

The Draft Local Plan is not legally compliant because;

1. **Not Positively Prepared**; not consistent with achieving sustainable development because the 2009 WCS did not incorporate a super sewer from Panshanger in WGC to Rye Meads Waste Water Treatment Works Southern Outfall 11 miles away and because of this TWU kept insisting that WHBC should build one. In the 2009 WCS it gives a fair advanced warning by stating the following and which I highlight these 4 points; ‘this equates to less than 4 years’ worth of residential development; upgrades to the rye meads Network and wwtw are unavoidable, and for the majority of local authorities there are no viable alternatives to this except developing in other catchments; it is recommended that the upgrades of the rye meads wwtw and sewerage network proposed by TWU are further assessed and constructed without delay; **It is important therefore that the core strategy makes proper provision for such uncertainty and does not place undue reliance on critical elements of infrastructure whose funding is unknown.**
2. **Not Justified**; when considered against the evidence and any reasonable alternatives, because the reasonable alternatives were the local villages which already has infrastructure in place and this was also a recommendation as in 2012 the sustainability appraisal was mentioned by Councillor. that ‘to adopt Option 6 (Villages) would be perverse’. In 11:23 Option 6 would offer wider housing choice and would sustain the levels of facilities and services in the large excluded villages and their economy. 11:24 The sustainability appraisal raises concerns that this Option 4 (Panshanger) will be sufficient to meet locally generated housing need from within the Communities and that this in turn could have an impact on the Viability of local shops and services and the ability to deliver jobs to support rural communities and businesses. In the June 2004 Inspectors Report to WHBC District Plan Review, the following extract in section 4.2.7; ‘For the reasons I have already stated, I do not consider there is a general case to support the release of the sites put forward as alternatives in order to meet longer-term development needs in this plan, irrespective of their merits as compared to the safeguarded site at panshanger. However, I consider that many of the objections to the suitability of panshanger as a means of meeting any longer term housing needs are well founded. I note that the site has been safeguarded since at least 1993 and it seems to me that it would now perform poorly against any criteria., which are set out in Annex B of PPG2 and the governments objectives for housing contained in PPG3 and PPG13’.
3. **Not effective**; the plan will not be deliverable over the intended period to 2032 because of the Sewerage Infrastructure is not in place to support growth; THDA (on behalf of Lafarge) had made a developers enquiry to TWU in September 2015, TWU Sewer Impact Study “Confirmed that whilst the existing network has insufficient capacity” (All 7 Boroughs) and the 2015 Rye Meads Water Cycle Study Review 5:13 TW “Consider there to be Spare

Minimal Capacity within the existing processes to Accommodate additional load". The 2008 East of England Plan states that 'to deliver broad location for growth 1(north east of wgc) A New Direct Connection to the southern outfall sewer at rye meads will be required' and in the 2012 emerging core strategy policy CS12, 'to deliver broad location for growth 1(north east of wgc) 'A New Direct Connection to the southern outfall sewer at rye meads will be required'. The WHBC 2015 draft IDP revised it states in service planning 13:27 'Thames water have identified that to deliver growth around wgc and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required; 'A New Direct Connection to the Southern Outfall Sewer at rye Meads'. August 2016 draft IDP, service planning 13:34, Thames water have identified that to deliver growth around wgc and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required: A New Direct Connection to the Southern Outfall Sewer at Rye Meads'. The May 2017 Draft IDP in the Utilities section states in service planning 13:34 'Thames Water have identified that to deliver growth around wgc and Hatfield it is likely that the following infrastructure and infrastructure upgrades will be required; A New Direct Connection to the Southern Outfall Sewer at Rye Meads'.

4. **Not Consistent with National Policy;** the plan will not enable the delivery of sustainable development in accordance with the National Planning Policy Framework because the super sewer from Panshanger to rye meads waste water treatment works was never intended to be built but merely stated as a box ticking exercise to pass the local plan. In 2 TW emails to me in August 2015 TW stated 'There is no direct connection from wgc to rye meads. All sewerage from wgc passes through local sewers, including the wgc southern outfall. And should development in wgc proceed, then developers will make their own connections to the existing sewerage systems and where appropriate. 'Thames water are not planning any further major sewers in wgc'. In a March 2016 email to me from TW I asked the question 'Why was no direct sewer from wgc to the rye meads waste water treatment works factored in to the 2009 WCS? TW responded 'This is not to say that network upgrades won't be required, just that they will be more discreet in nature'. In a September 2016 email to WHBC about TW wording in the 2012, 2015 and 2016 draft IDP's, the response was 'The principle reason for this is that advice from TW in response to consultation on the emerging core strategy, local plan and IDP's has remained consistent, if fairly general'.

In an email to me from TW in March 2017 regarding the 2009 WCS upgrades to date, TW responded 'The TW sewers have not been upgraded since 2009; they also said 'They were Unaware of Insufficient capacity'. In March 2015 to WHBC from the TW Town Planning Manager, he states on page 16 reference 43380 WGC4 East of WGC (Panshanger Aerodrome); we have concerns regarding wastewater services in relation to this site, specifically the wastewater network capacity in this area is

unlikely to be able to support the demand anticipated from this development. Page 17 reference 43381 WGC5 Land to South east of WGC (BGS); we have concerns regarding wastewater services in relation to this site, specifically the wastewater network capacity in this area is unlikely to be able to support the demand anticipated from this development, which proves that Panshanger Aerodrome should have never been brought forward into this Local Plan, because as explained in the following 2017 Draft Infrastructure Delivery Plan & Water Cycle Study – Final Evidence – Revised which is my researched evidence of the failings of the sewer network and treatment works at Rye Meads researched since 2013 the 2009 WCS.

THE WARNINGS

- **East of England Plan 2008**; to deliver broad location for growth 1(North East of Welwyn Garden City) **A New Direct Connection to the Southern Outfall Sewer at Rye Meads**
- **Water Cycle Strategy 2009**; The WwTw is located within an SSSI & adjacent to a Nature Reserve, which creates additional constraints when considering substantial upgrades to works.
- **Hertfordshire Infrastructure Investment Strategy 2009**; Thames water has indicated that existing Sewer Capacity in catchment of the Rye Meads Sewerage Treatment Works is Reaching Capacity.
- **Water Cycle Study 2009**; a) this equates to less than 4 years' worth of residential development; b) upgrades to the Rye Meads Network & WwTW are unavoidable, & for the majority of local authorities there are no viable alternatives to this, except developing in other catchments; c) it is recommended that the upgrades of the Rye Meads WwTW & Sewerage Network proposed by TWU are further assessed & constructed without delay; d) it is important therefore that the core strategy makes proper provision for such uncertainty & does not place undue reliance on critical elements of Infrastructure whose funding is unknown.
- **Emerging Core Strategy 2012, Policy CS12**; to deliver broad location for growth 1(North East of Welwyn Garden City) **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**
- **Draft Infrastructure Delivery Plan 2012**; to deliver broad location for growth 1(North East of Welwyn Garden City) **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**

- **Rye Meads Water Cycle Study Review 2015; The 2009 WCS identified that the Sewerage Network was known to be close to capacity at a number of locations in & around Stevenage; Thames Water consider there to be Minimal Spare Capacity within the Existing Processes to accommodate additional load.**
- **Draft Infrastructure Delivery Plan – Revised 2015;** Thames Water have identified that to deliver growth around Welwyn Garden City & Hatfield it is likely that the following Infrastructure & Infrastructure Upgrades will be required; **A New Direct Connection to the Southern Outfall Sewer at Rye Meads will be required.**
- **Draft Infrastructure Delivery Plan 2016;** Thames Water have identified that to deliver growth around Welwyn Garden City & Hatfield it is likely that the following Infrastructure & Infrastructure Upgrades will be required; **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**
- **Draft Infrastructure Delivery Plan May 2017;** Thames Water have identified that to deliver growth around Welwyn Garden City & Hatfield it is likely that the following Infrastructure & Infrastructure Upgrades will be required; **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**

THE RECOMMENDATIONS

- **East of England Plan 2006 Harlow / M11;** Concerns about the ability of Rye Meads Sewerage Treatment Works (STW) to handle future demands without breaching EU environmental standards, and that known technology I believe does not provide a solution for doing this within Rye Meads so an alternative approach has to be looked for, as I see it, in a location which might enable discharges to be made elsewhere, that place again.
- **East of England Plan 2008;** to deliver broad location for growth 1(North East of Welwyn Garden City) **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**
- **Emerging Core Strategy 2012, Policy CS12;** to deliver broad location for growth 1(North East of Welwyn Garden City) **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**

- **Draft Infrastructure Delivery Plan 2012**; to deliver broad location for growth 1(North East of Welwyn Garden City) **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**
- **Emerging Core Strategy 2012**; 11:24: The Sustainability Appraisal raises concerns that this (Option 4) will be Insufficient to meet locally generated housing need from within the communities & that this in turn could have an impact on the viability of local shops & services & the ability to deliver jobs to support rural communities & businesses.
- **Draft Infrastructure Delivery Plan – Revised 2015**; Thames Water have identified that to deliver broad location for growth around Welwyn Garden City & Hatfield, it is likely that the following Infrastructure & Infrastructure Upgrades will be required; **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**
- **Draft Infrastructure Delivery Plan 2016**; Thames Water have identified that to deliver growth around Welwyn Garden City & Hatfield it is likely that the following Infrastructure & Infrastructure Upgrades will be required; **A New Direct Connection to the Southern Outfall Sewer at Rye Meads.**

THE DILEMMA

- **East Herts Strategic Sites Delivery Study – Final Report 2015**; Lafarge Tarmac Commissioned THDA who submitted a Developers Enquiry to Thames Water Utilities;

7: East of Welwyn Garden City – Strategic Site Infrastructure Assessment.

7.2: Infrastructure Assessment & the Deliverability of the scheme.

7.2.1: ‘Some Infrastructure Items are considered as Necessary to enable development to take place, such as securing appropriate access, utilities, drainage & Sewerage Infrastructure.

Sewerage Infrastructure Delivery Options

- **The Outcome of the Enquiry, (outlined in the accompanying TWU Sewer Impact Study & File Note prepared by THDA), Confirmed that whilst the Existing Network has Insufficient Capacity.**
- **Rye Meads Water Cycle Study Review 2015**; Thames Water **consider there to be Minimal Spare Capacity within the Existing Processes to accommodate additional load.**

- **Thames Water – Welwyn Hatfield Local Plan Consultation 2015;**
Thames Water Town Planning Manager ** **** ***** Letter of Confirmation to Planning Policy WHBC dated 17th March 2015;

Page 16, reference 43380: **WGC4 East of Welwyn Garden City (Panshanger Aerodrome); We have concerns regarding Wastewater Services in relation to this site.** Specifically, the wastewater network capacity in this area is unlikely to be able to support the demand anticipated from this development. At the time planning permission is sought for development at this site we are also highly likely to request an appropriately worded planning condition to ensure the recommendations of the strategy are implemented ahead of occupation of the development.

Page 16, reference 43382: **WGC1 South of Welwyn Garden City (Creswick); We have concerns regarding Wastewater Services in relation to this site.**

Page 17, reference 43381: **WGC5 Land To South East of Welwyn Garden City; We have concerns regarding Wastewater Services in relation to this site.** Specifically, the wastewater network capacity in this area is unlikely to be able to support the demand anticipated from this development. At the time planning permission is sought for development at this site we are also highly likely to request an appropriately worded planning condition to ensure the recommendations of the strategy are implemented ahead of occupation of the development.

Page 17, reference 43388: **WGr1 Woolmer Green; We have concerns regarding Wastewater Services in relation to this site**

(In addition to the above, the following also from the same letter below);

We have concerns regarding Wastewater Services in relation to this site. Specifically, the wastewater network capacity in this area is unlikely to be able to support the demand anticipated from this development. At the time planning permission is sought for development at this site we are also highly likely to request an appropriately worded planning condition to ensure the recommendations of the strategy are implemented ahead of occupation of the development;

- BPLH30 Land to the rear of Builders Arms Public House
- BPLH44 1-12 Green Close AL97ST
- BrP14 East of Golf Club Road
- BrP7 South of Hawkshead Road
- Cuf1 The Meadway
- Cuf6 East of Northaw Road East
- Former Shredded Wheat Factory Complex Welwyn
- Hat 1/13 North West Hatfield
- Hat 2 West Hatfield

- HE23 Factory adjacent Wellfield Road depot
- HW12 Land North of Toms Field
- Land at Bericot Way
- LHe1 North of Hawkshead Road
- QEII Howlands Welwyn Garden City
- Ratcliff Tail Lift Site
- Town Centre North
- WeG1 Welham Manor House
- WeG10 Dixons Hill Road
- WeG2 Welham Manor Grounds
- WeG3 South of Welham Manor
- WeG4b Marshmoor
- WeG6 Skimpans Farm

THE SOLUTION

- **Thames Water Email to Me 1st March 2016 from TW;**

Question to Thames Water from Me:

'Why was no Direct Sewer from Welwyn Garden City to the Rye Meads WwTW factored in to the 2009 WCS?'

Response from Thames Water to Me:

'This is not to say that Network Upgrades won't be required, just that they will be more discreet in nature'.

The Email above makes it quite clear that, A New Direct Connection from Panshanger to the Rye Meads Waste Water Works Will have to be built before a development can take place and bearing in mind, that connection is pretty long (in fact 11 miles) from the aerodrome site that it will be very costly and could be the reason behind why it has been dismissed for so long, but only accepted on paper

'A New Direct Connection from Panshanger to the Rye Meads Sewerage Works Southern Point of the Works, Will Have To Be Built, First!!!

The Evidence is clear; the case has always been for this New Sewer to be Connected Direct to Rye Meads...

In my view Mariposa cannot develop Panshanger Aerodrome, nor HCA with Hilly Fields, but then I have been saying that since 2013 & now the evidence is made that case very Clear. Panshanger Aerodrome should never have been brought forward for Housing in this or any Local Plan.

What I would like to ask the council, is this, Inspector:

The Direct Connection to the Southern Outfall Sewer at Rye Meads is a Super Sewer and is required ahead of development at Panshanger ; it dwarfs the wgc southern out fall sewer, the mimram trunk sewer and the north western outfall sewer, because this is a large undertaking and one I do not believe can be covered by a Section 106 as the sewer is 11 miles long and has cross boundary issues, can the council here, please tell me if they have carried out a “Community Infrastructure Levy Charging Schedule in respect of this Super Sewer pursuant to the CIL Regulations 2010 and similarly where appropriate the Section 106 pursuant to the Town and Country Planning Act 1990 as the Super Sewer is Necessary Supporting Infrastructure, can the council please explain the CIL in regards to the Super Sewer and the Section 106 and any Unilateral Undertakings and which developers and infrastructure partners are involved in the sharing the cost for this super sewer and can the LPA please tell me which developers if any have they entered in to any agreements concerning panshanger aerodrome, to the making of payments in the form of planning contributions for this super sewer and that this council acknowledges this Super Sewer is Legitimate Supporting Infrastructure and this council will ensure funding is in place for this Super Sewer and its direct connection at the rye meads waste water treatment works before any development is undertaken. Bearing in mind what the 2009 WCS stated **“It is important therefore that the Core Strategy (now Local Plan) makes proper provision for such uncertainty & does not place undue reliance on critical elements of Infrastructure whose funding is unknown”**. Thankyou Inspector.