



HERTINGFORDBURY PARISH COUNCIL

Planning Policy Team
East Herts Council
Pegs Lane
Hertford
SG13 8EQ

14th December 2016

East Herts District Plan Comments on Pre-Submission Consultation 2016

Dear Sirs,

Please find below the comments of Hertingfordbury Parish Council (HPC) to the pre-submission East Herts District Plan.

This council wishes to be informed of all relevant dates of Plan Inspection hearings and the arrangements for representations to be made at these hearings by our Council.

HPC comments are made with regard to the soundness and legal requirements of the pre-submission plan.

Comments have been informed by the engagement of the Council in the 2014 EHDC consultation and the detailed preparation work that is underpinning the development of the Hertingfordbury Parish Neighbourhood Plan.

In developing our comments and in support of the development of the Neighbourhood Plan preparatory work the Council has collaborated with the Central Herts Green Corridor Group, Herts Garden Trust, Welwyn Garden City Society, Friends of Panshanger Park, professional ecologists and other experts.

HPC has actively participated in EHPTC meetings held by East Herts in order to fully understand the progression of the plan and its evidence base. HPC NP team has met with EHDC and WHBC planning teams and other stakeholders.



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The major areas of focus in this response relate to the village policies, proposed developments East of Welwyn Garden City and West of Hertford, the affects of potential development on the historic environment, natural environment, green belt, sustainability and green infrastructure. Comment is also made with regard to the duty to co-operate.

1 Village Policies

2 Duty to Co-operate

3 Summary Commentary regarding EWEL1 – East of WGC

4 Sustainability Appraisal

5 Green Belt, Contaminated Land, Environment, Green Infrastructure, Flood Risk & Drainage

6 Ecology, Habitats & Natural Environments

7 Heritage & Historic Environment

8 Transport Vision

1 Village Policies – Chapter 10

HPC supports the classification of Birch Green and adjacent Hertingfordbury as Group 2 villages within the plan. HPC also supports the removal of Cole Green and Letty Green as Group 2 villages and supports their re-classification as Group 3. HPC supports the retention of the Green Belt as washing over all of these local villages.

Policy 10.3 Village Development Boundaries

EHDC plan policy states that village boundaries have been defined for all Group 1 and Group 2 Villages, both within and beyond the Green Belt, and are shown on the policies maps.

For Group 2 villages such as Birch Green that are 'washed over' by the Green Belt a village development boundary is not a relevant consideration and the introduction of a fixed and unamendable boundary through the EHDC Local Plan is inconsistent with paragraphs 89 and 90 of NPPF and with EHDC policy GBR1 which states that *"Planning applications within the Green Belt as defined on the Policies Map, will be considered in line with provisions of NPPF"*

Furthermore and in relation to;



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10.4 Neighbourhood Plans & Village Boundaries

Neighbourhood Planning Groups such as Hertingfordbury Parish Neighbourhood Plan Group should have the right to adjust their Group 2 Village development boundaries, consistent with the provisions of NPPF 84 & 85 of *"providing sustainable patterns of development and ensuring consistency with the Local Plan strategy for meeting identified requirements for sustainable development"*

To restrict the ability of Neighbourhood Planning communities to define sustainable locations for development, consistent with Local Plan and NPPF policy, would be highly prejudicial and would render this element of EHDC Local Plan unsound, illegal and not consistent with NPPF.

Further, in Policy VLL3 Group 3 Villages

EHDC plan states that *"within Group 3 Villages, limited infill development identified in an adopted Neighbourhood Plan will be permitted, in addition to development that is considered to be appropriate in the Green Belt and Rural Area Beyond the Green Belt"*. In effect a Neighbourhood Plan Group would be able to define a development area in a Group 3 Village in a less restricted manner, than it could within the de-facto more sustainable location of a Group 2 Village, even within the same Parish/Neighbourhood. This is clearly not a sustainable approach. It would render the Plan unsound, non compliant with NPPF and could be deemed illegal / discriminatory.

What EHDC can do to make this Village Policy compliant.

Option 1 - Remove the development boundaries in Green Belt 'washed over' villages and allow policy GBR1 and NPPF to be the determinant for sustainable development in Group 2 villages.

Option 2 - If development boundaries are not removed as per Option 1. Then EHDC should remove the restriction on Neighbourhood Plan village development boundaries as stated in 10.3.3. *"Group 2 Villages located within the Green Belt will not be permitted to amend village development boundaries through the Neighbourhood Planning process"*. This will bring the Plan in line with its own policies as stated and NPPF policies for Neighbourhood Planning and Green Belt.

If neither Option 1 or 2 are agreed and unamendable (through Neighbourhood Planning) village development boundaries are forced on Group 2 villages that are washed over by Green Belt. Then HPC request that the boundaries of all properties within the village of Birch Green must be included. This must include all of those Birch Green properties to the North of the Old Coach Road between the Old Coach Rd and



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the A414, the property at Beechleigh, Birch Green is excluded for no reason. Also one property to the east of the village has been excluded. If the boundary is correctly set for the village of Birch Green, then it should also exclude all properties in Foxdells numbers 2-18 which are not part of the village of Birch Green.

2 Duty to Co-operate

EHDC with HPC / HPC Neighbourhood Planning Group

The EHDC plan consultation in 2014 suggested that developments East of WGC (for up to 2,550 homes across Birchall Garden Suburb) would be subject to a Development Planning Document which would involve HPC. EHDC unilaterally and without consultation with HPC revised this approach and moved to a process of allocating housing numbers ahead of preparation of a rigorous evidence base which identified constraints that may need to be addressed.

A pattern of 'blind' progression towards a submitted plan, which takes no account of constraints to adjust housing allocation numbers has been apparent throughout the plan preparation period. This is unjustifiable in the opinion of HPC and makes the planned allocation of housing numbers unsound.

Hertingfordbury Parish was designated as an area for development of a Neighbourhood Plan following application in Nov 2015 and the area was designated on 2nd Feb 2016. Site promoters for Birchall Garden Suburb – Tarmac formally objected to the inclusion of large areas of the Parish including the BGS area and the whole of Panshanger Park and their adjoining land holdings in the Neighbourhood Plan area. Welwyn Hatfield BC objected to the inclusion of land within EHDC within the HPC NP.

The Hertingfordbury Parish Neighbourhood Plan Group has formed and has pro-actively sought to meet with both East Herts DC and Welwyn Hatfield BC with respect to understanding the application of policy and the development of evidence, in particular with regard to the development proposals East of Welwyn Garden City.

The output of these meetings have been disappointing and no follow up has ever been forthcoming from either Council. Despite the fact that over 50% of the potential house allocation numbers fall within the Parish. This is a clear failing of duty to co-operate on the behalf of East Herts DC and WelHat BC.



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In addition from a meeting organised by HPC Neighbourhood Planning Group with East Herts DC and Welwyn Hatfield Heads of Planning on August 25th 2016. There was no evidence of co-operative work having been completed by EHDC/WHBC with respect to required strategic ecological assessments or landfill contamination assessments of the Cole Green landfill area.

2.1 Statement of Community Involvement

EHDC Section 3.3.8 of the Statement of Community Involvement states:

"We may consider organising or supporting other consultation events, such as but not limited to, community based planning meetings, as appropriate. If such meetings are considered appropriate we will: Try to hold community involvement events in different parts of the district, and at different times and days of the week, to make them available to as many people as possible; Use venues with good access and transport links."

EHDC have not undertaken any public consultation events, that we are aware of, with respect to the 2016 pre-submission plan. This consultation will significantly impact the future of our local area and local people should be engaged with so they can participate fully if they wish to. Especially those hard to reach groups who may have no access or use of the internet or do not follow Council planning matters.

"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be pro actively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made".

With respect to Duty to Co-operate and Community Involvement we believe the plan is not sound and is not consistent with national guidance.

HPC Approach

In the absence of any meaningful co-operation from the promoting councils or the promoting developer of EWEL1 and Birchall Garden Suburb.

HPC and its Neighbourhood Planning group, comprising Cllrs and members of the community, have sought expertise from heritage experts, ecologists and environmental economists. HPC and the Neighbourhood Planning Group and others have worked with these experts in a collaborative manner in the form of the Central Herts Green Corridor Group (CHGCG).



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This Council has input into and adopts the following comments worked on in collaboration with the CHGCG with respect to EWEL1 and the wider green corridor across central Hertfordshire which runs through the parish including the full Birchall Garden Suburb development area and HERT3.

3 Summary Commentary regarding EWEL1 – Birchall Garden Suburb

ENVIRONMENTAL IMPACTS: HPC considers that the EHDC Plan fails to implement elements of its own policy or the applicable elements of NPPF. This is dramatically exemplified by the Councils lack of assessment of the ecological & environmental assets affected by proposed Birchall Garden Suburb development. A Strategic Environmental Assessment has also not been completed. Until appropriate and rigorous assessments are completed site allocations should be considered at EWEL1.

SUSTAINABILITY: The Sustainability Appraisal is superficial and inadequate and its significant limitations mean it does not comply with legal requirements and does not measure up adequately to NPPF requirements. Until an appropriate and rigorous cross border sustainability assessment is completed, no site allocations should be considered at EWEL1.

ECOLOGY & NERC ACT 2006: The plan fails to fulfil its aims to enhance and protect the natural environment. Specifically with regard to EWEL1 and BGS it has failed to carry out any detailed strategic ecological assessment of impact on wildlife and habitats. Until appropriate and rigorous assessments are completed no site allocations should be considered.

GREEN BELT: Insufficient evidence is presented to justify the very special circumstances required to remove land from Green Belt, as needed to deliver EWEL1 sites.

Until very special circumstances are demonstrated by EHDC for the removal of land from the Green Belt, these site allocations should not be considered in the Green Corridor.

HERITAGE: HPC suggests an invalid approach has been taken to the assessment of heritage evidence and the drawing of conclusions from the Beacon Report in support of site allocations. HPC suggest a viewshed analysis and a rigorous analysis of the medieval and prehistoric archaeology should be carried out, in a comprehensive report

22 FIRS WALK · TEWIN · HERTFORDSHIRE · AL6 0NZ

TEL: 01438 798047 · EMAIL: HERTINGFORDBURYPARISHCLERK@OUTLOOK.COM

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to feed into a constraints analysis of the whole area. Until a thorough constraints analysis is undertaken, any proposals for housing or allocation of housing numbers should not be considered.

SEQUENTIAL APPROACH: The plan lacks detail on the consideration applied to reasonable alternatives based on proportionate evidence. HPC suggests that an early close down of alternative scenarios has constrained and affected the soundness of the evidence gathering process. Until a sound sequential approach is demonstrated which shows development in this area of Green Belt within this important Green Corridor is unavoidable, no site allocations should be considered.

DUTY TO CO-OPERATE: HPC sees failings in the EHDC 'duty to co-operate' with regard to sites South East of WGC. No combined sustainability study has been considered, no SEA, no combined Green Belt study, no combined ecological assessment, no combined assessment of landfill contamination issues. The Beacon heritage study focused on the East end of the Green Corridor and Panshanger Park and Hatfield Park impacts are not weighted sufficiently.

A promised memorandum of understanding between EHDC & WHBC with regard to East of WGC potential development has not been finalized at this stage of potential site allocation. The Green Infrastructure and access plans and proposals across the joint EHDC and WHBC borders have not been developed jointly or with the involvement of the local community, Parish Councils or the Herts Local Access Forum.

LAND FILL CONTAMINATION: Detailed concerns remain with respect to the environmental risks associated with development in the environs of the old landfill site at Cole Green.

FLOOD RISK: There is uncertainty regarding flood risk and water pollution from proposed development within the Green Corridor.

DELIVERABILITY & VIABILITY OF SITE ALLOCATIONS: Due to the range of concerns highlighted CHGCG suggest that the sites currently allocated under EWEL1 East of Welwyn Garden City may be undeliverable.

Further detailed work is required before a realistic assessment can be made. The viability of associated supporting infrastructure for Birchall Garden Suburb could also therefore be under threat. This site should not be brought forward until further work is considered on the heritage and landscape impacts of proposed development and how this site contributes to the ecological network within the Green Corridor.

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TEL: 01438 798047 · EMAIL: HERTINGFORDBURYPARISHCLERK@OUTLOOK.COM

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4 Sustainability Appraisal

Tests of Soundness

1 Positively prepared - No

2. Effective - No

- A. The Sustainability Appraisal (p. 3) states that it is “strategic in nature i.e. a process that omits consideration of some detailed issues in the knowledge that these can be addressed further down the line (through the planning application process).” However, this looks to be trying to be more like a Strategic Environmental Assessment (SEA) rather than a proper Sustainability Appraisal. It ducks some significant questions regarding the adverse environmental impacts of specific parts of the Plan and begs the question of when these are going to be duly considered. Only addressing these ‘further down the line’ will be too late. Moreover, the SA fails to address these matters strategically regarding for example their overall impacts and how to protect and enhance the natural environment and a green corridor.

1. Justified by the evidence – No

- B. The SA treats EWEL1 as an “extension to an adjoining settlement’ when it is in the Green Belt and blocks the Green Corridor that is essentially designed to prevent coalescence between the existing settlements and protect and enhance the green corridor there.
- C. The Sustainability Appraisal is inadequate and has significant limitations that mean it does not measure up adequately to NPPF requirements. Specifically, It just produces arbitrary scores. But it is not even clear what is the meaning of the scores - ie if a score of 1 or 4 is good or bad? Moreover the scores and the SA’s subjective conclusions and assessments are not based transparently on any documented evidence.
- D. The SA reports little data and is based on little or no objective authoritative evidence. It is not based on any current actual systematic assessment of the ecology and natural environmental assets, their potential strategic linkages and their ecosystems services benefits, nor how the proposed developments in the plan could affect them. It is largely based on the hidden subjective views of the consultants. We would dispute their conclusion (p. 37) that “significant negative effects are not predicted.



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On a more local scale, there will be some significant negative effects, but also significant positive effects.” They fail to set out the scale, nature of these negative and positive effects to substantiate any conclusion on them.

- E. The report just focuses on the implications of the Local Plan’s generic ‘policies’. These often say the right things – as we note in our general comments on these policies. However, as we also highlight EHDC in their actual plan fail to show effective delivery of these good intentions. Moreover, the SA fails to assess substantively the (adverse) environmental impacts and risks of the actual proposed developments in the content of the Local Plan, which could have significant adverse environmental impacts and risks (see Section 2 of the attached paper). The SA fails to show clearly how any negative impacts could be mitigated nor the extent of residual impacts to the extent that these impacts cannot be fully mitigated – as we risk could be the case.
- F. Ch. 17 has a fundamental omission in failing to address the significant environmental impacts and risks associated with the former landfill site on which EWEL1 is sited – see comments submitted on Policy EQ1 Contaminated Land and Land Instability, which highlights the major shortcomings regarding EWEL1 on these significant matters.
- G. Ch. 18 fails to point out and set out the scale, nature and significance of the flood risks that EWEL1 could pose elsewhere – as NPPF (para 103) requires. This includes flood risks downstream in Hertford where significant additional flood risks could arise.
- H. The SA just appears designed to “reassure” that the Local plan is overall beneficial and has little significant adverse impacts.
- I. The SA focuses on Policy WAT4 statements on SUDS which we welcome as being very important. However, it is not clear just what SUDS will be required at Birchall Garden Suburb (EWEL1) which has the particularly significantly potential risks for flood risks and water pollution (see Section 5 and 6 of the attached paper).

Please set out the changes you consider necessary to make the draft Local Plan legally compliant or sound including revised wording of any policy or text. Be as precise as possible. (Attach supporting documents if necessary).

1. Provide a systematic and strategic assessment of the ecology and natural environmental assets affected by the developments (esp those in Green

22 FIRS WALK · TEWIN · HERTFORDSHIRE · AL6 0NZ

TEL: 01438 798047 · EMAIL: HERTINGFORDBURYPARISHCLERK@OUTLOOK.COM

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corridor), their potential strategic linkages and their ecosystems services benefits and how best to protect and enhance them – see attached report which examines these benefits.

2. Base the SA on this evidence and strategic assessment.
3. Set out substantively the scale, nature and significance of the impacts on these assets and their ecosystems services benefits of the proposed developments in the plan
4. Assess explicitly whether these impacts of proposed developments in the Green Belt are “clearly outweighed” by other considerations. Set out these ‘other considerations’ and justify why they clearly outweigh the adverse impacts in 3.
5. Base the SA on 2 & 3 and the actual impacts of the plan – not on just the Plan’s policies and ‘intentions’.
6. Set out clearly the requirements being stipulated for each proposed development.
7. Apply the mitigation hierarchy in the correct sequence laid down in NE2 in determining these requirements.
8. Ensure that such mitigation measures are actually implemented and included in the costs of proposed development so as to determine whether **(or not)** a development is viable.
9. Assess explicitly the impacts of new developments in the corridor in increasing flood risks elsewhere – as NPPF (Para 103) requires – and publish this in a Flood Risk Assessment for each proposed development.



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5 Green Belt, Contaminated Land, Natural Environment, Green Infrastructure, Flood Risk & Drainage Policies

Comments to:

Chapter 4.3: Green Belt and Rural Area Beyond the Green Belt: Exceptional Circumstances

Chapter 24.2.2: Policy EQ1 Contaminated Land and Land Instability

Chapter 20.2.10: Natural Environment

Chapter 20.4 Green Infrastructure & Policy NE4 Green Infrastructure

Chapter 23.2 Flood Risk: Policy WAT1 Flood Risk Management

Chapter 23.5 Sustainable Drainage: Policy WAT5 Sustainable Drainage

2. Is the Plan a sound plan for the future of East Herts?

The Plan is positively prepared. But it still does not constitute a sound plan because it fails on grounds of lack of:

- **Effectiveness**
- **Justifying Evidence**

Below is a composite note with linked discussion of our points on these matters.

- A fuller report giving a full ecosystems services assessment report on the Green Corridor is available from the Central Herts Green Corridor Group.

Chapter 4.3.2: Green Belt and Rural Area Beyond the Green Belt

The Plan does not constitute a sound plan because it fails on grounds of lack of:

- **Justifying Evidence**

EHDC's current draft Local Plan fail to provide convincingly and transparently any evidence of any "very special circumstances" and any other considerations that clearly outweigh the losses in the green belt – as NPPF requires (para 88) to justify any such harm to the Green Belt. There is just the general vacuous statement that "In East Herts there is a combination of factors that exist locally that together constitute the exceptional circumstances that require the Council to amend its Green Belt boundaries. This includes the high level of housing need, including affordable homes, exacerbated by a significant backlog of unmet need, and the lack of suitable alternative locations to the north of the District."

In particular, EHDC's local plan and sustainability appraisal have significant limitations and does not comply with legal requirements and does not measure up to NPPF requirements. Their subjective conclusions and assessments are based on little or no supporting evidence. They fail to assess and set out substantively the significant environmental damages that would arise from the proposed developments in the Green

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Belt – especially EWEL1 which would effectively constrain the current green corridor and reduce it to a suburban track.

It is not based on any current actual systematic assessment of the ecology and natural environmental assets in the areas affected, their potential strategic linkages and their ecosystems services benefits, nor the scale, nature and significance of the adverse impacts on them of the proposed developments in the Plan. They fail to show that these adverse impacts could be “clearly outweighed” by the needs that they just generally list. This contravenes NPPF requirements in its para 88. See also our comments on the sustainability appraisal. It does not appear to draw from, for example, River Basin Management Plans, catchment management plans, working with Local Nature Partnerships, and assessments of existing and potential components of ecological networks – as required by NPPF (Para 165).

Chapter 13.2. East of Welwyn Garden City (EWEL1)

Tests of Soundness

2. *Effective*

Chapter 13 on EWEL1 usefully states that this development will provide:

- Sustainable transport measures including the improvement of pedestrian links, cycle paths, passenger transport and community transport initiatives
- north-south and east-west connections, providing upgraded routes for walkers and cyclists, including the Lea Valley Path and Cole Green Way
- provide safe routes for wildlife, protecting and enhancing wildlife assets;
- a balancing of the needs of recreation and nature, providing animal infrastructure and undisturbed areas.
- Sustainable drainage and provision for flood mitigation

However, the Plan fails to set out clearly that the development could effectively deliver this. Specifically this development has the following severe shortcomings:

- a. Welwyn Garden City Society highlight the potential contamination from the former landfill site at old gravel diggings at Birchall and the overlaps between this site and Tarmac’ proposed development of ‘Birchall Garden Suburb’ ((EWEL1 which is WGC5 – or SDS2 in WHBC’s Local Plan). There is considerable leachate and methane gas venting from organic waste dumped in the past. The resultant leachate is now a major environmental hazard. This raises serious questions about the viability and acceptability of EWEL1 (or WGC5 in WHBC’s Local Plan) and WHBC’s failure to exercise its duties regarding this potentially



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contaminated site under Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance.

- b. However, chapter 13 of the EHDC Local Plan describing East of Welwyn Garden City (EWEL 1) fails to even acknowledge any such contamination problems spreading on to the East Herts side of this development.
- c. EHDC have not consulted and co-operated with WHBC concerning these significant matters. This is an evident failure in carrying out their duty to co-operate.

6 Please set out the changes you consider necessary to make the draft Local Plan legally compliant or sound including revised wording of any policy or text. Be as precise as possible. (Attach supporting documents if necessary).

Therefore the following actions are needed to rectify the above shortcomings:

- a. EHDC must provide a clear map of the proposed path extensions and links.
- b. EHDC must set out clearly whether HCC or landowners and developers will be responsible for creation and maintenance of which paths.
- c. For those paths in the Western part of East Herts and the Eastern part of the Green Corridor for which developers are responsible, EHDC must implement S 106 agreements with the developers to require them to pay fully for the creation of these paths and also their maintenance to ensure that they remain a good condition indefinitely. Set out clear mechanisms for the latter.
- d. The proposed development at Birchall Garden Suburb (EWEL1) would severely constrain the green corridor to a narrow strip or track of managed suburban greenery. This is much too narrow and open to abuse. This would result in a loss of diversity and the Ecosystem Services that they provide, which are summarised briefly in the attached paper. It would not enable protection let alone enhancement of the ecosystems services benefits from the natural environment assets in the green corridor.
- e. We need to see the specific details of Sustainable drainage and provision for flood mitigation at East of Welwyn Garden City (EWEL1) and ensure that these provisions would be effectively enforced.
- f. DCLG (21012, para 173) states that "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-making. Plans should be deliverable." Therefore EHDC need to examine carefully all of the above severe shortcomings, the extent to which they could be overcome and the costs of such mitigation and the implications of all this for the viability of the site. If this development cannot cover overcome these limitations and fully cover the costs of proper mitigation measures, then it is not viable and cannot contribute to sustainable development and should not be pursued.

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TEL: 01438 798047 · EMAIL: HERTINGFORDBURYPARISHCLERK@OUTLOOK.COM

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If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing? Yes.

9 Yes. We wish to be notified of the following:

- *When the East Herts Local Plan has been submitted for independent examination.*
- *When the Inspectors Report of the East Herts Local Plan is published.*
- *Adoption of the East Herts Local Plan.*

We welcome your comments on our consultation - would you like to complete our short feedback form? (If submitting more than one comment, please complete the feedback form once only.) No

Chapter 24.2.2: Policy EQ1 Contaminated Land and Land Instability

Tests of Soundness

2. Positively prepared

EHDC's local plan correctly states that "special remedial measures may be needed to reduce hazards arising from the previous use, and new buildings may need to be specially designed. Developers are responsible for ensuring that unacceptable risks from contamination and land instability are not present on site. If necessary, any risks will be successfully addressed through the remediation of contaminated land without undue environmental impact during and following the development."

More specifically EHDC's policy EQ1 states that:

- The Council will require evidence, as part of any application, to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation without undue environmental impact during and following the development. In particular, the developer shall carry out an adequate investigation to inform a risk assessment.
- Where necessary, appropriate monitoring procedures to be undertaken prior, during and post remediation will be agreed with the developer/applicant. This should be set out in a verification report.

3. Effective

However, the Council's Local Plan fails to deliver effectively in practice on these good intentions. It has significant limitations and omissions, which the attached paper sets out substantively and aims to help EHDC address. Specifically:



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- a. Welwyn Garden City Society highlight the potential contamination from the former landfill site at old gravel diggings at Birchall and the overlaps between this site and Tarmac' proposed development of 'Birchall Garden Suburb' (EWEL1 which is WGC5 – or SDS2 in WHBC's Local Plan). There is considerable leachate and methane gas venting from organic waste dumped in the past. The resultant leachate is now a major environmental hazard. This raises serious questions about the viability and acceptability of EWEL1 and WHBC and EHDC's failure to exercise its duties regarding this potentially contaminated site under Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance.
- b. However, chapter 13 of the EHDC Local Plan describing East of Welwyn Garden City (EWEL 1) fails to even acknowledge any such contamination problems spreading on to the East Herts side of this development.
- c. EHDC have not consulted and collaborated with WHBC concerning these matters.
- d. DCLG (21012, para 173) states that "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-making. Plans should be deliverable." This all raises the following important and as yet unanswered questions which both the EHDC and WHBC Local Plans fail to address and which Tarmac, WHBC and EHDC need to answer clearly and explicitly **before** any decision is taken on this proposed development.
 - What are the findings of WHBC' or EHDC's inspections on the state of this potentially contaminated site (and leachate from it) that WHBC ought to have carried out under Part 2A of the 1990 Environment Protection Act?
 - What is the scale and nature of the pollutants in the leachate from this site?
 - What are the implications of this contamination constraint on the topology of the proposed houses and the viability of these houses and the proposed development?
 - What are costs of the remedial measures Royal Haskoning recommend to tackle the contaminants and treat the leachate from the former landfill site?
 - What scale of marshes could be required to filter this leachate?
 - If marshes not suitable, then what are the costs of alternative treatment methods?
 - Who should pay for treating the leachate? – Tarmac? - How?

6 Please set out the changes you consider necessary to make the draft Local Plan legally compliant or sound including revised wording of any policy or text. Be as precise as possible. (Attach supporting documents if necessary).



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- i. The proposed development at Birchall Garden Suburb (EWEL1) must be accompanied by a system of reed bed marshes down the Eastern arm of the Hatfield Hyde Brook to clean up the foul water exiting the former landfill site that is close to this proposed development

If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing? Yes.

9 Yes. We wish to be notified of the following:

When the East Herts Local Plan has been submitted for independent examination.

When the Inspectors Report of the East Herts Local Plan is published.

Adoption of the East Herts Local Plan.

We welcome your comments on our consultation - would you like to complete our short feedback form? (If submitting more than one comment, please complete the feedback form once only.) No

Chapter 20.2.10: Natural Environment

Central Herts Green Corridor Group give a fuller assessment of EHDC's shortcomings regarding these subjects. This submission just highlights some specific points and makes links to shortcomings in the effectiveness of implementing other policies in EHDC's plan

2. Effective

- a. EHDC's Policies NE1 and NE2 states that ecological impacts will be quantified through use of the "biodiversity impact assessment calculator" and that a development must demonstrate net gains in biodiversity as measured by this calculator and also avoid harm to, or the loss of features that contribute to the local and wider ecological network. However, it is not at all clear whether this calculator adequately captures the full ecosystems services benefits of the Green Corridor (as initially outlined in the attached paper) and whether it could ensure no reduction in the environmental benefits of the assets in the Green Corridor.

Chapter 20.4 Green Infrastructure & Policy NE4 Green Infrastructure Tests of Soundness

1 Positively prepared

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We welcome EHDC's NE4 which correctly states that

Development proposals should:

- (a) Avoid the loss, fragmentation or functionality of the green infrastructure network, including within the built environment, such as access to urban waterways;
- (b) Maximise opportunities for improvement to the green infrastructure network in accordance with the Council's Green Infrastructure Plan, its Parks and Open Spaces Strategy, the Hertfordshire Biodiversity Action Plan, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans and programmes as appropriate;
- (c) Maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees;
- (d) Consider the integration of green infrastructure into proposals as an alternative or to complement 'grey' infrastructure.
- (e) Demonstrate how lighting will not adversely impact on green infrastructure that functions as nocturnal wildlife movement and foraging corridors.

Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should detail how it will be maintained in the long term.

IV. Proposals which affect the district's river environments, including built development and recreation and leisure proposals, should take into account and contribute towards achieving, the aims of any statutory or non-statutory plans, such as the Lee Valley Regional Park Authority Park Development Framework, the Bishop's Stortford Waterspace Strategy, relevant River Catchment Management Plans and the Water Framework Directive, and any future relevant plans and programmes.

2. Effective

However, the Council's Local Plan fails to deliver effectively in practice on these good intentions. It says absolutely nothing about what it will do to implement this policy in practice. Specifically:

- a. EHDC fail to show they put into real substantive effect its plans in NE4
- b. EHDC fail to even refer to WHBC proposals and their Stage 1 report to create a green corridor, the Eastern end of which should be in the EHDC Local Plan. They fail to show how they could accordingly usefully contribute to protecting and enhancing this green corridor. This is an evident failure in carrying out their duty to co-operate.
- c. EHDC's Infrastructure Delivery Plan is woefully inadequate in its treatment of green infrastructure which only concerns "Play areas and public amenity green space". In the areas of the WHBC's Green Corridor; for East of Welwyn Garden City, it says nothing about green infrastructure; in HERT3: West of Hertford (Welwyn Road and

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Thieves Lane), it only mentions “Contributions towards the Panshanger Country Park

- d. EHDC say nothing about the current footpaths in the Borough which are not well connected, especially with those of neighbouring Boroughs such as WHBC, and are in a dilapidated state. However, the Sustainability appraisal (in S. 19.2.1 (p. 53) states that EWEL1 “is well located to provide good connections to and extend the network of off-road cycle routes that connect Welwyn Garden City to Hertford (the Cole Green Way). Cycleways and footpaths will be incorporated into the design in a way which prioritises these routes over the use of private vehicle”. There is thus a significant disconnect between the various Local Plan and its supporting documents.
- e. EHDC has evidently not fulfilled adequately the requirement to consult and collaborate with neighbouring Councils.
- f. EHDC fail to assess and highlight how promoting greater use of a network of cycle paths in the Green Corridor could be part of an integrated transport plan and help to reduce air pollution – in line with their objectives behind Policy EQ4 on Air Quality.
- g. The proposed development at Birchall Garden Suburb (EWEL1) would severely constrain the green corridor to a narrow strip or track of managed suburban greenery. It is much too narrow and open to abuse. This would result in a loss of diversity and the Ecosystem Services that they provide, which are assessed briefly in the attached paper. It would not enable protection let alone enhancement of the ecosystems services benefits from the natural environment assets in the green corridor.
- h. Specific requirements in the NPPF that EHDC currently fails to address include the implications for the Local plan regarding:
 - o Natural habitats and ecology
 - o Fish and fishing. The Local Plan and the Green Corridor report contain no information or measures to support, protect and enhance fish and fishing benefits in the Green Corridor, where there is a high current and potential demand for fishing.
 - o Flood risk management
 - o Water management
 - o Soil erosion. Clean gravels are an essential part of a healthy river system for trout egg laying and successful reproduction. This is true especially for the river Mimram which is one of the few significant chalk streams worldwide and are a priority habitat under the EU Habitats Directive.
- g. The natural habitat and ecosystems in the Green Corridor are important in sustaining wildlife along not only their stretches of the corridor but along wider areas.
- h. The Council fails to fulfil its aims to enhance and protect the natural environment in the Borough and in particular in the Green Corridor.



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- i. The Sustainability Appraisal is inadequate and has significant limitations that mean it does not comply with legal requirements and does not measure up adequately to NPPF requirements – see our comments on the Sustainability appraisal.
- j. Farmers in the corridor have received payments under the countryside stewardship scheme to provide margins, strips and implement other land use practices to help insects, which provide important ecosystems services in the Borough. But many of these payments are now coming to an end. It is not clear if the payments will continue to the same extent in the future or that farmers will go for them so that these practices could decline in future. This will place the pollinating insects under greater and increasing threat. EHDC's Local Plan fails to address this important matter.

3. *Justified by the evidence*

- a. EHDC's Local Plan contains no evidence regarding the Green Corridor and does not even refer to any of the existing published material relating to it such as the 2016 Rights of Way Improvement Plan.

6 *Please set out the changes you consider necessary to make the draft Local Plan legally compliant or sound including revised wording of any policy or text. Be as precise as possible. (Attach supporting documents if necessary).*

- i. EHDC needs to co-operate with WHBC and other groups (such as the Central Herts Green Corridor Group, the Local Access Forum etc) to protect and enhance a green corridor running from St Albans to at least Hertford and ultimately beyond.
- ii. EHDC need to show how their Local Plan and Infrastructure Deliver Plan can help protect and enhance this Green Corridor, especially regarding their actions in the Western side of East Herts that includes the currently proposed Green Corridor.
- iii. These actions needs to be based fundamentally on assessing strategically all of the overall benefits of the Green Corridor and seeing how best to protect and enhance them – see attached report which examines these benefits.
- iv. EHDC needs to input positively into WHBC's work on its Stage 2 report on the Green Corridor. This must be based on a sound up to date knowledge and understanding on the environmental assets in EHDC's section of the Corridor and their benefits. The Central Hertfordshire Green Corridor Group is ready, willing and able to help positively and actively in this process.



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- v. Accordingly, the Council needs to improve the natural environment in the corridor and hence enhance the benefits for the large numbers of (local) people that could use the proposed extended network of paths. This would yield important benefits to cyclists travelling from Hertford to Welwyn Garden City and Hatfield who could then avoid cycling on the A414 with all its dangers – including recent deaths of cyclists.
- vi. EHDC needs to protect and enhance the valuable ecosystems services benefits that insects provide in the Green Corridor by including requirements for bug friendly open spaces, allotments and green roofs in conditions for new developments. Also EHDC should require or encourage the developer to provide a resident funded schemes to encourage houses to have wildlife friendly gardens (esp in EWEL1).
- vii. The required scale and width of the Green Corridor and its buffer zone should be based on a careful study of the natural habitats and ecosystems and their services in the corridor and what scale and breadth of a corridor is needed to protect and enhance them so as to be of maximum benefit to the environment and local people. This study must be completed **before** any decision can be taken on proposed developments alongside the corridor and in particular on any developments impinging on the corridor. Experts at the LSE consider that the benefits of a green corridor are broadly proportional to its breadth and length – ie double the width of the corridor yields a doubling of its benefits. Thus the recreation benefits of improved access paths are considerably enhanced by having a good natural habitat with a rich ecology and views alongside the paths. The physical and mental health and welfare benefits of the corridor will be considerably greater if it is bordered by good habitats and has views over neighbouring good quality landscape including views of Panshanger Park and Hatfield House Park . Furthermore, the natural habitats and ecosystems in the green corridor need to be sufficiently long, wide and connected to sustain bats, bees and other insects, which provide important pollination services to orchards and other farming activities in the area. They also help regulate pests.
- viii. To help WHBC and EHDC determine the length and breadth of the Green Corridor needed now and for the future, it is proposed that LSE masters students could carry out a rigorous study of the benefits of the green corridor. They will review international evidence and best practice regarding green corridor and green infrastructure assets. They will then carry out focus group workshops and surveys asking Hertfordshire residents for their views on important features and aspects in the Green Corridor and the specific benefits of different scales of the Green corridor in terms of its breadth, length and quality. The Central

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Hertfordshire Green Corridor Group stands ready to facilitate the input of this study's findings into EHDC and WHBC's Stage 2 work.

Chapter 13 on East of Welwyn Garden City (EWEL1) usefully states that this development will provide:

- Sustainable transport measures including the improvement of pedestrian links, cycle paths, passenger transport and community transport initiatives
- north-south and east-west connections, providing upgraded routes for walkers and cyclists, including the Lea Valley Path and Cole Green Way

However, it is not clear that the development will effectively deliver this.

Therefore the following actions are needed to rectify this:

- ix. EHDC must provide a clear map of the proposed path extensions and links.
- x. HCC must show how the proposed plans for extending the network of paths in the Green Corridor are an integral part of their Transport Plan.
- xi. HCC, WHBC and EHDC should set out the welfare and health benefits to local residents from their greater use of these paths and how these are cost-effective ways of improving the currently poor health of residents in the Borough
- xii. HCC and EHDC must set out clearly whether HCC or landowners and developers will be responsible for creation and maintenance of which paths.
- xiii. In either case, HCC must still be responsible for publicising the expanded network so that as many people as possible can benefit from it and monitoring the state of the paths and reporting publicly on its state and ensuring that the responsible body (either HCC or the landowner) effectively maintain all the paths on the network.
- xiv. HCC must safeguard provision of finance for HCC's paths in HCC's budgets.
- xv. For those paths in the Western part of East Herts and the Eastern part of the Green Corridor for which developers are responsible, EHDC must implement S 106 agreements with the developers to require them to pay fully for the creation of these paths and also their maintenance to ensure that they remain a good condition indefinitely. Set out clear mechanisms for all this.
- xvi. HCC must publicise extensively the extended paths to encourage their use by local residents.

Chapter 23.2 Flood Risk: Policy WAT1 Flood Risk Management

Tests of Soundness

1. Positively prepared



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We welcome and support the findings and recommendations in East Herts' Strategic Flood Risk Assessment and their policy statement in WAT 1 that:

- I. The functional floodplain will be protected from inappropriate development and where possible developed flood plain should be returned to Greenfield status with an enhanced level of biodiversity.
- II. Development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream.
- III. Development should take into account the impacts of climate change and should build in long term resilience against increased water levels. Therefore, appropriate distances and buffers between water courses and built development should be maintained in accordance with Environment Agency guidelines.

In particular, in respect of EWEL1, the development must provide "Sustainable drainage and provision for flood mitigation." (condition (m)).

Chapter 23.5 Sustainable Drainage: Policy WAT5 Sustainable Drainage

Moreover, we welcome EHDC's Policy WAT5 Sustainable Drainage. In particular, we welcome their detailing, in Table 23.1, the Sustainable Urban Drainage Hierarchy and highlighting well the benefits of each SUDS technique for reducing floods, drainage problems and water pollution as well as yielding wildlife and landscape benefits. They should also mention benefits for water resources for which they rightly highlight the problems in our water stressed catchments.

2. *Effective*

However, in line with the findings of their Strategic Flood Risk Assessment¹, EHDC should have paid greater attention to the flood risk implications downstream of proposed developments at the top end of catchments in the Western end of the Borough.

6 Please set out the changes you consider necessary to make the draft Local Plan legally compliant or sound including revised wording of any policy or text. Be as precise as possible. (Attach supporting documents if necessary).

In particular, we need to see the specific details of Sustainable drainage and provision for flood mitigation at East of Welwyn Garden City (EWEL1) and ensure that these



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provisions would be enforced and are duly taken into accounting in determining whether this proposed development is viable and worthwhile.

¹ East Hertfordshire District Council (2016). Level 1 and 2 Strategic Flood Risk Assessment Final Report. Report by JBA consulting.

6 Ecology, Habitats & Natural Environment

This submission deals with 'Soundness' and 'Compliance' of the Proposals for these locations.

Our interest is essentially in the Corridor between Hertford, Welwyn Garden City and Hatfield which we believe is important to:

1. Separate the three towns
2. Provide a buffer and appropriate setting for the English Heritage designated Grade Two II* Landscape of Panshanger Country Park
3. Protect the high ecological richness of sites along the valleys of the Mimram and the Lea (The Biodiversity Duty of the Natural Environment and Rural communities Act 2006)
4. Protect the ecological importance of land between the rivers, especially areas such as The Commons adjacent to Welwyn Garden City and the areas of agriculturally marginal but species rich vegetation such as Archers Spring, Hertford and the extensive former dump near the current refuse-processing site just north of the A414 (the ten species of bat are protected by European Law)
5. Provide an adequate recreational corridor between the three towns, especially for those participating in low intensity activities such as walking, cycling and horse riding and including people with mobility needs.

We do not believe that the two District Councils have considered these points adequately neither do we think they have integrated their planning of this important heritage- and ecologically-rich area.

We refer the reader to substantial documents we have submitted to WHDC including one entitled 'Ecosystem Services' from our group, another which is an Executive Summary and one specifically on 'Ecology' labelled 'Consultation' from Peter Oakenfull. We trust we do NOT need to repeat all this material here. We also refer the reader to objections from CPRE, Hertford Civic Society and a brief submission from a Hertford ecologist: Dr FB Goldsmith.



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ECOLOGY

The wildlife of our area has been under development pressure for centuries and the designation of the Green Belt was to protect a zone around our towns from excessive development. In many ways it has served us, and wildlife well. It has provided an edge to towns, such as Thieves Lane to the west of Hertford such that this is the natural boundary of that town. Current proposals for an apparently random peppering of developments, guided only by the submissions made by landowners would destroy or at least substantially damage landscape and ecological values of the area.

The lack of 'Soundness' here is further exemplified by the proposal in HERT3 to build alongside and areas of Ancient Woodland known as Blakemore Wood and Lady Hughe's Wood. These are not only rich in woodland plants (surveyed by the Local Trust, HMWT) invertebrates and birds but also have one of the few displays of bluebells in the area dealt with here. We do not believe our local planners have considered these points nor worked in an integrated way with this resource. The area appeals to residents and visitors for its landscape, floral displays, birdsong and so forth. Our planners have not considered the importance of ancient Woodland nor the soundness of the designation of the Green Belt for keeping towns such as ours separate nor the importance of English Heritage landscape designations. An historic Park such as Panshanger deserves a buffer and our area of Green Belt provides just that.

Another problem not considered by planners is that of proposing building on the interfluvium between rivers. One example of this in the area dealt with here is that alongside the B1000 locally known as Archers Spring (area HERT3) where marginal land will have housing which will be manifest on the skyline whilst areas below it are not included, apparently because landowners did not submit them.

Marginal land appears to have been despised by developers and planners. If it is not producing a crop it is of no value but these areas can be rich in wildlife because they have 'structure' and this provides more plant species and shelter for invertebrates. This in turn provides food and shelter for animals higher up the food chain, such as birds of prey. For example short-eared owls are often noticeable on the area referred to as the dump just north of the A414. Data collected by the WGC bird-ringing group has shown that these areas are particularly important for providing shelter and food for a wide range of birds (e.g. linnet, grey partridge, finches, yellow hammers, swallows) and mammals (e.g. harvest mice, hedgehog, brown hare) especially in winter. Its importance rises to being significant on the regional scale as well as the local one (Peter please add an example if needed). More small birds and small mammals almost certainly provide



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the food for larger birds and mammals such as the short-eared owls. Bats are also well-recorded in our area (a total of ten species) and the mosaic of moist sites, deciduous woodland and species-rich grassland are important for their shelter and invertebrate food supply.

Other parts of our area, for example the Mitchell Aggregates site, are still producing leachates but these drain into our aquifer and our streams so we have additional concern here. Our aquifer is already depleted and as a consequence we have recently lost species such as cotton-grass (*Eriophorum angustifolium* L.) from our area. We also have concern for water voles in our area which we believe to continue in our area but they are very vulnerable.

Noise is another important consideration as our area is one of the noisiest in the County. This is due to heavy traffic on the A414 in particular and air traffic to/from Stansted. Areas such as Panshanger Park provide an escape for visitors and the construction of housing up to its boundary and in its immediate would increase noise.

Ecologically, we are also concerned that land that we consider to be totally unsuitable for building is included in the Plan. This is mostly in the WGC part of our area of concern but is illustrative of our concern which has lead us to believe that no overall impact assessment has been carried out and a comprehensive environmental assessment is needed. In our area the site known as Archers Spring (HERT3) was subject to gravel extraction (permission was only given for levelling the site) and subsequent tipping of waste and is part of the site proposed for housing. The two large holes were not monitored by the council although they did after several weeks provide a 'watcher' for mornings only! Local people on the Sele Farm Estate found that prohibited materials such as asbestos had been dumped.

Justified by the evidence

- a. EHBC have failed to carry out a strategic ecological assessment of the existing green corridor that under present site allocations will take the majority of the larger proposed development sites including Birchall Garden Suburb, a cross boundary development within the new local plans of both EHDC and WHBC. If EHDC had commissioned an independent study, which it did not, it would have allowed EHDC to make an informed assessment of species and habitats and therefor assess the proper impacts of the Birchall Garden Suburb proposal and not rely on imaginary levels of biodiversity.
- b. EHDC councils reliance on the developers scoping report of the Birchall Garden Suburb proposal in determining its suitability for inclusion into the

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local plan is not acceptable as the Scoping Report of 2015 did not fully consider all protected species including European, Species of Principal Importance, Red data and Red listed species of birds and therefore is inadequate and misleading.

- c. The developer also failed to engage with all local stakeholders in the scoping study for Birchall Garden Suburb to formulate a strategy for species surveys. This is directly against the fundamental guidance for establishing a species and habitat survey protocol stated by the Chartered Institute of Ecology and Environmental Management that the developer says they are working too.
- d. The council must be confident that the Habitats Regulations 3 stage test can be met when granting planning consent or allocating sites. Mitigation and compensation must be achievable and adequate, otherwise the requirements of the Natural Environment and Rural Communities Act will not be met. The NERC act states clearly that development cannot have negative impact, but must deliver positive gains for biodiversity. We believe this cannot be achieved across with these proposed plans.
- e. Given EHDC cannot rely on the developers scoping report findings on species and habitats over such an extensive and important area as this, which crosses districts boundaries. Given the potential accumulative effects on species of other proposed sites the green corridor, the council must consider the loss of important wildlife habitats on the former landfill site of Cole Green by establishing a park and sports facilities as causing negative biodiversity. The area cannot be relied upon to adequately mitigate and compensate for the loss of arable, green belt land for 3000 houses, industrial sites and schools proposed.
- f. For this reason, can EHDC be confident and make a sound judgement in adopting Birchall Garden Suburb into the district plan, we believe not.
- g. The Local Plan is not based on up-to-date information about the natural environment and other characteristics of the area. They do not appear to draw from, for example, River Basin Management Plans, catchment management plans, working with Local Nature Partnerships, and assessments of existing and potential components of ecological networks – as required by NPPF (Para 165).

EHDC must carry out a full and independent strategic ecological assessment of the existing green corridor from Stanborough to Hertford to report on the impacts on



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species and habitats to assess the accumulative effect of all the proposed development sites.

This is particularly significant for Birchall Garden Suburb, as cross boundary local authority cooperation is in place. It will allow WHBC and EHDC to be confident that the Natural Environment and Rural Communities Act can be fulfilled by making informed judgements

ECOLOGY CONCLUSION

We believe our area of concern requires either the withdrawal of Hert3 and EWEL1 sites from the Plan or a comprehensive Strategic Environmental Assessment as it is important to provide a buffer for heritage areas such as Panshanger Park, avoid building on the skyline, on areas previously dumped, or that provide important winter food and shelter for birds and mammals already protected by European Law and the Biodiversity Duty NERC Act 2006.

We also believe that in order to build on the Green Belt special circumstances should apply and in this particular location the only special circumstances are those that show its high ecological, historical, heritage and landscape values. These should ensure that the site remains as Green Belt.

In the draft District Plan we believe that amending Green Belt boundaries would be damaging and excessive and that these aspects of the Plan are not justified as they conflict with National Green Belt Policy as well as designations made by English Heritage and of Ancient Woodland. Our concern is especially with the impact of the developments on the character and ecological interest of the Country Park and its context as well as its ecological value. The adverse effects of proposed developments out way any benefits.



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7 Heritage & Historic Environment

Regarding Policies EWEL1 and HERT3 : Land East of Welwyn Garden City and West of Hertford

The landscape is a palimpsest of previous use and occupation. The green corridor from Stanborough in the west through to Panshanger Park and on to Goldings in the east and north and the surrounding environs has a history of occupation from the Palaeolithic period to the present day. Evidence of prehistoric settlement by Neolithic, Bronze Age and Iron Age people can be seen in the landscape of the central part of the corridor by the wealth of finds and earthworks that have been recorded. Extensive Roman, Saxon and medieval settlement is also recorded that has led to the cluster of elite parks in the centre of Hertfordshire. This landscape is an important part of the history of the county and the region, helping to define the *County of Small Towns* (Slater & Goose, 2008) which has made Hertfordshire so unusual. The importance of the surrounding landscape (including the interfluvium between the rivers Mimram and Lea) as a setting for the designed parks which were the work of 'improvers' of the calibre of Capability Brown, Humphry Repton, and others is considerable and the significance of the parks, especially those at Hatfield Park and Cole Green/Panshanger would be substantially harmed by developments within this setting.

The intrinsic importance of certain sites has been recognised at a national level by Registration by Historic England (Hatfield, Panshanger, Tewin Water, Bayfordbury) but many more are of great local importance and arguably be on the National Register (Hertingfordbury, Digswell Park, Lockleys, Camfield Place, Bedwell Park, Essendon Park, Holwell Court, Roxford and Woolmers). (HE Register of Parks & Gardens of Special Historic Interest in England, and Hertfordshire Gardens Trusts Local lists and reports)

The inclusion on the HE *Register of Parks and Gardens...* is awarded to very few parks and gardens and the award of Grade I (Hatfield Park) signifies a landscape of the highest value and of international importance and that of Grade II* (Panshanger) of exceptional national historic interest. A key component of these gradings is the setting of the parks.

The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced.

Views which contribute more to understanding the significance of a heritage asset include:



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- those where relationships between the asset and other historic assets or places or natural features are particularly relevant
- those with historical associations, including viewing points and the topography of battlefields
- those where the composition within the view was a fundamental aspect of the design or function of the heritage asset, and those between heritage assets and natural or topographic features, or phenomena such as solar and lunar events

Assets, whether contemporaneous or otherwise, which were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons include:

- prehistoric funerary and ceremonial sites
- **historic parks and gardens with deliberate links to other designed landscapes, and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary**

The area between Panshanger Park and Welwyn Garden City is thus the setting for a wide range of both registered and Locally Important designed landscapes and the importance of the designed landscapes set around the area is recognised with policies in both the WHBC Local Plan and the EHDC Local Plan

A comprehensive heritage assessment of the area with especial emphasis on the setting of all these designed landscapes and the contribution to their significance should clearly demonstrate the essential function of this landscape as an integral part of the historic design of these parks and the part it plays in the local and national heritage. An integral part of the assessment should be viewshed analysis.

Statement of Significance

The landscape is a palimpsest of previous use and occupation, from the prehistoric settlements to the cluster of elite parks in the centre of Hertfordshire. This landscape is an important part of the history of the county and the region, helping to define the *county of small towns* (Slater & Goose, 2008) which has made Hertfordshire so unusual. The importance of the surrounding landscape (including the interfluvium between the rivers Mimram and Lea) as a setting for the designed parks which were the work of 'improvers' of the calibre of Capability Brown, Humphry Repton, and others is considerable and the significance of the parks, especially those at Hatfield Park and Cole Green/Panshanger would be substantially harmed by developments within this setting.

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- prehistoric funerary and ceremonial sites
- **historic parks and gardens with deliberate links to other designed landscapes, and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary**

1. Introduction to Heritage Assets

1.1. The area of the Central Hertfordshire Green Corridor considered in this report covers the river valleys of the Mimram from Welwyn village to Hertford, the Lea from Hatfield to Hertford, the interfluvium between them from Welwyn Garden City to Hertford and the river slopes to the north of the Mimram and south of the Lea.

1.2. This report is intended to contribute to a wider assessment of the area.

1.3 There are a number of heritage assets within this area from Palaeolithic to modern and the area also forms part of the setting for a number of other heritage assets which would be affected by any development within the Green Corridor

2. Heritage Assets

These comprise:



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2.1 Scheduled Ancient Monuments: Roxford Grotto [the formal gardens surrounding Roxford house have been excavated and landfilled leaving the gardens immediately surrounding the grotto as a scheduled monument and covered with invasive scrub]

2.2 Listed Buildings:

Grade 1: Hatfield House, Hatfield Palace, St Peter's Church Tewin

Grade II*: Marden Hill House, Amores at Hertingfordbury, St Mary & St John Church at Hertingfordbury, St Mary's Church Essendon.

Grade II: Panshanger (Orangery and Conservatory, Riverside Cottage, South Lodge, Stables, Kitchen Garden Walls and Keepers Cottage). At least 60 further listed buildings at Grade II in the Villages and Greens

2.3 Historic Parks and Gardens:

Grade I: Hatfield Park

Grade II*: Panshanger

Grade II: Goldings, Tewin Water, Bayfordbury

Undesignated: Howell Court, Roxford, Woolmers Park, Camfield Place, Essendon/Birds Place, Bedwell Park, Digswell, Lockleys Park, Tewin House, Marden Hill, Hertingfordbury Park

2.4 Conservation Areas at Tewin, East End Green, Essendon and Hertingfordbury

3. Historic Designed Landscapes in the Green Corridor Area

3.1. Pre-history

Neolithic tools (axes, scrapers and the flint flakes from their working) have been found in Digswell north of the river Mimram and in Sherrards Park Wood, a group of worked flints has been found just south of the river Lea near Essendon. Bronze Age remains of a cremation at Digswell, a burnt mound at The Commons, and a Bronze Age settlement comprising 2 circular structures, and a D shaped animal pen, within field systems together with a Holloway or ditch have been recorded on the interfluvium (McDonald). Late Iron Age and Roman ditches have been recorded at Birchall, together with a rich La Tène (late Iron Age) burial of the 'chieftain' type was the development of Daniells and a Belgic site recorded at Grubs Barn on the interfluvium.



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3.2 Medieval

3.2.1 Holwell Hyde, Ludwick Hyde and Hatfield Hyde are all medieval in origin and the boundary banks and ditches alongside Holwell Hyde have been described as Saxon. A hide was a Saxon unit of taxation, usually about 120 acres and in the early days enough land to sustain one peasant farming family.

Boundary banks and ditches surround these hydes which may have been assarted from St Albans or Ely Abbeys (Williamson 2007). The deserted settlements around the main farm in these hydes and the possible presence of a windmill on Windmill Hill, together the ancient and veteran pollarded oaks and hornbeams which have been mapped and the pattern of lanes and byways both historic and remaining, indicate an early farming landscape of considerable significance.

The moated sites at **Birchall Farm** and **Moat Wood** (now gone) indicate local importance with Birchall Farm as a double moat with islands, which was adapted to provide a more decorative feature.

3.2.2 Hatfield Park: The earliest reference to the monastic park is in 1222. The survey of 1251 indicated a great park of 1,000 acres and a little park of 350 acres. Wood was coppiced and clay was extracted and pannage and agistment agreements were made. By 1514 the three parks (now including Innings Park) were used by Henry VIII and remained in royal hands until it passed to the Cecils in 1607. By 1611 the great park, which ran from Lower Woodside to Newgate Street, was surplus to the new designed landscape and was enclosed at the request of the commoners. A New Park of 560 acres was created and stocked with deer and conies but was disparked into three farms about 1630.

3.2.3 Hertingfordbury Park: The park of Hertingfordbury is first mentioned in 1285. <http://www.british-history.ac.uk/vch/herts/vol3/pp462-468-fnn45> In 1359–60 William de Louthe the keeper accounted for three men who were employed for five days at 3d. a day in inclosing and cutting wood in the park. In 1604 same year a special commission was appointed which certified that the extent of the park was 205 acres of very hard soil 'after the nature of Hertfordshire,' which would keep 150 deer and no more, and that 160 out of 200 deer kept there had died in one year. The park in 1627 contained 237 acres besides a meadow of 3 acres called 'le deere meadowe,' and 1 acre of osier woods. Free chase and free warren in it were granted at the same time. By the early 17th century the great deer park had returned to agriculture and a new little ornamental park south of the river around the house had been laid out, Traces of this important early 18th century landscape still remain. (Rowe 2009)



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3.3. Post medieval

3.3.1 Digswell: A park surrounded the house and church of St John's at Digswell. The 1599 sale survey (HALS D/EP/P1) shows woodland to the south west with fish-ponds in the river valley and a warren with keeper's house and enclosures. The survey indicates that 140 acres of woodland was coppiced. Within Sherrards Wood there are woodbanks indicating the possible deer enclosure of about 40 acres

3.3.2 Hatfield Park: Innings Park dates from c.1508 and covered the core of what is now Hatfield Home Park containing deer and timber (beech and oaks). This was incorporated in the new designed landscape laid out by the Earls of Salisbury from the early 17th century onwards and is now part of the Grade I Registered landscape. (Rowe, 2009). The park is a setting for the Grade I Jacobean house and palace and several ancillary Grade II buildings

The pleasure grounds were laid out with advice from John Tradescant (including new plants purchased on the continent), with Simon Sturtevant and Salomon de Caus for the waterworks. Although neglected during the 18th century they were revived during the 19th and are now well-maintained.

The significance of Hatfield Park is not only the key people, Cecil, Lyminge, Jones, de Caus, Tradescant involved in its creation, but the association with Elizabeth I and other Tudor monarchs as well as a pioneering role in the development of the WWI tank. Allied to this is a very high aesthetic and architectural value (as recognised by the Grade I listings) and the community value which it has as part of a much wider community and estate.

3.3.3 Holwelbury: An early park or warren, certainly Tudor and maybe medieval, was sited on the interfluvium between Hatfield Park and Panshanger. The existence of this park was recorded in a dispute in the early seventeenth century over the payment of rent for a piece of land belonging to the manor of Hertingfordbury. The aggrieved lord of the manor, Christopher Vernon, was able to show in 1636 that part of the land in dispute had been acquired in or before 1504-5 by Thomas Peryen/Perient, the then owner of Holwelbury who 'had layd the said ground into his Parke or Warren called Holwelbury Parke' – an act described as an 'incroachment without licence'. The disputed parcel of land, woodland called Nottok, 'lay betwene Welles greene and Hollwelbury Parke and was part of a certen copy hold called Lythinges'. Fields named 'Wellses' and 'Wells's' were recorded on the Hertingfordbury parish map of 1704 lying alongside the eastern boundary of Holwellpark Wood. Whether he established a park at

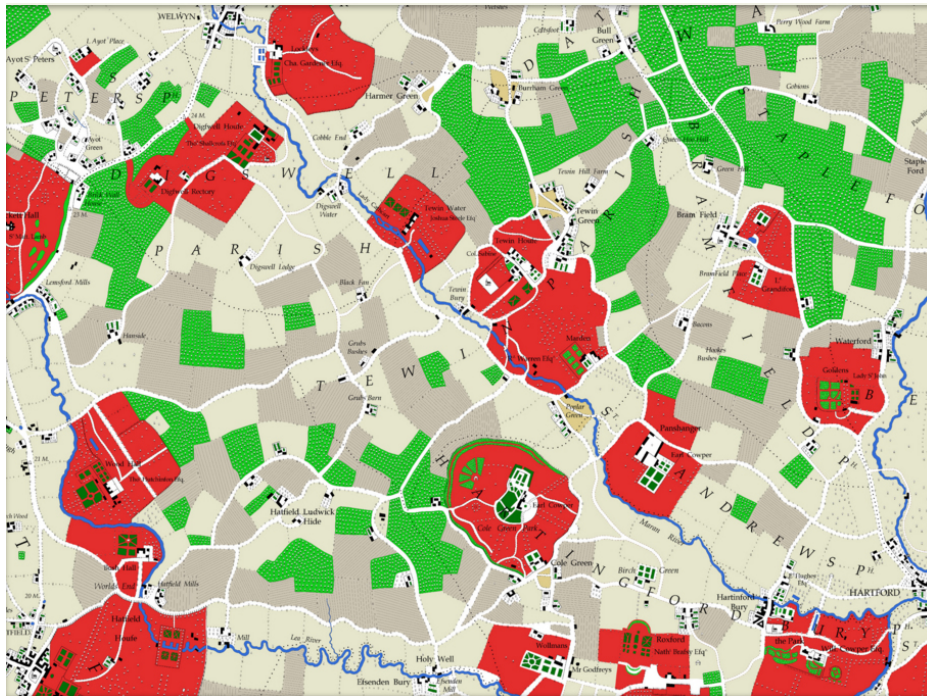


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Holwell in 1504, or was simply enlarging a pre-existing park is not known but Holwel Park and Park Woods are shown on the Ordnance Survey Drawing 149 of 1805

3.3.4 Lockleys: A manor by 1303. For some years it was owned by the Perrient family of Digswell and eventually sold. The 1766 Dury and Andrews map shows a park and high-status formal gardens, possibly water garden, along the Mimram. There were reciprocal views across the valley to Digswell House. By the 19th century, the park, no called Lockleys Warren (and Park) had remained the same in area but the gardens had become simplified with just 2 islands and a waterfall in the river. In 1910, the then owner, called in Reginald Blomfield to make alterations to the late 17th century house(Grade II*) and lay out of the Arts & Crafts garden. The site is now SherrardsWood School and the gardens have been developed for school use but the views across and along the Mimram remain.

4. 18th century Landscape Parks



Dury & Andrews Map 1766 digitally redrawn by Andrew McNair showing parks in red, woods in green, roads in white and avenues as dotted lines



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4.1 Cole Green and Panshanger Laid out from 1704 with several oak avenues aligned to the northeast, east, southeast and southwest. In the 1750s Capability Brown designed a parkland around this to include ha-ha, menagerie with shrubberies framing views of important external landmarks (Hatfield House, Tewin House, Digswell, Essendon church), perimeter drive and belt. He naturalised the formal parkland although the avenues remained outside of the immediate pleasure grounds. In 1799 Earl Cowper commissioned Repton to design a parkland focussing on a new house at Panshanger to replace the Elizabethan farmhouse which had been 'gothicised' in the mid-18th century. Cole Green parkland was incorporated in this although changes in the perimeter road layout at the time meant that the Menagerie and the key view from it now lay outside the west side of the park. Archival evidence suggests a high degree of supervision of the landscape by Repton, which renders it of greater national importance as this evidence is comparatively rare.

Victorian gardens were laid out in a linear fashion along the ridge above the north side of the valley, running from Garden Wood and the Box Garden on the east side of the house, through the terrace overlooking the Repton Broadwater, to the Dairy Garden (containing the orangery and octagonal dairy), through rose, canna and fountain gardens to the Panshanger Oak.

Today the Cottage (Grade II) at the walled garden survives but much altered, together with the walled garden attributed to Brown, some 18th century barns, and ice house and a store. There are also traces of the early 18th century oak avenues and the pond depicted by in c.1800, as well as portions of the ha-ha around the former Cole Green mansion and traces of the drives. However, most of the Brown landscape has been excavated for gravel and all traces of it have been lost.

The mansion house at Panshanger, built to a design by Atkinson, rebuilt after a fire in the 19th century and demolished 1954, is now a rubble-strewn footprint. The Orangery (Grade II) is on the Heritage At Risk Register and all detail of the gardens has been lost. The Garden Wood has been harmed by the carving out of a Forest School within it, although some of the outgrown yew hedges and path system are still visible. Fragments remain of fountains, ponds and walls, all of which were extant when the site was sold in 1954. Some of the southern portion was detached when the A414 dual carriageway was cut through from Cole Green to Hertingfordbury which has left the South Lodges, the Stewards House (Cole Green House – Grade II), the former Pheasantry/Game Keeper's Lodge and Mayflower Place detached from the park.



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Views to Hertingfordbury church are still visible along the valley although views towards Tewin have been compromised by poor woodland management and bunding for gravel extraction. The views from the former Menagerie at Cole Green across the Birchall Farm plateau are still extant.



Dury & Andrew 1766 Map showing views to the east from the Cole Green Mansion along the oak avenues and to the west through the 'Capability' Brown Shrubbery around the menagerie

The significance of Panshanger Park lies in the association of the 2 greatest 18th century landscape designers, 'Capability' Brown and Humphry Repton and with its key position along the Mimram valley as one of the three pearls (Tewin Water and Gigsweil) of Repton's grand design. Pevsner dubbed the Panshanger landscape one of Repton's *most perfect schemes*. It is now under threat due to gravel extraction and poor



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restoration. The historic significance of the park in the local community is well-documented as is the national role played during the Boer War.

4.2 Marden Hill: The grounds were laid out in the early 18th century with formal avenues round the house and avenues connecting to the landscape of Tewin House which had reciprocal features giving a long view across both landscapes from either end,. There were also views across the Mimram valley to Panshanger and the plateau, as well as along the valley to Tewin Water. By 1805 this landscape had been 'naturalised' and thick perimeter belts planted along the westward boundary screening the site of the old Tewin House (demolished by Earl Cowper in 1805) although the avenues towards Tewin House and Hertford remained and a walled garden had been added. Traces of these avenues survive along the entrance drive towards Hertford and the old view towards Tewin House.

4.3 Bayfordbury: The house (Grade II*) was built on farmland by Sir William Baker in 1759 who then developed a landscape park stretching down to the river Lea and across towards Brickendonbury, forming another cluster of parks with Brickendonbury and Balls Park. Sier William had links with the Kit-Kat Club and the East India Company and laid out his park in some style as evidenced on the 1807 estate map. Planting was very considered with John Claudius Loudon being involved. The pinetum was famous, with the trees being illustrated and described in a hand-book. It was also a 'hospital' for trees which were not thriving at Kew Gardens. Key views between Bayfordbury and Roxford and Wollmers on the other side of the river Lea were part of the design, being framed by tree clumps. Some of the cedars of Lebanon and other clumps remain.

4.3.1 Camfield Place: The house dates from the 16th century or earlier but the formal walled enclosures were transformed into an ornamental park in the mid-18th century in a more 'natural' style with ponds in the valley. It eventually included plantations and along the road to act as screening, with winding walks and drives through them.

4.3.2 Essendon Place: In the mid 18th century a small estate of about 16 acres with pleasure grounds. It was sold in 1808 when it had grown to 27 acres and in 1812 the neighbouring estate of Birds Place was bought and incorporated into the grounds. By 1829 the grounds were described as

park-like paddock, and lawn (HALS H902-3). The house was extended in the 1830s and then in the 20th century and further houses built in the grounds near the road but the wider landscape remains.



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4.3.3 Birds Place: This was a small estate lying between Essendon Place and Camfield Place. A mid-18th century parkland landscape was laid out so by 1812 *The House stands on an eminence, opposite Bedwell Park, at the entrance of the picturesque village of Essendon, commanding extensive and varied prospects in every direction. The Pleasure Grounds consist of a handsome circular Lawn, with a carriage sweep, forming the approach to the house, entered from the High Road by folding gates, Extensive shrubbery walks, embellished with Evergreens, and thriving Plantations of timber trees. The Land consists of rich meadow and pasturage, receding in gentle undulations from the House and the whole form together a most desirable estate of about thirty acres, adapted in every respect for the residence of a Gentleman of Fortune, or Merchant of Eminence* (HALS D1049 (HALS D1049).

Essendon Place and Birds Place had views into Camfield Place and vice versa, with the boundary hidden by the contours so each estate encompasses some of the neighbours' land. This illusion of owning all the land within view was not lost even after early 19th century tree planting. Calves Green Croft was also incorporated into the views. until taken into the landscape of Camfield Place in the early 19th century, Today these landscapes retain elements of their tree belts and parkland now augmented with 19th century and later gardens

4.4 The Mimram valley was landscaped by Humphry Repton from 1799 for Earl Cowper with a series of 3 ornamental parklands, ***Digswell, Tewin Water and Panshanger***. Each incorporated a Broadwater and planting and each was given dressed grounds near the house. These three landscapes were to be read as a whole and individually but also incorporated views to the exterior feature such as the view towards Hertingfordbury church from the grounds and parks at Panshanger.

4. 5 Goldings: Although a park and garden were in place in the 18th century around a house called Goldens, the layout today owes much to the 19th century with a house of 1870 by George Devey in Tudor revival style. The parkland of Goldings, sloping down to the river Beane and Goldings canal, an ornamental sinuous water . Perimeter Belt planting now obscures views towards the Panshanger estate but, although much developed for housing in and around the walled garden, the park and its *Wellingtonia* and cedar plantings is still extant.

4.6 Holwell Court: An Arts and Crafts estate laid out round an Ernest George house of c.1900 (now subdivided into apartments). Pleasure grounds with loggia, rock garden, sunken garden and shrubberies were provided as well as kitchen garden, small farm and grazing land. In the 1980s the walled kitchen garden was removed. The house is



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now divided into flats and the southeastern field has been used as a Traveller Site. Former estate cottages, farmery, engine house and lodges remain although their use has changed. The grounds are mainly laid to parkland to the south and south west of the mansion with perimeter belts, broken to allow views of Essendon church and Hatfield Park

5. Overview and Planning Context 2016

By the end of the 18th century the concentration of historic parks laid out from the 17th century onwards, along the Green Corridor highlights the importance of this landscape. Key to this concentration was the easy access to London, the views afforded by the topography of plateau and river valleys together with the well-wooded nature of the countryside. Many of these sites shared views, tree avenues and river access but they also used the land between them as a rural setting for their parks, emphasising the difference between the pastoral and the ornamental. (Spooner 2015)

These landscapes, with the addition of Holwell Court, have largely survived, with one or two exceptions, even if features have blurred and the parks now used as pasture. Of equal importance is that their settings have survived so that, even though changes have occurred, the landscapes and their crucial relationships one to another and to the interfluvium, can still be appreciated

The NPPF emphasizes the importance of setting to the significance of historic parks and devotes a section (12) to Conserving and Enhancing the historic environment. Section 129 requires the local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of the heritage asset).

In Guidance Notes *Seeing the History in The View* (May 2100) and *The Setting of Heritage Assets* (October 2011), Historic England re-inforces the NPPF. Harm to the setting of heritage assets causes harm to their significance.

The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced.

Views which contribute more to understanding the significance of a heritage asset include:

- those where relationships between the asset and other historic assets or places or natural features are particularly relevant
- those with historical associations, include viewing points and topography of battlefields



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- those where the composition within the view was a fundamental aspect of the design or function of the heritage asset, and those between heritage assets and natural or topographic features, or phenomena such as solar and lunar events

Assets, whether contemporaneous or otherwise, which were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons include:

- prehistoric funerary and ceremonial sites
- **historic parks and gardens with deliberate links to other designed landscapes, and remote ‘eye-catching’ features or ‘borrowed’ landmarks beyond the park boundary**

Key views across the Birchall Farm landscape included those from Cole Green towards Digswell House, Essendon church, Hatfield Park, Wood Hall, Bush Hall and Tewin. The views are still intact from that part of Cole Green estate landscaped by Capability Brown which lies west of Panshanger Lane.

The 19th century use of landscape for farming, especially with the expansion of the larger estates at Panshanger and Hatfield, emphasized their importance as the settings for the great estates. Key designed views from Holwell Court are to Hatfield Park and Essendon church

In the 20th and 21st centuries the landscape has largely retained its open agricultural aspect despite gravel workings, infill and the upgrading of the A414. Views are still extant as far as Brookmans Park from Cole Green shrubbery (menagerie), Welwyn Garden City is not widely visible and the individual parks still make a contribution to the wider landscape (and vice versa, utilising it as their setting and therefore deriving significance from it)

8 Transport Vision – Chapter 18

HPC notes that as of this point the “*Hertfordshire 2050 Transport Vision*” has not been produced. In absence of that vision and infrastructure plan all major proposals such as EWEL 1 are undeliverable, as confirmed by HCC to EHDC.

Yours faithfully

Amanda Glew
Hertingfordbury Parish Council

22 FIRS WALK · TEWIN · HERTFORDSHIRE · AL6 0NZ
TEL: 01438 798047 · EMAIL: HERTINGFORDBURYPARISHCLERK@OUTLOOK.COM
CLERK TO THE COUNCIL: AMANDA GLEW