

Sukhdeep Jhooti
Welwyn-Hatfield District Council
Development Control
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AE

Our ref: NE/2021/132790/01-L01
Your ref: 6/2020/3222/MAJ
Date: 9 March 2021

Dear Sukhdeep,

Former Volkswagen Van Centre, Comet Way, Hatfield, AL10 9TF.

Demolition of existing buildings and construction of new building comprising 118 residential apartments, layout of parking areas, landscaping, electricity substation and ancillary development.

Thank you for consulting us on the above application on 11 January 2021, and apologies for the delay in our response.

As part of this consultation we have reviewed the following documents:

- Ground Conditions Assessment (Phase 1) (Contamination & Land Stability). Prepared for Comet Way Hatfield Ltd by Stantec UK Ltd. Project Ref: 47179. Document ref: 47179/3501/R001. Rev: 00. Date: 29 April 2020.
- Phase 2 Ground Investigation Report Conditions Assessment. Prepared for Comet Way Hatfield Ltd by Stantec UK Ltd. Project Ref: 47179. Document ref: 47179/3502/r1. Rev: 00. Date: 18 August 2020.

Groundwater is particularly vulnerable in this location because the proposed development is located within a Source Protection Zone 2 (SPZ2) and above a plume of bromate and bromide pollution.

The proposed development will only be acceptable subject to the inclusion of the following conditions. Without the following conditions, the proposed development would pose an unacceptable risk to the groundwater environment and we would object in line with Paragraph 170 of the National Planning Policy Framework (NPPF) and Policies R2 (Contaminated Land) and R7 (Protection of Ground and Surface Water) of the Welwyn Hatfield District Plan (2005).

We ask to be consulted on the details submitted for approval to discharge these conditions and on any subsequent amendments/alterations.

Condition 1: Remediation Strategy

Prior to development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will

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include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

This condition is to secure “Section 9.5- Outline Remediation Strategy” from the Phase 2 report submitted in support of this application.

We wish to add that the inclusion of further groundwater sampling in this strategy is necessary. The Phase 1 report correctly identifies that groundwater in this area is polluted by bromate and bromide, however the Phase 2 report does not include bromate and bromide in the groundwater sample analytical suite.

It is important that the severity of the pollution beneath the site is fully understood prior to finalising drainage and foundation design, and prior to commencement of construction.

This is in line with Paragraph 170 of the NPPF and Policies R2 and R7 of the Welwyn Hatfield District Plan (2005).

Condition 2: Verification Report

Prior to development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and Policy R7 of the Welwyn Hatfield District Plan

(2005).

Condition 3: SuDS Infiltration of surface water into ground

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.

Reasons

Any proposal for infiltration drainage must robustly demonstrate that it will not exacerbate the bromate and bromide groundwater pollution beneath the site.

This is in line with Paragraph 170 of the NPPF and Policies R2 and R7 of the Welwyn Hatfield District Plan (2005).

Please note that given the sensitivity of groundwater in this location, we do not consider that the use of infiltration SuDS is appropriate.

Condition 4: Piling

Piling/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.

Reasons

Any proposal for piled or deep foundations must robustly demonstrate that it will not exacerbate the bromate and bromide groundwater pollution beneath the site.

Piling/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.

This is in line with Paragraph 170 of the NPPF and Policies R2 and R7 of the Welwyn Hatfield District Plan (2005)

If piling/foundations are anticipated to be deeper than 10 metres below ground level then it is critical that the applicant fully understands severity of the pollution beneath the site.

Advice to applicant

Land contamination: risk management and good practice

We recommend that developers should:

- Follow the risk management framework provided in '[Land contamination: risk management](#)' when dealing with land affected by contamination
- 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
- Consider using the National Quality Mark Scheme (NQMS) for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Waste on-site

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 recommend 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

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Petrol stations and fuel dispensing facilities

Good practice should be followed in the location, design, construction and maintenance of petrol stations and other fuel dispensing facilities. Due regard should be given to '[The Environment Agency's approach to groundwater protection](#)' document, in particular the position statements and guidance in the section on the storage of pollutants (chapter D). You should also refer to the following pollution prevention and mitigation guidance including:

- Guidance on Environmental Management at Petrol Filling Stations – Energy Institute
- Design, construction, maintenance and decommissioning of filling stations (also known as the Blue Book (APEA/EI) – Energy Institute – 2011
- Groundwater Protection Code – Petrol stations and other fuel dispensing facilities involving underground storage tanks – Defra Code of Practice

- CIRIA C736: Design of Containment Systems for the Prevention of Water Pollution

The Blue Book provides detailed information on the decommissioning (and investigation) of redundant tanks, risk assessment, the design and construction criteria and maintenance procedures which we expect to be implemented.

Please note that our comments are only in relation to environmental issues. Others may need to be consulted with respect to Health and Safety or amenity issues.

Further guidance can be found on the water management pages of gov.uk.

Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential development are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within [the Building Regulations &c. \(Amendment\) Regulations 2015](#).

However, we recommend that in areas of serious water stress (as identified in our report [Water stressed areas - final classification](#)) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

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

Yours sincerely,

George Goodby
Sustainable Places Planning Advisor

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E-mail HNL.SustainablePlaces@environment-agency.gov.uk