

Clare Howe
Welwyn-Hatfield District Council
Development Control
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AE

Our ref: NE/2019/129773/02-L01
Your ref: 6/2018/2768/OUTLINE
Date: 17 February 2021

Dear Clare,

Hatfield Business Park, Hatfield, AL10 9SL.

Outline application for a large-scale mixed use development including 1,100 new homes and supporting infrastructure including a primary school, local centre and open space with all matters reserved.

Thank you for consulting us on the above application on 16 December 2021, and apologies for the delay in our response.

In our previous correspondence we objected to the proposed development (as outlined in our letter reference NE/2019/129773/01-L01, dated 6 February 2019), as we were not satisfied that the risks posed by the development to groundwater had been adequately assessed.

The proposed development site lies above a plume of bromate and bromide pollution. Therefore, groundwater is particularly sensitive in this location, so it is important these proposals do not contribute to the deterioration of groundwater quality.

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

- Land West of Hatfield Business Park. Phase 1 Desk Study. Prepared for Arlington Business Parks Partnership by RSK Environment Limited. Project No.: 252163-01(00). Status: Rev 00. Date: 23rd August 2019. First issue.
- Land West of Hatfield Business Park. Phase 2 Geo-environmental Site Investigation. Prepared for Arlington Business Parks Partnership by RSK Environment Limited. Project No.: 252163-03(00). Status: Rev 00. Date: 17.07.2020. First issue.

Following our review of the above information, **we are now in a position to remove our objection to the proposed development, subject to the inclusion of the following conditions on any permission granted.**

Without the following conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework (NPPF) and Policy R2 (Contaminated Land) of the Welwyn Hatfield District Plan (2005).

Condition 1: Remediation Strategy

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks

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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 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

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 170 of the National Planning Policy Framework and Policies R2 (Contaminated Land) and R7 (Protection of Ground and Surface Water) of the Welwyn Hatfield District Plan (2005).

This condition is to secure section **8.4 Recommendations** from the Phase 2 Geo-environmental Site Investigation report submitted in support of this application.

Condition 2: Verification Report

Prior to each phase of 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 Policies R2 and 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.

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

Reasons

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 and Policy R7 of the Welwyn Hatfield District Plan (2005).

We do not consider that the use of infiltration SuDS is appropriate in this location.

Condition 4: Piling and other penetrative methods

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.

To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Policies R2 and R7 of the Welwyn Hatfield District Plan (2005).

Advice to LPA

Controlled waters and regimes we regulate

In relation to land contamination at the proposed development site, please note that we only consider issues relating to controlled waters and the relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting.

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.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. 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>)".

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.

Residential 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

Direct dial: 07879 802840

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