

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2021/2260/FULL  
**Location:** Shell Welwyn Garden City Stanborough Road Welwyn Garden City  
 AL8 6XA  
**Proposal:** Redevelopment of petrol station; including demolition of existing sales building, canopy link and car wash/jet washes, erection of a new sales building, provision of car parking spaces, provision of EV charging bays and associated plant, erection of a new bin store, retention of forecourt and canopy, and associated works  
**Officer:** Mr Raymond Lee

**Recommendation:** Granted

6/2021/2260/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises of the Shell petrol filling station located on the northern side of Stanborough Road. The site currently contains a retail store, a forecourt with 4 petrol pump islands, two covered jet wash bays, a drive-thru car wash at the north west of the site and an air/water bay with two vacuum bays on the western corner of the site. There are also Amazon lockers and an ATM at the southern side of kiosk building. Although there are two parking spaces on the south-western boundary of the site, parking is generally on an ad hoc basis. The existing kiosk building measures approximately 165sqm in footprint, with a retail floor area of around 99sqm. The building itself measures approximately 10.5m in depth, 16m in width and 6.6m in overall height (4.2m to eaves). The existing drive-thru car wash structure measures approximately 10.1m in depth, 16.1m in width and 3.8m in height, with a footprint of around 162sqm. Vehicular access to the site is in the form of bellmouths that operate to separate entry and exit only arrangement.</p> <p>The application seeks planning permission for the redevelopment of the existing petrol station; including demolition of existing sales building, canopy link and car wash/jet washes, erection of a new sales building, provision of car parking spaces, provision of EV charging bays and associated plant, erection of a new bin store, retention of existing forecourt and canopy, and associated works. There will be the provision of 14 car parking spaces and an additional four EV spaces, two bicycle stands and a bin store. The proposal also includes the retention of the existing vehicular and pedestrian accesses, and the retention of the number of petrol pumps islands. The bin area will be enclosed by a 2m high close boarded fence with double door access.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>CA - Conservation Area: WGC1; - Distance: 0            EM - Estate Management - Distance: 0            Wards - Handside - Distance: 0            CP - Cycle Path (National Cycle Network) - Distance: 15.7            CP - Cycle Path (Cycle Facility / Route) - Distance: 15.7            FM00 - Flood Zone Surface Water 1000mm (74434) - Distance: 0</p>

	<p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: D6/1949/0424/ Decision: No Information Decision Date: 31 December 1949 Proposal: Proposed petrol station and motel.</p> <p>Application Number: E/1960/0401/ Decision: Granted Decision Date: 14 April 1960 Proposal: Site for petrol station and showrooms.</p> <p>Application Number: E/1960/0924/ Decision: Granted Decision Date: 14 June 1960 Proposal: Erection of petrol station and showroom.</p> <p>Application Number: E/1961/0787/ Decision: Granted Decision Date: 30 May 1961 Proposal: Erection of showroom and offices.</p> <p>Application Number: E/1963/0070/ Decision: Granted Decision Date: 22 February 1963 Proposal: Offices And Store</p> <p>Application Number: E/1967/0070/ Decision: Granted Decision Date: 01 February 1967 Proposal: Minor works to garage.</p> <p>Application Number: E/1967/1291/ Decision: Granted Decision Date: 28 July 1967 Proposal: Use of part storage building as workshop.</p> <p>Application Number: E/1967/2084/ Decision: Granted Decision Date: 29 November 1967 Proposal: Extensions to autoshop.</p> <p>Application Number: E/1968/1670/ Decision: Granted Decision Date: 04 November 1968 Proposal: Greasing bay extension.</p> <p>Application Number: N6/1974/0073/ Decision: Granted Decision Date: 04 June 1974 Proposal: Extensions and alterations to form mess room and extension to lubrication bay</p>

	<p>Application Number: N6/1974/0576/  Decision: Granted  Decision Date: 04 December 1974  Proposal: New canopy, conversion to self service operation and new 6000 gallon underground tank</p> <p>Application Number: N6/1977/0086/  Decision: Granted  Decision Date: 21 April 1977  Proposal: Alterations to forecourt and access to provide new parking area</p> <p>Application Number: C6/1985/0050/  Decision: Granted  Decision Date: 15 March 1985  Proposal: Amendment to forecourt layout and resiting pumps and new canopy</p> <p>Application Number: C6/1987/0592/FP  Decision: Granted  Decision Date: 12 February 1988  Proposal: Erection of petrol filling station with convenience store, canopy, and associated access roads with car parking (Application received July, 1987).</p> <p>Application Number: C6/1987/0588/CA  Decision: Granted  Decision Date: 12 February 1988  Proposal: Demolition of existing building</p> <p>Application Number: C6/1987/0589/OP  Decision: Refused  Decision Date: 12 February 1988  Proposal: Erection of petrol filling station with store, canopy car wash &amp; restaurant with takeaway facilities, &amp; associated access roads &amp; car parking (App rec July, 1987)</p> <p>Application Number: C6/1987/0590/OP  Decision: Refused  Decision Date: 12 February 1988  Proposal: Erection of petrol filling station with store, canopy, car wash &amp; restaurant with takeaway facilities, &amp; assoc. access rds with car parking (App. rec. July, 1987)</p> <p>Application Number: C6/1987/0591/FP  Decision: Granted  Decision Date: 11 March 1988  Proposal: Erection of car wash and associated access roads with car parking. (Application received July, 1987)</p> <p>Application Number: C6/1988/0452/FP  Decision: Refused  Decision Date: 09 June 1988  Proposal: Variation of condition 3 to Planning Permission Ref. No. C6/0591/87/FP to allow the car wash to operate between the period 0600 to 2300 hours</p> <p>Application Number: C6/1988/0453/FP</p>
--	---

	<p>Decision: Refused  Decision Date: 09 June 1988  Proposal: Variation of condition 2 to Planning Permission Ref. No. C6/0595/87/FP to allow the petrol filling station and convenience store to open between 0600 to 2300 hours</p> <p>Application Number: N6/1989/0042/FP  Decision: Granted  Decision Date: 03 March 1989  Proposal: Erection of a petrol filling station, canopy, retail convenience shop, car wash, landscaping and ancillary facilities</p> <p>Application Number: N6/1989/0377/FP  Decision: Granted  Decision Date: 18 August 1989  Proposal: Variation of condition 7 of Planning Permission Ref. No. N6/042/89/FP to permit operation of the site only between the hours of 0600 and 2300 on any day</p> <p>Application Number: N6/1989/0450/FP  Decision: Granted  Decision Date: 18 August 1989  Proposal: Variation of Condition 7 of Planning Permission Ref. No. N6/042/89/FP to permit operation of the shop and car wash only between 0600 and 2300 and the sale of petrol at any time</p> <p>Application Number: N6/1991/0321/FP  Decision: Withdrawn  Decision Date: 01 October 1991  Proposal: Erection of a new petrol filling station, convenience store, car wash and ancillary facilities</p> <p>Application Number: N6/1991/0322/FP  Decision: Withdrawn  Decision Date: 17 November 1992  Proposal: Erection of a new petrol filling station, convenience store, car wash and ancillary facilities (duplicate application)</p> <p>Application Number: N6/1993/0791/FP  Decision: Granted  Decision Date: 17 February 1994  Proposal: Erection of petrol filling station, canopy, retail convenience shop, car wash, landscaping and ancillary facilities. (Renewal of permission N6/0042/89/FP)</p> <p>Application Number: N6/1993/0793/FP  Decision: Granted  Decision Date: 17 February 1994  Proposal: Erection of petrol filling station, with shop, forecourt refueling area, forecourt canopy, automatic car wash, No.2 jet washes, tank installation and surfaced areas, alterations to access</p> <p>Application Number: N6/1997/0671/FP  Decision: Granted  Decision Date: 12 December 1997</p>
--	--

	<p>Proposal: Erection of an extension to existing petrol filling sales building, change of use to A1 (Retail) purposes, new plant room building, new binstore enclosure, and conversion of jet washes to rollover car wash facilities</p> <p>Application Number: N6/2001/0684/FP  Decision: Granted  Decision Date: 30 July 2001  Proposal: RETENTION OF 1.0m DIAMETER SATELLITE ANTENNA</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 17 September 2021  Site Notice Expiry Date: 8 October 2021  Press Advert Display Date: 1 September 2021  Press Advert Expiry Date: 22 September 2021  Neighbour notification letters.</p>		
<b>Summary of neighbour responses</b>	None received.		
<b>Consultees and responses</b>	<p>WHBC - Public Health and Protection - No objection, suggested conditions and informatives.</p> <p>WHBC - Landscape Department – No objection, suggested conditions.</p> <p>Environment Agency - No objection, suggested conditions.</p> <p>HCC - Hertfordshire Transport Programmes &amp; Strategy - No objection, suggested conditions and informatives.</p> <p>Lead Local Flood Authority - No objection, suggested condition.</p>		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others:  TCR32 Petrol Filling Stations SD1 Sustainable Development R1 Maximising the Use of Previously Developed Land R2 Contaminated Land R7 Protection of Ground Water and Surface Water R19 Noise and Vibration Pollution R20 Light Pollution D8 Landscaping  <u>Draft Local Plan Proposed Submission 2016:</u> SP1 Delivering Sustainable Development SP9 Place Making and High Quality Design SADM11 Amenity and Layout			

**Main Issues**

**Redevelopment of the existing Petrol filling station**

District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan. Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para.120) and the efficient use of land (para.124).

The site lies within the built-up area of Welwyn Garden City (WGC) wherein there is no objection in principle to the redevelopment and making efficient use of brownfield land.

Policy TCR32, Petrol Filling Station, states that planning permission will only be granted for new petrol filling stations or extensions to existing petrol filling station where the following criteria are met:

- i. The proposal would not harm the residential amenities of nearby properties;
- ii. It would provide adequate servicing and access arrangements and would not be detrimental to highway safety;
- iii. It would not appear visually intrusive in the street scene nor harm the established character of the area;
- iv. Any retailing element would be ancillary to the main use as a petrol filling station and would not harm the vitality and viability of any nearby shopping centres.

**Neighbour Amenity**

The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all occupants of land and buildings. Policies D1 and R19 of the District Plan seek good design and to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. Policy R20 of the District Plan 2005 seeks to minimise light pollution.

The site is surrounded to the north, east and west by residential properties and commercial properties to the south consisting of a Public house, hotel and the Gosling Sports Park. In this case, the existing forecourt is to be retained as existing and the new sales building will be sited to the rear of the site where it was previously utilised for the covered jet wash/car wash and car care facilities. The proposed replacement kiosk building, at approximately 4.4 metres tall, would not be over dominant in its setting and it would be sufficiently distanced from the adjoining properties to avoid detrimentally harming the amenities of nearby residential dwelling in terms of light, outlook

and privacy. Furthermore, the proposal is not considered to represent a material intensification of use of the site, particularly given that the number of fuel pumps will remain unchanged. Therefore it is not considered that the proposals would cause a loss of amenity for nearby residents by virtue of comings and goings of visitors. Due to the removal of the car washing facilities at the rear of the site, there would be less activity and associated noise near the common boundaries when compared to the present situation. No objections were raised by the Council's Environmental Health Team subject to a condition securing details of noise mitigation from new plant and equipment in accordance with BS4142:2014.

In terms of light pollution, although the submitted plans indicate the location of the proposed floodlighting, further details including vertical lux diagrams which show potential light trespass into windows of nearby residential properties is required to protect the visual amenity of the locality – this can be appropriately secured via condition.

Subject to conditions, the scheme would therefore maintain an acceptable level of neighbour amenity in compliance with criteria i) of Policy TCR32, the National Planning Policy Framework, Policies D1, D2, R19 and R20 of the District Plan 2005 and the SDG 2005.

#### **Access, parking and highway impact**

Paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 111 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

The proposed access to the site would retain the existing entrance and exit arrangement but would now include the narrowing of the existing access and provision of dropped kerbs and tactile pavings at both of the site access to improve pedestrian safety for all ages and abilities. The submitted access plans also demonstrates that a max UK length vehicle (16.5m) can suitably enter and exit the site in forward gear. A sufficiently wide access corridor is provided for the dragging of bins between the bin storage area and position of a refuse vehicle. No objections are therefore raised by the Highway Authority to the proposed access design.

In terms of trip generation, the proposal is not considered to represent a significant increase in the size or capacity. Although the proposals will introduce an additional retail floorspace to the site, the amount of fuel pumps will remain the same. The proposal is unlikely to generate a significant number

of addition vehicle trips to and from the site either to the petrol forecourt or forecourt shop. In any case the site already experiences a high number of trips throughout the day so it is unlikely that a small increase would adversely affect the highway network. The Highways Authority was consulted on the application and they are satisfied that the number of vehicle trips generated by the site will remain similar based on the 'like-for-like' redevelopment proposals. In this regard the proposed access and vehicle circulation arrangements and are considered acceptable and there is not considered to be a loss of highway safety.

In terms of parking, whilst the larger kiosk building will result in additional retail floorspace, the plans indicates that the parking on site will be formalised to provide six car parking spaces, including a DDA space, in close proximity to the store entrance. A further five spaces being provided on the eastern boundary and four EV charging points will be provided to the east of the kiosk building. Given the improved onsite parking provision, and the fact that the majority of its users are only visiting the kiosk when purchasing fuel, the additional floor space is unlikely to cause undue highway safety issues. The provision of EV charging at the site is also a benefit of the scheme.

Accordingly no objections are raised with criteria ii) of Policy TCR32. It is also considered that the development would not have an unreasonable impact on the safety and operation of the adjoining highway in accordance with the National Planning Policy Framework; Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance.

#### **Impact upon the character of the area**

District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Emerging Local Plan. In addition to the above, the revised National Planning Policy Framework (NPPF) has a stronger emphasis on good quality design than its predecessor. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Consideration should also be given to paragraph 199 which affords great weight to the conservation of heritage assets and paragraph 200 which requires clear and convincing justification for any harm to heritage assets.

With regards to the impact of development upon the character of the application site and the wider conservation area, the proposal seeks to redevelop the existing site with an enlarged retail kiosk building measuring approximately 297sqm in footprint that would be situated at the northern part of the site. The building will be approximately 4.2m in height, 21m in width and



14m in depth. The retail area is to be circa 160sqm in floor area. It is important to note that the proposal site is already an established commercial site within the street scene of Stanborough Road, which includes existing built form and large areas of hardstanding for access, parking and driveway. There are also other commercial properties opposite to the south,

The proposed replacement kiosk building would be a single storey structure with a shallow mono-pitched roof clad in white panels, with glazing to the front elevation. It was stated that the new kiosk has been designed to have a modern and practical appearance with an extensively glazed front elevation to allow natural light into the building, and natural surveillance into and out of the building across the forecourt.

Given the modest height of the replacement kiosk building, it is not considered that the bulk and massing would be overtly dominant or out of character within its setting. Furthermore, the replacement kiosk building will also be sufficiently set back from the road by around 40 metres which would aid in minimising its visual impact upon the streetscene. The proposal will retain the existing planting at the front of the site and additional planting is also proposed around the site which provides improved screening of the development and benefits the appearance of the site. The existing forecourt structure will be retained towards the front of the application site however the link to the sales building will be removed to reduce the amount of unnecessary built form at the site. Moreover, the proposal development would also entirely remove the existing car wash building from the site which is approximately 162sqm in footprint at a height of around 3.8 metres. As a result, the footprint of the proposed built form will not only be similar to the existing situation but also improved upon as it would be consolidated into one building. The proposed layout of the site would therefore be acceptable. It is noted that while a modern petrol filling station is not entirely in keeping with the character of a conservation area, it must be acknowledged that this is a long established site for an intended use, and that the proposal on balance represents a relatively modest refurbishment of an existing use and the proposed development would not change the prevailing character of the street. Subject to a condition requiring sample of materials, the proposed development is considered to have an acceptable level of impact to the visual amenity of the surrounding Conservation Area.

Consequently, it is considered that the proposal, in terms of design, scale and appearance would not have an adverse impact upon the character and appearance of the local area or heritage assets. Furthermore, the proposal would not appear unduly intrusive within the site, complying with criteria iii) of Policy TCR32. The development is also considered to be in compliance with the National Planning Policy Framework, Policies D1 and D2 of the District Plan and Policy SP9 and SADM15 of the Emerging Local Plan. The proposal would also comply with the provisions of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 in preserving the Conservation Area.

#### **Impact upon the vitality and viability of any nearby shopping centres**

The proposed redevelopment of the site would facilitate an enlarged kiosk building that would provide an additional retail floor area of approximately 61sqm. Whilst there would be an increase to the retail element of the petrol filling station, given the relatively modest scale of the development, it is clear that retail element would remain ancillary to the primary use of the site as a

	<p>petrol filling station. As such there would be no material harm to the vitality and viability of any nearby retail shops. Subsequently no objections are raised to criteria iv) of Policy TCR32.</p> <p>Having regard to all of the above, the development is considered to be in line with Policy TCR32 of the District Plan.</p>
<p><b>Any other considerations</b></p>	<p><i>Drainage</i></p> <p>The Lead Local Flood Authority (LLFA) was consulted on the application and it was stated that the drainage strategy is based on discharge into the combined Thames Water sewer. However, no further details have been provided regarding the scheme. It was advised that as minimum the applicant is required to provide a suitable discharge location, discharge rate and provision of attenuation storage volume for the 1 in 100 year plus climate change event. The LLFA however advised that the details can be secured via condition. It is therefore considered reasonable and necessary to impose a condition upon any grant of approval securing the submission of a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles. An informative will also be added in the event of an approval to advise the applicant of the need to contact Thames Water to ensure they are satisfied with the proposed discharge of surface water into their sewer.</p> <p><i>Contamination</i></p> <p>Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.</p> <p>In this case, a Preliminary (Phase 1) Site Assessment Report has been submitted to support the proposals. No objections have been received from Public Health and Protection to the proposed development however due to the nature of the use, it is considered necessary to place conditions on any given permission requiring the submission of a remediation Strategy and a contamination monitoring and maintenance plan. This has also been requested by the Environmental agency. This will ensure that the site is safe and suitable for end use and to demonstrate that the potential pollutant linkages do not pose a risk to health.</p> <p><i>Landscaping</i></p> <p>District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.</p> <p>The Council's Landscape Department has assessed the Arboricultural and landscape information submitted by the applicant. It was considered that the Arboricultural information supplied is detailed and in accordance with BS:5837:2012. The proposal does require the removal of some C category trees, however the loss of these trees is mitigated with proposed new tree</p>

	<p>planting shown on the landscaping plan. The proposed tree protection plan shows the location of the protective fencing. The location of the proposed fencing is considered to be appropriate, however it is noted that some works are required within the RPA of some of the trees. Therefore it is recommended that an Arboricultural Method Statement providing details of any works within the RPAs of the retained trees is requested via condition in the event of an approval. Given the use of the site the proposed landscaping is considered sufficient and appropriate. The plant sizes, planting methods and aftercare are considered appropriate and should be adhered to fully which can be secured via condition. Overall, there is no objection to the proposal on landscape grounds with the proviso a detailed Arboricultural Method Statement is provided.</p>
--	---

**Conclusion**

Having regard to all of the above, subject to the suggested conditions, the proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, the Welwyn Hatfield District Plan and Supplementary Design Guidance. It is therefore recommended that planning permission is granted.

**Conditions:**

1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k. Phasing Plan.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy SADM2 of the Emerging Welwyn Hatfield Local Plan 2016.

2. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

1. An assessment with an appropriate evidence to discharge surface water runoff from the development site into an existing into a public surface water sewer.

2. Final, detailed drainage layout plan showing all piped networks and SuDS features, identified invert levels, as well as a final discharge point into an existing ordinary watercourse or a public sewer. Should be updated in line with a final red line boundary of the development site.

3. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100 year rainfall including 40% for climate change allowance. As the final discharge rate 5 l/s should be considered. If a higher rate will be proposed, a strong technical justification will have to be provided.

4. Detailed engineered drawings of the proposed SuDS (permeable paving, swales, pond) and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs.

5. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.

6. An assessment of any surface water runoff flows exceeding the designed 1 in 100 year event including 40% for climate change allowance.

7. Maintenance and management plan to include the final land ownership plan, arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to protect the surrounding environment from flooding in accordance with Policies R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

- a) 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.

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.

- d) 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 (c) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

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 in line with paragraph 174 of the National Planning Policy Framework and Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

4. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework and Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

5. Prior to commencement of the development an Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method statement must include:
  - a) A plan showing the areas of trees, or parts of trees growing from adjacent sites, to be protected and fencing in accordance with the relevant British Standard (BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) and to identify areas where no chemical or materials or equipment shall be stored, mixed or prepared, no fires or site washings, within the root protection area of the tree or under the canopy spread whichever is the greater;
  - b) Details of any proposed alterations to existing ground levels and details of any proposed excavation within the proximity of the root protection area of any retained tree, including trees growing from adjacent sites, or within a distance from any retained tree equivalent to half the height of that tree; and
  - c) Specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The approved Arboricultural method statement must thereafter be adhered to from start to completion of the development.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policies R17 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. Part A) Design Approval Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number PD001 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Part B) Implementation / Construction Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

8. Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. The development shall not be carried out except in accordance with the approved Landscaping plan (drawing no. SY21-292-LPP-21-08 A), Tree Survey Report and Tree Constraints Plan & Arboricultural Impact Assessment by Squires Young Landscape Architecture dated July 2021, and the Landscape Management Plan by Squires Young Landscape Architecture dated July 2021.

REASON: For the avoidance of doubt and in the interest of protecting and enhancing the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

10. No development above ground level shall take place until details relating to the external lighting (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) have been submitted to and agreed in writing by the Local Planning Authority. This scheme must meet the

requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. The agreed lighting shall subsequently be implemented.

REASON: To protect the amenity of existing residential properties in the near vicinity to the development in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

11. Prior to above ground works, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to mitigate the noise from new plant and equipment. The impact of new plant and equipment should be assessed in accordance with BS4142:2014. When noise sources show signs of tonality we require noise levels to be 10dB below background noise level at the nearest receptor location. In instances where the noise source presents no tonality we require the noise level to be 5dB below the background noise level at the nearest receptor location.

REASON: To protect the occupants adjoining the new development from noise disturbance in accordance with Policy R19 and D1 of the District Plan 2005 and the National Planning Policy Framework.

12. All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays

8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

REASON: To protect residents from noise from construction works beyond reasonable times in line with Policy R19 and D1 of the District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating 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.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in line with paragraph 174 of the National Planning Policy Framework.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment

must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

15. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement N Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

16. Piling, deep foundations and other intrusive groundworks using penetrative measures 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 any proposed piling, deep foundations and other intrusive groundworks do not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement N. Groundwater Resources of the 'The Environment Agency's approach to groundwater protection'.

17. 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, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

18. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.



REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### DRAWING NUMBERS

19. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
12038629/LP /21		Location Plan	28 July 2021
12038629/BP /21		Block Plan	28 July 2021
12038629/ES L1/21		Existing Site Layout	28 July 2021
12038629/ES L2/21		Existing Site Layout	28 July 2021
12038629/ES E/21		Existing Elevations	28 July 2021
12038629/ES BE/21		Existing Sales Building Elevations	28 July 2021
12038629/ES BL/21		Existing Sales Building Layout	28 July 2021
12038629/PS BE/21		Proposed Sales Building Elevations	28 July 2021
12038629/PS BL/21		Proposed Sales Building Layout	28 July 2021
12038629/PS L2/21	B	Proposed Site Layout	12 November 2021
12038629/PS E/21	B	Proposed Site Elevations	12 November 2021
12038629/PS L1/21	B	Proposed Site Layout	13 January 2022
SY21-292- LPP-21-08	A	Proposed Landscaping Plan	12 November 2021
12038629/PS DL/21		Proposed Drainage Layout	12 November 2021
12038629/PP G21/17		Existing Drainage Layout	12 November 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

## 1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

### **Informatives:**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
4. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any

breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

5. It was advised that confirmation is sought from the relevant water company that they accept the proposed connection and discharge rate to the Main Sewer Connection prior to development.
6. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>
7. The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
8. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300

1234047.

10. The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of details required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-road-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
11. The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
12. Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website or telephoning 0300 1234047.
13.
  1. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
  2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
  3. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
  4. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
  5. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
  6. All pile driving shall be carried out by a recognised noise reducing system.
  7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
  8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
  9. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
  10. Any emergency deviation from these conditions shall be notified to the Council without delay
  11. Any planned deviations from these conditions for special technical reasons,

shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

12. Permissible noise levels are not specified at this stage.

14. All efforts shall be made to reduce dust generation to a minimum

Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

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

16. The Environmental Agency recommend that developers should:

? Follow the risk management framework provided in Land Contamination: Risk Management (formerly CLR11), when dealing with land affected by contamination.

? Refer to the Environment Agency 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 for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary>)

? Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and reference with these documents:

? BS5930:2015 Code of practice for site investigations;

- ? BS 10175:2011 A1:2013 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 (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details).
- ? BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples
- ? BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples
- ? Use MCERTS accredited methods for testing contaminated soils at the site.
- ? Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

17. The Environmental Agency expects the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and reference with these documents:
  - ? BS5930:2015 Code of practice for site investigations;
  - ? BS 10175:2011 A1:2013 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 (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details).
  - ? BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples
  - ? BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples
  - ? Use MCERTS accredited methods for testing contaminated soils at the site.
  - ? Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.
  
18. The Environmental Agency advises that a Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. The following should be considered:
  - ? Use MCERTS accredited methods for testing contaminated soils at the site
  - ? The DQRA report should be prepared by a "Competent person" (e.g. a suitably

qualified hydrogeologist). The DQRA should be based on site-specific data, however in the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

? Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m. Further guidance is available at <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with the Land Contamination: Risk Management guidance. Any remediation strategy must be carried out by a competent person, in line with paragraph 183 of the National Planning Policy Framework. The National Planning Policy Framework defines a "Competent Person (to prepare site investigation): A person with recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation".

19. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is 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 2010

? 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 waste material to be produced at or taken off site is hazardous waste and 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 waste management page on GOV.uk for more information.

20. 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 are waste or have ceased to be waste. Under the Code of Practice:

? excavated materials that are recovered via a treatment operation can be re-used on-site provided 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.

The Environmental Agency 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

**Determined By:**

Mr Francis Saayeng

14 June 2022