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# East Herts District Plan and Welwyn Hatfield Local Plan EIP Hearing Statement

Matter 10

Iceni Projects Limited on behalf of  
BP Mitchell Ltd

January 2018

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ICENI PROJECTS LIMITED  
ON BEHALF OF BP  
MITCHELL LTD

East Herts District Plan and Welwyn  
Hatfield Local Plan EIP Hearing  
Statement  
MATTER 10



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# 1. INTRODUCTION

- 1.1 This hearing statement is made on behalf of BP Mitchell Ltd, herein referred to as “BP Mitchell”.
- 1.2 BP Mitchell was founded in 1999 by Brendan Mitchell having started as a one-man, one-lorry operation in 1988. The company operates a successful and growing business serving the building and construction industry. The company provides a range of primary and recycled aggregates, ready mix concrete products, concrete crusher and plant hire, and a ‘waste away’ service.
- 1.3 The company currently operates across two Green Belt sites in central Hertfordshire – Burnside and Birchall Lane, both of which fall within the Birchall Garden Suburb.
- 1.4 The Burnside site, which is secondary to the company’s main premises, provides a ready-mix operation which complements the inert waste to recycled aggregate operation that takes place at Birchall Lane. Burnside is located in the southern corner of the Birchall Garden Suburb.
- 1.5 BP Mitchell is operating a successful and growing inert waste recycling operation at its principal facility at Birchall Lane, which is located in the centre of the Birchall Garden Suburb. Since its inception in 2006, the site has diverted in excess of a million tonnes of waste away from landfill. In employment terms, BP Mitchell has steadily grown from a 35-person operation in 2006 to a workforce that now comprises over 140 employees, thus demonstrating the continuing success of the business.
- 1.6 The Birchall Lane site accommodates an existing inert waste recycling and soil wash facility, constructed in 2006. The soil wash facility produces a range of recycled aggregates including sand, 10mm, 20mm and 40mm stone, by importing and processing waste soils from construction and demolition projects. In addition, waste concrete and trench arisings from utility works are brought to site for processing, crushed into various sub base products and sold. Often these products will return for re-use to the construction or demolition project where they originated.
- 1.7 Most of the waste material recycled at the site is sourced through BP Mitchell’s own fleet of vehicles. The fleet enables the business to achieve tonnage efficiencies that simply would not be possible for a business relying on third parties to source waste/transport recycled aggregate. In this regard, BP Mitchell optimises transport trips so that vehicles which enter the site with waste typically exit the site with full loads of recycled aggregate delivered to site.

## **Scale of Operations**

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- 1.8 The site is currently recycling circa 250,000 tonnes of waste per annum – a major increase from the historical recycling rates achieved on this site.
- 1.9 The waste tonnages have increased significantly over the last few years due to a combination of factors, including a significant upturn in the construction sector in Hertfordshire and considerable investment in new on-site plant and machinery to increase the efficiency of the operation. The construction sector is anticipated to continue to grow in the future, with new Local Plans making provision for a step change in housing delivery across Hertfordshire over the next 15 years.
- 1.10 BP Mitchell's success can also be attributed in part to its fleet of vehicles. This gives it a distinct advantage over rivals through an ability to collect large quantities of waste from construction and demolition sites and import this to its operational sites very quickly. This is a significant benefit to construction and demolition site managers who would otherwise have to deal with several operators to achieve the same result

## **Customer Base and Business Catchment Area**

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- 1.11 BP Mitchell primarily serves customers who are based and/or undertaking projects in Central Hertfordshire, focussed around Hertford, Welwyn Garden City and Hatfield. The Birchall Lane site is in an excellent location to serve this catchment area.
- 1.12 A number of regular customers to the site are undertaking projects for Hertfordshire County Council, such as highway works.
- 1.13 The importance of BP Mitchell's operation in supporting the waste infrastructure of Hertfordshire cannot, and indeed must not, be underestimated in the context of Hertfordshire's recycled aggregate infrastructure, and the two sites are currently integral to the County's strategy to recycle a greater proportion of the County's waste and soil arisings. The business is located in the centre of the County with superb access to the County's primary road network, thus allowing the business to respond and service any redevelopment sites in the County.

## **Development Plan Allocation**

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- 1.14 In the Hertfordshire Waste Site Allocations Plan (adopted July 2014), the Birchall Lane site is allocated for waste management facilities, with the reference number AS008 – Land off Birchall Lane, Cole Green. A site brief is included in the document and is attached at **Appendix 1** to this Statement.

1.15 The demarcation of the Birchall Lane site for waste management within the Development Plan of East Herts District Council and Welwyn Hatfield Borough Council only serves to perpetuate the importance of retaining the site for continued waste operations and services.

1.16 When allocating the site, the County Council concluded that the site was suitable, available and, crucially, deliverable, and this is underpinned by the lack of other allocated sites that have been brought forward over the Plan period. Having identified the Birchall Lane site for permanent waste development, the Waste Site Allocations Plan requires the site's removal from the Green Belt, with Paragraph 4.17 of the Plan stating:

*"The county council will seek the removal of Allocated Sites from the Green Belt, specifically for waste management facilities".*

1.17 This is further supported by Paragraph 4.9 of the Plan stating:

*"Having demonstrated exceptional circumstances to justify the allocation of these Green Belt sites, it is envisaged that they would be omitted from the Green Belt. Related alterations to defined Green Belt boundaries would be effected by the relevant district / borough councils within the County at the time of adoption of their local plans. Until that time, there would have to be a demonstration of very special circumstances in respect of any inappropriate development. Such very special circumstances would include the fact that allocation of the site for waste management purposes was deemed acceptable under the terms of this Waste Site Allocations Plan."*

1.18 In addition to its allocation within the Development Plan, the Birchall Lane site also benefits from a permanent planning permission.

1.19 The location of BP Mitchell's sites within the Birchall Garden Suburb are shown in **Appendix 2**.

## 2. MATTER 10 – WASTE

### 51) Are the existing waste management facilities expected to remain for the duration of the plan period?

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- 2.1 BP Mitchell is operating a successful and growing inert waste recycling facility at Birchall Lane in the centre of the Birchall Garden Suburb. In addition to this site, BP Mitchell also operate a site at Burnside in the southern corner of the Garden Suburb which is secondary to the company's main premises and provides a ready-mix operation which complements the inert waste to recycled aggregate operation that takes place at Birchall Lane.
- 2.2 The two sites are mutually dependent of one another and fundamental to the continued success of BP Mitchell's business and the County's construction and demolition waste infrastructure provision. It is therefore crucial that BP Mitchell's Birchall Lane site continues to remain operational and is not threatened by the introduction of residential development within the proposed Birchall Garden Suburb.
- 2.3 Both sites benefit from permanent planning permissions and the Birchall Lane site is allocated for further waste development in the adopted Hertfordshire Waste Site Allocations Plan, which forms part of the Development Plan for the area. The Birchall Lane site is one of only five Green Belt strategic waste management sites currently operating in the County, with the Waste Site Allocation Plan requiring the site's removal from the Green Belt through the Local Plan process. The existing facilities at Burnside and Birchall Lane are ideally placed to deal with the considerable recyclable waste that will inevitably arise during the construction of the Birchall Garden Suburb. BP Mitchell's proximity to the allocated Garden Suburb is certainly beneficial and should facilitate the effective and sustainable recycling of waste material during this period.
- 2.4 However, whilst BP Mitchell ideally wish to remain at their Birchall Lane in the long-term and have spent a considerable amount of resources investing and expanding their base at Birchall Lane, it is acknowledged that Birchall Lane has also been allocated for employment development in the Garden Suburb and that even with adequate and well-planned landscape buffers, the presence of significant new residential development in the area will somewhat inevitably create a more complex and sensitive land use relationship between the sites and their surroundings and that there may be political pressure created by future residents that threatens BP Mitchell's ability to function and operate at their most effective level.
- 2.5 Accordingly, BP Mitchell has contacted Hertfordshire County Council to explore the potential of sourcing either a replacement or additional waste site as part of its Waste Plan review. A new larger site, with excellent connectivity to the primary highway network, divorced from sensitive land

uses and with the capacity to enable BP Mitchell to recycle even greater quantum of construction waste could potentially be a positive outcome for all parties. However, the solution inevitably requires a new Green Belt site in the County and requires the combination of political support, a proactive planning system and favourable market circumstances to become a realistic option and for these reasons, the assumption must be that both sites will remain in waste use for the duration of the plan period and beyond.

**52) If so, have the ramifications of their continued operation for the living conditions at proposed nearby residential dwellings been fully considered and does the notional layout meet the requirements of the NPPF paragraph 123 in the context of the operations of the existing users as well as any future residents?**

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2.6 In order to contextualise the response to this issue, it first seems prudent to develop a clear understanding of paragraph 123 of the NPPF.

2.7 Paragraph 123 of the NPPF stipulates the following:

*“Planning policies and decisions should aim to:*

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

2.8 An extensive area of land has been allocated for the Birchall Garden Suburb in the respective emerging Welwyn Hatfield and East Herts Local Plans.

2.9 It is our contention that 160 hectares (around 640 acres) is a considerable land allocation that can comfortably accommodate the proposed quantum of development in a way that can facilitate an exemplar urban extension.

2.10 The Garden Suburb is stated to deliver approximately 2,550 new homes over the Plan period, of which 1,200 will be in Welwyn Hatfield Borough and 1,350 in East Herts District. Using a simple calculation of 2,550 [homes] divided by 160 [hectares], this equates to a housing density of just 16 homes-per-hectare.

2.11 As such, we believe the identified land area should be able deliver an exemplar community that protects not just the amenity of future residents, but also safeguards existing businesses, including BP Mitchell, through careful masterplanning and creating appropriate buffers between the waste and residential land uses.

2.12 Failure to do this will result in a development that could threaten the viability of existing and important waste businesses and also compromise the residential amenity of future occupants. Accordingly, we consider that the need for landscaped buffers should be explicitly referenced in policy to ensure that the viability of BP Mitchell's business in this location is not threatened through insensitive siting of residential development in close proximity of the sites.

**53) Have the requirements of NPPF paragraphs 120-121 been taken fully into account in the planning of this garden suburb?**

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2.13 In order to contextualise the response to this issue, it first seems prudent to develop a clear understanding of paragraphs 210 and 121 of the NPPF.

2.14 Paragraph 120 of the NPPF stipulates the following:

*"To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*

2.15 In respect of Paragraph 120, it is considered that the Garden Suburb is located in an appropriate location but deliberate, sensitively-designed and generous landscaping buffers must be accommodated in order to safeguard existing waste management sites located in the immediate vicinity, particularly BP Mitchell's Birchall Lane site, but also the secondary Burnside site.

2.16 Any masterplan must respect the location and boundaries of these sites and ensure that there is an effective distance and a sufficient landscape buffer between the closest residential dwellings and the waste management facility.

2.17 Paragraph 121 of the NPPF stipulates the following:

*Planning policies and decisions should also ensure that:*

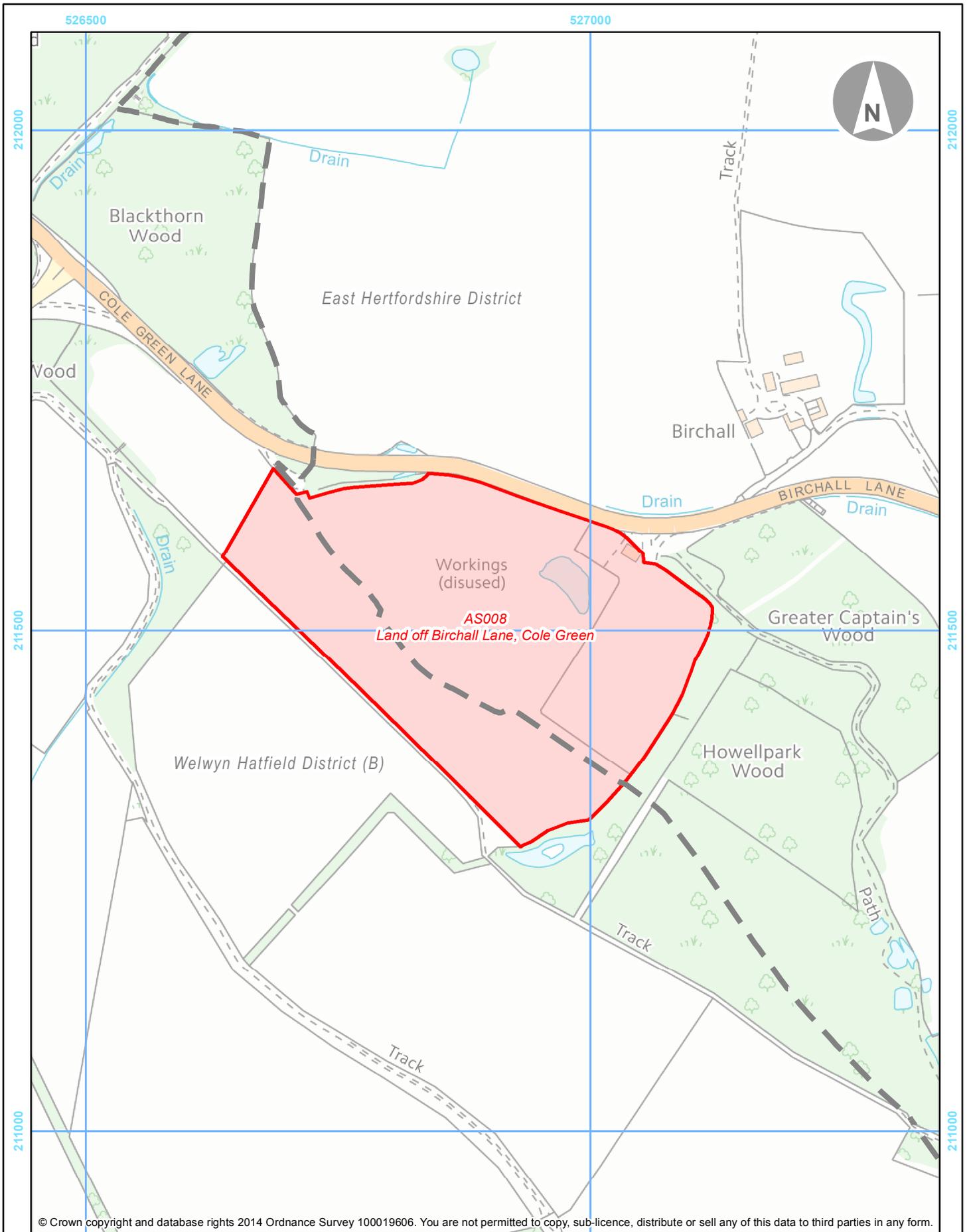
*- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*

*- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*

*- adequate site investigation information, prepared by a competent person, is presented.*

2.18 In order to ensure that Paragraph 121 of the NPPF is adhered to, such planned growth should be accompanied by a full Environmental Impact Assessment which will demonstrate the site's acceptability in terms of a whole host of environmental and land issues.

**APPENDIX 1 – WASTE SITE ALLOCATION MAP AND BRIEF FOR  
SITE AS008 [LAND OFF BIRCHALL LANE, COLE GREEN]**

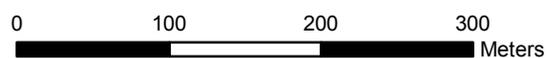


### Inset Map 007



Key  Allocated Site  Existing Safeguarded Strategic Site  ELAS

Scale 1:5,000



## **AS008 Land off Birchall Lane, Cole Green (Inset Map 007)**

<u>Site Address:</u>	Land off Birchall Lane, Cole Green.
<u>Location:</u>	Located to the east of Welwyn Garden City adjacent to the B195 (Birchall Lane).
<u>District:</u>	East Herts/Welwyn Hatfield Borough.
<u>Size:</u>	26.1 acres (10.57 ha).
<u>Planning Status:</u>	Situated in the Metropolitan Green Belt, on a site temporarily used for inert waste recycling and soil washing, in conjunction with the restoration of the historic landfill.
<u>Potential Use(s):</u>	<ul style="list-style-type: none"><li>• Anaerobic digestion.</li><li>• In-vessel composting.</li><li>• Open windrow composting (green waste).</li><li>• Household Waste Recycling Centre.</li><li>• Waste transfer station (dry recyclables).</li><li>• Waste transfer station (non-dry recyclables).</li><li>• Materials recovery facility (dry recyclables).</li><li>• Inert waste recycling.</li></ul>
<u>Potential scale of facilities:</u>	Small/medium/large scale facilities may be suitable on this site.
<u>Approximate Deliverability Timescale:</u>	A three year extension until April 2016 for the temporary inert waste recycling and soil washing facility has recently been approved. The site could therefore be available for development within the first five years of the plan period (2011-2016). This would be dependent upon demand and market forces.
<u>Key Planning Issues:</u>	<p>Located away from a substantial number of sensitive receptors. The grade II listed Birchall Farm lies within 200m to the northeast of the site and Cole Green Household Waste Recycling Centre is situated approximately 700m to the southeast.</p> <p>Partly within Cole Green Tip local wildlife site (58/004) and adjacent to Greater Captain's Wood and Holwell Park Wood local wildlife site (58/015). Rolls Blackthorn and Howick's Woods local wildlife site (58/020) is within 100m of the site.</p> <p>Birchall Farm, a grade II listed building and other associated listed outbuildings are within 200m to the</p>

north-east of the site. The grade II\* registered historic park and garden of Panshanger lies within 750m to the north-east of the site.

Situated in groundwater source protection zone 3 (SPZ3).

Situated in the sand and gravel belt on a former mineral extraction site, which has previously been infilled with domestic and inert wastes.

Located within the Welwyn Fringes Landscape Character Area.

Lies within the Metropolitan Green Belt in area of search B for a new organic waste recovery facility for local authority collected waste.

Screening exists along the northern boundary of the site fronting the B195 (Birchall Lane).

Access is via an existing entrance onto the B195 (Birchall Lane). Highway works have already been carried out to provide for HGV access to the site. Vehicle movements to and from the site are currently limited to 120 Monday to Friday (60 in and 60 out) and 60 on Saturday (30 in and 30 out).<sup>6</sup>

Detailed Assessments  
Required include:

Depending upon a proposal's specific location, measures should be incorporated to ensure that the Cole Green Tip local wildlife site (58/004), the adjacent Greater Captain's Wood/Holwell Park Wood local wildlife site (58/015) and the Rolls Blackthorn and Howick's Woods local wildlife site (58/020) that is situated within 100m of the site are not adversely affected.

Due to the size of the site, a desk based archaeological impact assessment would be required to assess both past impacts upon the site and previous archaeological investigations of the area and to model the current archaeological potential of the site.

Any future residential developments in the area will need to be considered in combination with any potential waste facility. Depending upon the proposed type of facility and where it would be

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<sup>6</sup> Condition 20 of planning permission reference: 3/2261-12.

located on the site, a detailed assessment of the potential impact on any future housing development may be required.

Depending upon the proposed type, size and scale of facility, a detailed assessment of the potential for impacts on the nearby grade II listed Birchall Farm and associated buildings and the grade II\* registered historic park and garden of Panshanger, including any contribution made by their setting, may be required at the planning application stage.

A detailed design for the management of surface water and proposals to install an impermeable, sealed drainage system would be required.

Piling, ground penetrations and surcharging would need to be carefully considered, in order to avoid the creation of pathways for the infiltration of water or the migration of contaminants from historic waste deposits.

A landfill gas risk assessment may be required in order to assess the risk of landfill gas.

A contaminated land assessment may also be required, due to the site's location on a former landfill.

Proposals over 1ha will require an individual flood risk assessment.

Due to its location in the Metropolitan Green Belt proposals would need to demonstrate very special circumstances for any waste related development at this site.

Additional planting may be necessary in order to screen any waste related development from views onto the site, whilst ensuring the openness of the Metropolitan Green Belt is maintained.

A Transport Assessment would be required at the planning application stage.

An Environmental Impact Assessment (EIA) would be required for developments that are prescribed by the EIA Regulations.

A Health Impact Assessment may be required at the planning application stage.

Depending upon the waste facility proposed, other assessments may be required at the planning application stage.

**APPENDIX 2 – BIRCHALL GARDEN SUBURB SHOWING  
LOCATION OF BP MITCHELL’S EXISTING SITES**

Figure 12 **Birchall Garden Suburb**

