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15 April 2009

FAO Ms Tracy Harvey
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16 APR 2009
N6-2009/0705-ET

Dear Ms Harvey

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999
SITE AT BROADWATER ROAD, WELWYN GARDEN CITY, HERTFORDSHIRE**

On behalf of our client Spenhill Regeneration Ltd, we formally request under Regulation 5 of the above mentioned regulations that Welwyn Hatfield Borough Council provide a Screening Opinion as to whether an Environmental Impact Assessment (EIA) is required for the proposed development at the above site.

In making the request, we enclose the following information:

1. A plan identifying the land.
2. A brief description of the nature and purpose of the development and its effects on the environment.

Description of the Development

The proposals for the Broadwater Road site will involve the submission of an outline application for mixed use development comprising employment, housing, leisure and a foodstore, along with servicing and access.

The attached plan identifies the site location. The existing site is approximately 8.6 hectares in area.

The planning policy framework comprises the 2005 Welwyn Hatfield Borough Local Plan and the 2008 Broadwater Road Supplementary Planning Document.

Both the adopted Local Plan and the adopted SPD identify the site for major mixed use development comprising residential, employment, cultural and leisure uses.

EIA Development

EIA development means development which is either:

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects in the environment by virtue of factors such as its nature, size or location.



The proposal does not fall within the description of development for the purposes of the definition of Schedule 1 Development.

Paragraph 29 of Circular No. 2/99 states that Schedule 2 development is development of type listed in Schedule 2 which:

- (a) Is located wholly or part in a 'sensitive area as identified in regulation 2(i) paragraph (36) or;
- (b) Meeting one of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the Table in Schedule 2.

The development is not situated in or close to an environmentally sensitive area as defined by regulation 2 of the EIA regulations (such as a SSI, National Park, AONB, or World Heritage Site) so clause (a) does not apply.

However, it is an infrastructure project over 0.5ha, and as such is schedule 2 development. For schemes that fall into the above category, the SoS sets out 3 main criteria for considering whether or not an EIA is required, these are as follows:-

- 1. for major developments which are of more than local importance;*
- 2. for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and*
- 3. for developments with unusually complex and potentially hazardous environmental effects.*

For the reasons set out below, it is not considered that the scheme will constitute EIA development.

1 - The Scheme is not of More Than Local Importance

The site is entirely brownfield, previously developed land, the built footprint of which will not increase above the previous use accommodated on the site.

Furthermore, in terms of floorspace, when previously operational in B1, B2 and B8 use, the site accommodated some 170,000 sqm of floorspace. The proposed scheme will only comprise of 110,000 sqm. Therefore, there will be a net reduction in the developed area of the site.

In terms of the actual uses, none of them are intended to serve needs from beyond Welwyn Garden City. The residential element is intended to meet the shortfall in housing in Welwyn Garden City. The commercial, retail and leisure uses will have a local Welwyn Garden City catchment and will not be of regional significance.

It is considered that the scale of the proposed development will not give rise to any likely significant environmental impacts.

2 - The Scheme is not in a Environmentally Sensitive or Vulnerable Location

As mentioned previously, the site is not situated in or close to an environmentally sensitive area such as a SSSI, SINCE, National Park, AONB, or World Heritage Site.

Furthermore, the site is not located in a conservation area or within any other locally designated area of environmental sensitivity and does not contribute to the biodiversity of the area.

Whilst the site contains a Grade II listed former Shredded Wheat Factory, any impact of the proposals on the listed building will be assessed and considered within a heritage/townscape assessment to be submitted in support of the proposals.



3 – The Scheme is not a Development with Potentially Hazardous Side Effects

Due to the nature of the uses proposed, the development will not result in complex or potential hazardous effect which are complex, long terms or irreversible. As will be set out below, whilst the site was previously contaminated, it has been the subject of significant remediation and mitigation works.

Contamination

Delta-Simons has undertaken several phases of intrusive Site investigations and groundwater monitoring investigations at the Site since April 2003. Previous Delta-Simons investigations at the Site have identified soil contamination and significant widespread contamination at depth in groundwater within the major chalk aquifer beneath the Site.

The source of the contamination was considered to be leakage from underground storage tanks (USTs) in the north-west of the former Polycell factory part of the Site, the key contaminants include naphthalene, dichloromethane, trimethylbenzene, methyl-naphthalene, ethylbenzene and xylenes.

Free product was identified on the surface of the groundwater at a depth of approximately 22 m within the Chalk Major aquifer.

Elevated concentrations of total petroleum hydrocarbons (TPH) and volatile organic compounds (VOC) were identified within shallow Made Ground around the periphery of the tank farm. This contamination is also considered to have been caused by leakages from the USTs. Elevated concentrations of TPH, semi-volatile organic compounds (SVOC) and VOC at depth within the Chalk, in the directions of the identified groundwater flows (towards the south-east and north-east), are considered to be associated with the free product on the surface of the groundwater, and relate to a smear zone caused by fluctuations in the height of the water table.

Ongoing monitoring has identified that the dissolved contamination is reaching the boundaries of the Site and investigations on the adjacent CPUK land (to the north of the Site) has identified deep soil and groundwater contamination in a number of boreholes, which has been identified as originating from the tank farm.

Given the scale and extent of the groundwater contamination at the Site a voluntary remediation programme was devised following a quantitative risk assessment (QRA) completed by Delta-Simons in December 2005. The main objective of the voluntary remediation programme is to remove the major source of contamination present at the Site, i.e. non-aqueous phase liquid (NAPL) free product. The purpose of this is twofold, namely to prevent the continued contamination of groundwater by free product and to remove the tank farm and shallow soils around it (i.e. source removal).

The secondary objective of the remediation programme is to remediate the dissolved phase groundwater contamination to the derived remedial targets, in order to minimise impact to the wider groundwater environment.

The tank pull phase and soil excavation of the remediation works commenced on 29th September 2008 and was completed on the 27th October 2008. Contaminated soils were transferred to on-Site biopiles for treatment, the soils will be returned to the excavation on completion of the groundwater remediation phase provided that the remedial target values are met.

The groundwater treatment plant was commissioned in late December 2008. Groundwater monitoring rounds are scheduled on a monthly basis until March 2009 and then quarterly to September 2009. Groundwater monitoring is proposed to continue on a quarterly basis for a further four years and then bi-annually for two years.



Other Issues

Other impacts could include the short term impacts during demolition and construction which would be controlled through careful management of work that may cause disruption to access, noise or other effects.

Any impacts associated with this would be addressed primarily within the Sustainability Statement.

In addition, any issues regarding waste management, resource management and climate change will also be addressed in the Sustainability Statement.

Conclusions

The site is not designated as a site of nature conservation, and it does not contribute to the biodiversity of the area.

It is not considered that the scheme at Broadwater Road would give rise to significant environmental effects.

The development can not reasonably be described as being of more than local significance to the town and is not situated in an environmentally sensitive area. Due to the nature of the uses proposed, the development will not result in complex or potential hazardous effect which are complex, long terms or irreversible

In light of the above, the applicant considers that the proposal does not constitute EIA development.

Supporting Information

Although we consider that this development does not constitute EIA development and we do not consider that it will give rise to significant effects on the environment, we can confirm that the planning application will be accompanied by the following supporting information:

- Design and Access Statement;
- Planning Statement;
- Retail Impact Assessment;
- Sustainability Statement;
- Landscape Strategy;
- Energy Carbon and MEP Assessment;
- Noise and Vibration Assessment;
- Air Quality Assessment;
- Water and drainage;
- SUD's strategy
- Social and Economic Statement;
- Transport Assessment including Travel Plan;
- Statement of Community Involvement;
- Townscape Assessment;
- Archaeology Assessment;
- Contamination Report; and
- Remediation Report.



We trust that the Council has sufficient information with which to provide a Screening Opinion for this development, and as required by the above Regulations we look forward to a response within three weeks of receipt of this letter.

Should you require any additional information or clarification, please do not hesitate to contact Adam Gostling or Jim Pool at these offices.

Yours faithfully

ADAM GOSTLING

