

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

Our ref: NE/2023/136563/01
Your ref: 6/2023/2418/OUTLINE
Date: 10 January 2024

Dear David,

**Former Hook Estate And Kennels, Coopers Lane Road /Firs Wood Close, Northaw
EN6 4BY**

**Outline planning application with all matters reserved except for primary means
of access for C2 (extra care) dwellings, ancillary community facilities,
landscaping, and access from Coopers Lane Road**

Environment Agency position

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. We recommend that planning permission should be refused on this basis.

Reason(s)

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the planning practice guidance (PPG) (ref ID 34-020-20140306) advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no such information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to water environment arising from the proposed development.

In particular, the submitted application fails to:

- address the following issues as set out Paragraph H1 of Schedule 1, Building Regulations 2010 in order to demonstrate that the proposed foul drainage system will be designed and sited such that
 - (a) it is not prejudicial to the health of any person

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- (b) it will not contaminate any watercourse, underground water or water supply
 - (c) there is adequate means of access for emptying work and future maintenance, including future replacement of any drainage field
 - (d) any septic tank, holding tank or cesspool is of adequate capacity and is appropriately designed
- The applicant has failed to show that disposal of foul effluent to ground from the proposed septic tank/package treatment plant would be effective at this location.

Overcoming our objection

The applicant should provide the following information:

- A foul drainage assessment justifying why connection to a public sewer isn't possible/practical.
- A foul drainage assessment that demonstrates that the disposal of foul effluent to ground from the proposed septic tank/package treatment plant would be effective at this location.

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

Informative

We note that whilst the development is not occurring within proximity to the Northaw Brook (a designated main river), the red-line boundary of the site is in close proximity to the Northaw Brook. It is positive to see the proposal include the 8m bufferzone and ecological enhancement works, however, please include the below informative for any permission granted.

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culvert
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice for Local Planning Authority

Contaminated Land

This development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as

we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use. We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.

Advice to Applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL.SustainablePlaces@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> .

Final comments

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

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.

If you have any questions please email me at HNL.SustainablePlaces@environment-agency.gov.uk, quoting the reference at the beginning of this letter.

Yours sincerely

Harry Scott
Planning Advisor

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