

Mathew Heron
Welwyn-Hatfield District Council
Development Control
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AE

Our ref: NE/2015/124132/01-L01
Your ref: S6/2015/1107/FP
Date: 17 December 2015

Dear Mathew,

Land East of Hornbeam Lane, Essendon, Herts.

Retention of modified land levels and further land remodelling to agreed contours.

Thank you for consulting us on the above application. We have reviewed the information submitted but have concerns over the nature of the material and whether it is suitable to be retained in this location. We **object** to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are two strands to this objection. These are that:

1. We consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

Reason

To protect groundwater. The nature of the material is unknown and potentially contaminative. The site is located in a drinking water protected area and there is a risk of runoff entering the Essendon Brook.

National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).



In addition, the Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The proposal may prevent recovery of the Lee (from Luton Hoo lakes to Hertford) water body because it would may involve the run off of contaminated material into the Essendon Brook.

Overcoming our objection

The applicant should provide information to satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Advice for applicant

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

From www.gov.uk:

[Groundwater Protection: Principles and Practice \(August 2013\)](#)

- Our [Technical Guidance Pages](#), which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
- Use [MCERTS](#) accredited methods for testing contaminated soils at the site

From planningguidance.planningportal.gov.uk:

- [Land affected by contamination](#)

[British Standards](#) when investigating potentially contaminated sites and groundwater:

- BS 5930: 1999 A2:2010 Code of practice for site investigations
- BS 10175:2011 Code of practice for investigation of potentially contaminated sites
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Should you have any queries please contact me.

Yours sincerely,

Kai Mitchell (on behalf of Emily Federici)
Sustainable Places Planning Advisor

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