

David Elmore
Welwyn-Hatfield District Council
Development Control
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AE

Our ref: NE/2019/130437/01-L01
Your ref: 6/2019/1411/MAJ
Date: 2 August 2019

Dear David

Plot 5100 Mosquito Way Hatfield Business Park Hatfield AL10 9WN

Erection of a multi-franchise car dealership (sui generis use) with offices (B1 use class), workshops (B2 use class) and car storage (B8 use class), together with car parking, cycle parking, boundary treatment, landscaping, lighting and access.

Thank you for consulting us on the above application. The site is located in a source protection zone 2 (SPZ2), therefore these proposals need to be dealt with in a way which protects the underlying groundwater.

Groundwater is particularly sensitive in this location because the proposed development site lies in an area where the chalk and lower gravel aquifer are polluted by bromate and bromide from an off-site source. It is important that developments do not exacerbate this contamination nor interfere with the remediation.

Piling or other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

In light of the above, the proposed development will only be acceptable if the following planning conditions are included:

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition 1

Borehole drilling, piling or other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed foundations and other penetrative methods do not harm groundwater resources in line with paragraph 170 of the NPPF and [‘The Environment Agency’s approach to groundwater protection’](#).

Cont/d..

Additional comments

Having reviewed the submitted *Contamination & Land Quality Assessment, Plot 5100, Hatfield Business Park*. Prepared for Arlington by Baynham Meikle Partnership Limited. Project Ref: LQA / JD /12690. First Issue. 13th February 2019. This document does not identify the issues associated with the site being located over the existing bromate and bromide groundwater pollution.

The Site Investigation Plan on page 34 of this document indicates 8 boreholes of depths down to 25m. It is not clear if this is a site investigation proposal or map of drilled boreholes. It is important that any drilling activities, monitoring installations or foundations design do not create a pathway for the contamination to migrate between shallow and deeper groundwater.

Condition 2

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

Additional comments

Having reviewed the submitted *Flood Risk Assessment & Drainage Strategy, Plot 5100, Hatfield Business Park*. Prepared for Arlington by Baynham Meikle Partnership Limited. Project Ref: JD/12690. Draft Issue. 22nd February 2019. This document is a draft and this status suggests that the drainage scheme might evolve after planning determination.

The submitted document does not specifically mention that the site is located over the existing bromate and bromide groundwater pollution but does allude to this issue in section 5.2 Proposed Drainage: "*Concerns have previously been raised that allowing surface water infiltrate into the ground may promote the mobilisation of deep historic contaminants below ground and this may lead to possible contamination of the underlying aquifer.*"

The submitted document recognises that this site is not suitable for infiltration drainage in Section 5.2: "*It is proposed that the permeable stone media is tanked by an impermeable membrane and flows are allowed to discharge into the drainage system, which is acceptable for the purposes of protection of groundwater.*" but this aspiration is not clearly included in section 5.4 Drainage Design Summary.

Advice to applicant

From the submitted plans we note that the land will be raised from the existing levels across the site for the proposed development. Therefore the following information is relevant as it seems likely that the developer will import material.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommends that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on gov.uk

We further recommend that developers should also:

1. Follow the risk management framework provided in [CLR11, Model Procedures for the Management of Land Contamination](#), when dealing with land affected by contamination
2. Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the [contaminated land](#) pages on gov.uk for more information

Further Advice to Applicant

If you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service.

If you wish to request a meeting, or document review, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk

Further information on our charged planning advice service is available at: <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>

Should you have any queries regarding this response, please contact me.

Yours sincerely

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