phase, in the long term, the openness of the Green Belt would be retained given that the area of the pipeline would be reinstated to its former condition through appropriate landscaping. For the same reason, the proposal would not result in any harm in terms of the five purposes of including land in the Green Belt (para. 80 of the Framework).

#### *Conclusion on Green Belt*

- 10.7 The proposed development would not give rise to any impact on the visual quality of the landscape or the openness of the Green Belt as the proposed pipeline would be concealed underground. Any limited construction stage impacts would be temporary in nature. The development is not considered to conflict with the objectives of the Green Belt as set out in the National Planning Policy Framework.

## **2. Principle of development with regards to sustainability**

- 10.8 Saved Policy SD1 states that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. This is consistent with the ‘golden thread’ running through the Framework which is the presumption in favour of sustainable development (para. 14). The Framework outlines, in its introduction, three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (paras. 7-8).

- 10.9 The proposed pipeline would connect an AD plant to a district heat network which, subject to planning permission, would serve a residential-led mixed use development. This would enable heat energy from the AD plant to be captured and utilised in households and businesses for space heating and domestic hot water. The proposal therefore represents an opportunity to reduce carbon emissions by making use of surplus heat from a clean and renewable source. This would support efforts to use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 10.10 The Planning Practice Guidance (the Guidance) for renewable and low carbon energy provides advice on the planning issues associated with the development of renewable energy. The Guidance is clear that increasing the amount of energy from renewable and low carbon technologies is important because it will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The Guidance is a material consideration in the determination of planning applications for renewable and low carbon energy and should be read alongside the Framework.
- 10.11 Decentralised energy promotion is also a key policy theme in the Framework, which requires local authorities to identify and plan for opportunities for Decentralised energy including district heating systems. The Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
- 10.12 While benefits of renewable energy with respect to reduced environmental impacts are clear, the exact contribution to social and economic development is more ambiguous. In relation to the economy, the proposed development would make a contribution in the short term through the provision of employment and the sale of materials associated with the construction of the pipeline. In the longer term economic benefit would derive from enhancing energy security and actively promoting structural change in the economy. The development has the potential to encourage growth in the district heating industry by raising the profile of district heating. It could also be seen as a public statement that the Borough is a location for innovation and sustainability.
- 10.13 In terms of a social role, the ability to generate heat at low costs means district heating can contribute to the goal of reducing fuel poverty. District heating provides even heating that is easily controlled, particularly when compared to older heating systems. This can be considered to enhance the comfort, health and wellbeing of future occupants.
- 10.14 The Framework does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas. In this instance, the combined benefits of the proposed development meet the three strands of delivering sustainable development as required by the Framework

### **3. Other material considerations**

### ***i) Highways***

- 10.15 The optimum route of the pipework would include a stretch approximately 240m in length which would be laid under the carriageway along Northaw Road East. Any works within the highway would be undertaken in accordance with the New Roads and Street Works Act 1991. Section 50 of the Act enables a body or individual to obtain a licence to undertake necessary works to place apparatus in the publicly maintained highway which includes verges, footway and carriageway. The details of the works will be subject to prior agreement with Hertfordshire County Council with all aspects of the highway works being undertaken to the satisfaction of the Highway Authority.
- 10.16 The works to install the pipework within the public highway are likely to be undertaken by implementing one way working utilising appropriate traffic management and standard practices. It is considered that the proposed pipework is no different from the common situation of utility companies servicing their apparatus, and that no long term detrimental highways impacts are raised by the proposals.
- 10.17 Notwithstanding the above, given the scale of the development proposed, a condition is suggested requiring site management details to be approved to protect residential amenity and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework. It is suggested that the required Construction Management Plan should include details of:
- Construction vehicle numbers, type, routing;
  - Traffic management requirements;
  - Construction and storage compounds (including areas designated for car parking, the stationing of site huts, storage of material and plant);
  - Siting and details of wheel washing facilities;
  - Cleaning of site entrances, site tracks and the adjacent public highway;
  - Provision of sufficient on site parking prior to commencement of construction activities; and
  - Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

### ***ii) Archaeology***

- 10.18 Saved Policy R29 and Section 12 of the Framework seek to prevent development from having a detrimental impact on remains of archaeological significance. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.19 In this case, the site is located within the 'Cropmarks, Cattlegate Farm' Area of Archaeological Significance in the District Plan. This Area of Archaeological Significance relates to the remains of Theobald's deer park and associated wall.
- 10.20 An Archaeological Desk-Based Assessment has been submitted in support of this application to assess the likelihood for buried archaeological remains on the site. The report does not identify any archaeological features of concern and

makes recommendations for an appropriate programme of mitigation to be agreed with the Local Planning Authority. Hertfordshire County Council's Historic Environment Advisor confirmed that the proposed development is likely to have an impact on heritage assets with archaeological interest, but did not object to the proposal subject to the inclusion of a planning condition which would provide an appropriate level of investigation.

### ***iii) Trees***

Following an initial objection from the Landscaping Team due to lack of specific information in relation to trees and the level of trenching within root protection areas, the applicant submitted an Arboricultural Impact Assessment and Tree Reference Plan in January 2015. These documents identified the 'optimum route' of the pipeline, to avoid harm to trees, is along the carriageway. The application drawings were subsequently amended to show the proposed route of the pipeline relocated from the southern edge of Northaw Road East to the carriageway. Following re-consultation, the Landscaping Team has confirmed that the suggested methodology for trenching is reasonable for this particular site, subject to a suggested condition requiring details to be approved by the Local Planning Authority.

### ***iv) Flood risk***

- 10.21 The site is located within Flood Zones 2 and 3. The Environment Agency were consulted on this proposal and initially objected. However, following the submission of additional supporting information, in the form of a Flood Risk Assessment, the Environment Agency confirmed that it was satisfied that flood risk has been addressed and the objection was removed. No conditions are required in this instance although an informative has been suggested.

### ***v) Contamination and ecology***

- 10.22 A Preliminary Risk Assessment has been submitted as part of the application to assess the site and the proposed development. The report includes a preliminary conceptual model of contamination of the site, an assessment of the environmental risks and recommendations for further investigations as required.
- 10.23 The report concludes that the overall environmental liability associated with the site and the risks associated with the proposed pipeline are considered to be negligible. Whilst significant environmental impacts are not anticipated with respect to ground conditions and contamination, the report recommends further investigation is carried out in order to identify the possible presence, nature and extent of any contamination within the ground/groundwater. For this reason it is suggested that the standard phased contaminated land condition is applied so that further investigation is carried out in accordance with saved Policy R2 and the Framework.
- 10.24 The impact on ground conditions during the construction will be temporary in nature and will be managed and mitigated in line with best practice and can be secured through the implementation of a site specific Construction Environment Management Plan (CEMP). The purpose of a construction environmental management plan is to outline how a construction project will avoid, minimise or mitigate effects on the environment and surrounding area. Accordingly, an appropriately worded condition has been suggested.



- 10.25 The presence of protected species is also a material consideration, in accordance with the Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species (Amendment) Regulations 2012 as well as Circular 06/05. Furthermore, saved Policy R11 requires developments to contribute positively to biodiversity.
- 10.26 The application site is not located within a designated wildlife site. The Cattlegate Wood Local Wildlife Site is the nearest site with an ecological designation and is located approximately 200m to the west of the site and will not be impacted by the proposed development. A Preliminary Ecological Appraisal has been submitted in support of the application which assesses the ecological value of the site and identifies that the habitats which are directly affected by the pipe route were found to be ecologically poor and unimportant with their potential to support protected or important species considered unlikely.
- 10.27 Whilst no ecological constraints have been identified with the installation of the pipeline, the report recommends a precautionary approach to avoid disturbance to nesting birds in adjacent habitats. Hertfordshire Ecology and Hertfordshire and Middlesex Wildlife Trust were consulted on the proposal but no response had been received from either at the time of writing this report. It is considered that the Local Planning Authority has sufficient information to be able to determine the application in accordance with its Biodiversity Duty and European Protected Species planning responsibilities.
- 10.28 Following the installation of the pipeline, the Local Planning Authority will require the site to be reinstated back to a landscaped environment in a sensitive and considered way which will enhance biodiversity. This can be secured through the implementation of a CEMP in accordance with saved Policies R2, R6, R7 and R11.

#### **vi) Representations**

- 10.29 A number of comments have been raised by residents which have been discussed above. Those not already addressed are discussed below. This application needs to be determined on its own merits and whilst the very special circumstances case advanced in respect of planning application S6/2014/1697/PP relies on the provision of this pipeline, it needs to be determined on its own merits. It is also acknowledged that the pipeline is not likely to be required if the residential development is not approved, however, this is not a reason to delay the determination of this application.
- 10.30 Heating supply for future end users is not a consideration of this application, nor is leak detection which would be a matter for the developer to address. Energy will be expended in pumping water, however, this needs to be considered as part of the residential application and the overall consideration of very special circumstances in relation to the pipeline. This also applies to the suggested unproven technology and likelihood of failure.
- 10.31 No above ground structures are shown on the submitted drawings and the applicant has provided written confirmation that no above ground structures are required. In any event, any further development beyond what is shown on the approved drawings would require planning permission and is therefore within the control of the Local Planning Authority.

## **11     Conditions**

- 11.1 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

## **12     Conclusion**

- 12.1 Whilst located within the Green Belt, being an engineering operation and a development that does not affect the openness of the Green Belt or the purposes of including land in the Green Belt, the proposal is not inappropriate development and meets the requirements of the Framework in this regard.
- 12.2 The proposal has also been considered in terms its impact on the highway, archaeological remains, trees, flood risk, ecology and contamination and is considered acceptable subject to conditions.
- 12.3 The proposal represents an opportunity to reduce carbon emissions by making use of surplus heat from a clean and renewable source. This would support efforts to use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 12.4 There is considerable policy support for the implementation of district heating systems within the Framework and Planning Practice Guidance. The Framework in particular explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. In this case the proposal achieves the environmental, social and economic dimensions of sustainable development as required by the Framework. Whilst the planning concerns of local community are acknowledged, the overall environmental impact of the development is considered to be negligible. For the reasons outlined above, it is recommended that planning permission is granted subject to conditions.

## **12.    Recommendation**

- 12.1 It is recommended that planning permission be approved subject to the notification by the applicant to Network Rail expiring and no further representations from them requiring consideration and the following conditions:
1.    The development/works shall not be started and completed other than in accordance with the approved plans and details:

1313-D7300-revP2 received 4 February 2016 & detailed drawings

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with the approved Scheme. The Scheme must include an assessment of archaeological significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall not take place other than in accordance with the programme of archaeological works set out in the agreed Written Scheme of Investigation.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The CEMP must demonstrate the adoption and use of the best practicable means to avoid, minimise or mitigate effects on the environment resulting from the site preparation, groundwork and construction phases. The CEMP should include, but not be limited to:

- A construction method statement detailing the instillation of the trenchless and insertion of underground utility apparatus which shall include a detailed plan showing the location or route of the apparatus and the specific locations of the entry and retrieval pits to comply with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.
- The timing of all construction activities to avoid or minimise the effects on ecological interests
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
- A map or plan showing habitat areas to be specifically protected (ditches and streams with their buffer zone) during the works
- Any necessary pollution protection methods

- The ecological enhancements as mitigation for the loss of habitat resulting from the development
- Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- Measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.

The development must not be carried out other than in accordance with the approved CEMP.

REASON: The production and implementation of a CEMP is essential in ensuring that all potential environmental impacts of construction will be prevented or minimised having regard to saved Policies R2, R6, R7, R11 and R17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. No development shall take place, other than that required to be carried out as part of an approved scheme of remediation, until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### (b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### (c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### (d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

#### (e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over a period of five years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in

accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. Prior to the commencement of the development a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Management Plan must include details of:
  - Construction vehicle numbers, type, routing;
  - Traffic management requirements;
  - Construction and storage compounds (including areas designated for car parking, the stationing of site huts, storage of material and plant);
  - Siting and details of wheel washing facilities;
  - Cleaning of site entrances, site tracks and the adjacent public highway;
  - Provision of sufficient on site parking prior to commencement of construction activities; and
  - Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

## **POSITIVE AND PROACTIVE STATEMENT**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

## **Informative**

1. Other Legislation: This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Any works undertaken in Air Quality Management Areas may also require additional approval under the Clean Air Act (1993).

2. Works within the Highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 50 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant is advised to contact [nm.mid@hertfordshire.gov.uk](mailto:nm.mid@hertfordshire.gov.uk), and shall be responsible for all costs including any necessary Temporary Traffic Regulation Orders. Further information may be found <http://www.hertfordshire.gov.uk/services/transtreets/highways/hhonline-service/nrswa/nrswas50/> or by telephoning 0300 1234047.
3. Obstruction of the Highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by Telephoning 0300 1234047.
5. Breeding Birds and Protected Species: It is an offence to take or disturb the breeding or resting location of protected species and precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England (0300 060 3900) or a suitably qualified ecological consultant.
6. Trenches: During construction, trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.
7. Environment Agency: Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Hempsill Brook and Northaw Brook, designated 'main rivers'. The usual requirement where a pipe crosses under a river is that the pipe invert is positioned at least 1 metre

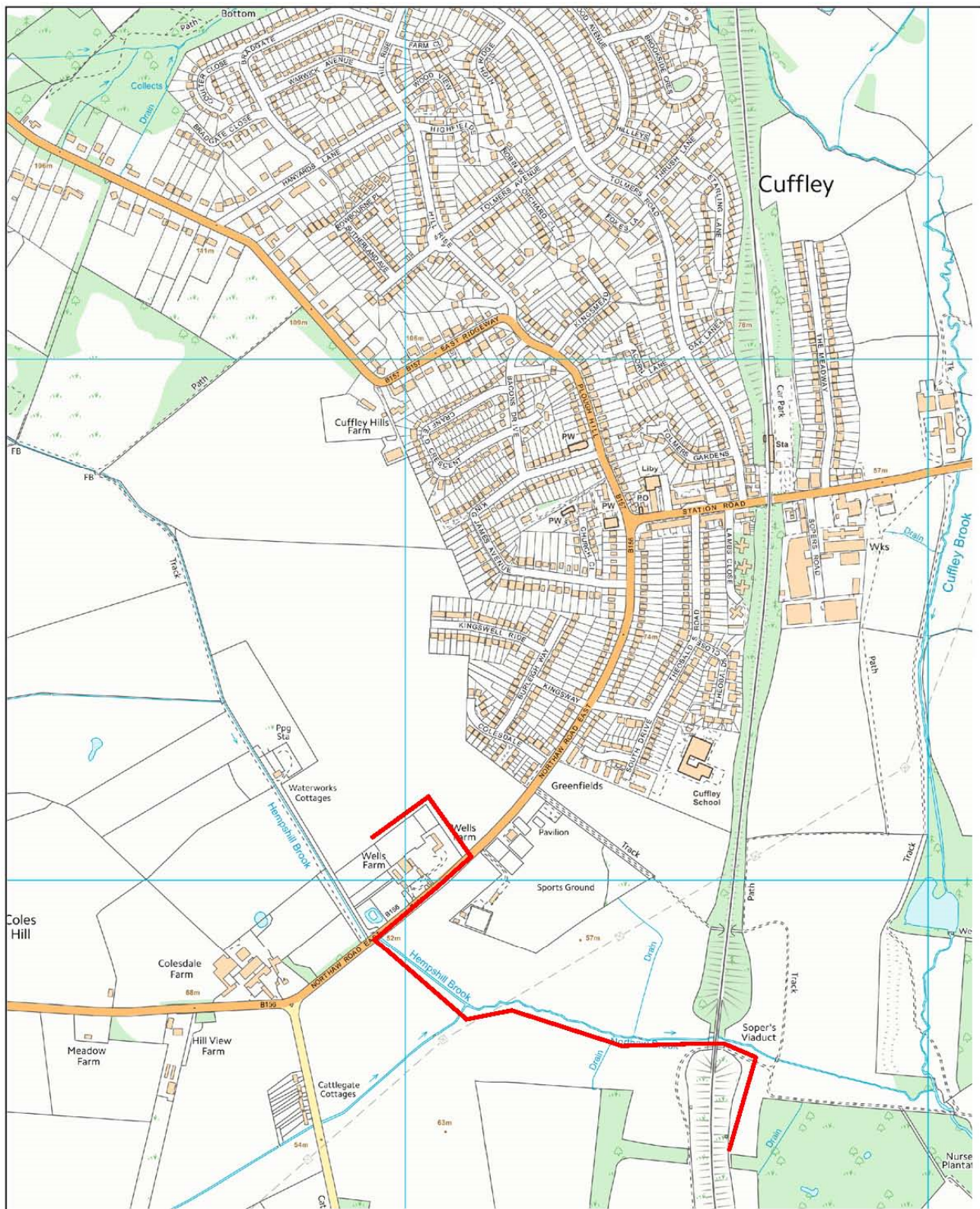
below the level of the river bed and that directional drilling techniques are used. The pipe should be set at the same level when within 8 metres of the river. Please contact the Environment Agency for further information.

*Mark Peacock*, (Strategy and Development)

Date: 20.12.2016

Expiry Date: 09.01.2017





Council Offices, The Campus  
Welwyn Garden City, Herts, AL8 6AE

Title:

Lands South East of Northaw Road East, Cuffley

Project:

DMC Meeting

Drawing Number:

S6/2014/2292/FP

Scale:

DNS

Date:

2017

Drawn:

Baras Mast-Ingle

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