

**Colin Haigh**  
Head of Planning

Mr M Middleton  
c/o Programme Officer

Reply to: address as below  
Date: 19 June 2020  
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By email

Dear Sir,

**Council's response to Inspector's Note EX186B-C – Birchall Garden Suburb**

Thank you for the opportunity to provide you with additional information about the Local Plan allocations SDS2 Birchall Garden Suburb - South East Welwyn Garden City and SDS6 Symondshyde New Village.

This letter responds to your questions and comments about the SDS2 Birchall Garden Suburb proposal and I have sent you a separate letter concerning the Symondshyde proposals. The letter is supplemented by eight appendices which address the detail of the matters you raise. Some of these have been prepared by the Council and some by consultants acting for the promoters of the site. A ninth appendix lists the key pieces of evidence submitted as examination documents relating to this site.

As a preliminary point, the Council would take this opportunity to reaffirm that the local plan is being examined against the 2012 NPPF. Green belt policy within that document does not make a reference to a sequential approach to green belt release. I have appended (**Appendix 1** to this letter) a note from our Barrister which gives a clear legal opinion on this matter and I ask that you consider this advice.

This letter takes the issues you have raised in turn and sets out which papers address the concerns you have raised.

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## 1. Harm to the visual openness of the Green Belt to the south and the potential for mitigation

The Council consider that the harm to the openness of the Green Belt can be mitigated through the provision of a landscape buffer and has worked with the promoters of the site to demonstrate this through the provision of additional evidence as requested.

Additional Information in respect of Landscape Mitigation has been prepared by David Jarvis Associates Ltd and is attached as **Appendix 2** to this letter. Section 4 of their statement provides further detail on the Pinehurst development in Hertford and demonstrates that the landscape buffer and bund proposed for Birchall Garden Suburb will far exceed that provided at Pinehurst.

Spot and contour information is provided in **Appendix 6** whilst ridge height information of the Pinehurst development has been obtained from the details of a planning application submitted to East Herts District Council for an extension. This is referred to in Chapter 4 of Appendix 2.

As requested further cross sections have been prepared and are described in sections xx of the report. Appendix 1 of the David Jarvis report provides the cross sections. Cross section A-A along with a more detailed inset now shows a natural bund as opposed to the previously illustrated crib wall bund. Cross sections C-C and D-D provide the requested cross sections. Section C-C provides an analysis from bridleway Essendon 006 and footpath Essendon 008. Section D-D provides a similar analysis which includes views from Essendon 006 and a track further south. Six photomontages have also been provided, a map indicating the location of the viewpoints is provided at paragraph 3.31. The analysis of the cross sections and photo montages concludes that even at 14 metres height it will be possible for development to be screened from the surrounding countryside.

The approach of a landscape buffer has been found sound for the East Herts portion of the Birchall Garden Suburb site. The allocation includes development to the south of Birchall Lane which similarly fronts the A414 with a similar landscape buffer identified on the revised strategy diagram. The release of land from the Green Belt and the allocation of land for development in East Herts in this location sets the context for the conclusions in the harm assessment in the Stage 3 Green Belt Study which considers the harm to the Green Belt in Parcel 25 being reduced as a consequence.

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The introductory paragraphs in EX186C make reference to the existence of potential sequentially preferable sites however the note provided by Counsel advises that the test for this examination is as set out in the NPPF 2012 and as clarified by case law in Calverton and Compton and does not require such an assessment.

## 2. Compliance with Policy SADM16

The Council has prepared a paper attached **Appendix 7** setting out its current thoughts on the implications of meeting the mitigation hierarchy for the site which has been informed by advice from Herts Ecology. It should be noted that no objection from Natural England or Herts and Middlesex Wildlife Trust has been received indicating they have concerns in this respect.

In summary the paper indicates that the detail around this will be explored in more detail as part of the masterplanning of the site and at the planning application stage. The first level of the hierarchy of 'avoid' has been met with regards to the most valuable ecological assets.

The most valuable ecological asset in the immediate area is considered to be the Nature Reserve, but as pointed out in EX186C development there is likely to result in increased human activity which will have an impact on ecological assets there will be a need for further mitigation as well as any harm to assets within the site

The promoter's ecological consultants SLR Consulting in a Technical Note have provided a technical note setting out their proposals for mitigation provided as **Appendix 5**. At this stage Herts Ecology advise that it is likely that some off-site compensation will be required but this will need to be informed by applying the Biodiversity Metric being developed by DEFRA.

The area of land you refer to as providing potential for additional housing is managed as part of the Commons Local Nature Reserve. At the time of your visit the field would have possibly looked 'derelict' because a wild bird food cover crop is grown here, sown as part of a Defra Countryside Stewardship grant scheme. Birds feed on the seeds in the winter which can give the impression of the field being 'abandoned' at that time of year.

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### 3. Response to EX186B Noise Mitigation

In order to meet your request for more details on the extent of the noise buffer at the end of the Joint session on Birchall Garden Suburb it was necessary to make assumptions about layout and the nature of noise mitigation measures. By way of an example details of an assumed layout and mitigation measures were submitted to the examination this included an assumption that the bund would be of a crib wall construction. At the end of the stage 7 session you expressed concern that a crib wall bund would introduce an alien urban feature and that the bund should appear to be a natural feature when observed from the countryside. The landscape mitigation work referred to in the preceding paragraphs and attached as Appendix 2 has been revised to incorporate a more natural bund.

The noise modelling by Cole Jarman has similarly been amended. This has considered 4 alternative designs based on three different layouts which meet both BS4142 and BS8233 (the standard referred to in paragraph 12.69 of the submitted Local Plan). This note is attached as **Appendix 3** to this letter.

BS4142 is considered by the Council to be the appropriate standard to apply for industrial noise sources whilst BS8233 is for steady anonymous noise such as that from traffic. In order to meet this standard for layouts one and two, amenity land for the flats would be required to be located to the north and east of development with openable windows to habitable rooms on the north and east elevations. This does not mean that there would not be windows on the south or west elevations. BS8233 is considered to be the appropriate standard for road traffic noise because that is the general scope for this British standard and sets internal noise levels which have been derived from health effects criteria set by The World Health Organisation. The Council agree that extra diligence needs to be applied with regards to this noise source which is why the Council has insisted that BS4142 be used as the appropriate measure for industrial noise.

Layout one replicates the previous orientation of development submitted to the examination with amenity areas provided to the north and east. Layout two is a variation in a zigzag form allowing windows to be orientated to the north east and north- west but with amenity areas still to north and west. Layouts three and four test a different approach to the layout of development to the north of Burnside by relying on an independent wall to provide the appropriate noise mitigation, but with the residential units at either two or three storeys

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having a different orientation. This would allow for the blocks to have their own private amenity areas.

The Council do not agree that 'beautiful or imaginatively designed buildings' with attractive green spaces cannot be achieved within these constraints. In order to make efficient use of land it would not be unusual for some dwellings within any development site to have a northerly aspect. Noise mitigation measures are required in order to allow development with a reasonable level of amenity to take place on this site. The noise modelling has tested four design approaches but there will be other alternatives.

**Appendix 4** to this submission and its annexes set out a briefing note on design considerations undertaken by DLA. Annex 2 sets out an indicative internal layout with dual aspect through living/dining rooms

The Council have jointly appointed with East Herts District Council Allies and Morrison to work on the production of a masterplan and SPD for the allocation. They have done some initial work on densities which resulted in the Council's assessment that an additional 100 dwellings could be accommodated within the site. They have used the Garden Communities objectives and design policies in the submitted plan to provide some key design considerations for Birchall Garden Suburb these are set out in **Appendix 8**.

#### 4. Conclusion

The Council considers that as set out in their evidence to the examination there are exceptional circumstances for the release of this site for development. Considerable evidence has been provided to the examination which more than meets the requirement for a proportionate evidence base and demonstrates the deliverability and sustainability of this allocation which will make a significant contribution to meeting the housing needs of the borough and support the delivery of strategic infrastructure. Reasonable professional judgement has been used to assess the capacity of this site and no showstoppers have been identified. Detailed matters relating to layout will be assessed at the planning application stage and will be informed by more detailed guidance to be set out in a Supplementary Planning document. A list of the key pieces of evidence submitted as examination documents is set out in **Appendix 9** to this letter.

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Proposed modifications to the policy have been agreed with statutory consultees who have raised no soundness objections to the allocation.

Yours faithfully



Sue Tiley

Planning Policy and Implementation Manager

List of Associated Papers

- Appendix 1 Legal Opinion from Wayne Beglan
- Appendix 2 Additional Information in respect of Landscape Mitigation David Jarvis Associates Ltd
- Appendix 3 Noise Assessment Cole Jarman
- Appendix 4 and Annexs 1 and 2 Briefing Note - The south western edge of Birchall Garden Suburb: design considerations David Lock Associates
- Appendix 5 Technical Note response to Inspector's observations on ecological matters
- Appendix 6 Spot and Topography map
- Appendix 7 WHBC Paper on Ecology
- Appendix 8 Note on Design Principles Allies and Morrison
- Appendix 9 List of evidence submitted to examination on BGS

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