

Ack

Sent: 10 March 2010 10:16
To: Planning
Cc: Sam Silcocks; swhite@turnberryuk.com
Subject: EA response- N6/2010/0263/MA
Attachments: 109349.pdf; PRA Requirements Checklist.doc



Hello,

Please find attached our response to your enquiry.
If you have any further queries please do not hesitate to contact me.

Many Thanks

Anna Parr
on behalf of Colne Planning Team
Email [REDACTED]

Environment Agency
North East Thames Area Office
Apollo court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Hertfordshire, AL10 9EX
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Mr S Silcocks
Welwyn-Hatfield District Council
Development Control
The Campus
Welwyn Garden City
Hertfordshire
AL8 6AE

Our ref: NE/2010/109349/01-L01
Your ref: N6/2010/0263/MA
Date: 9 March 2010

Dear Mr Silcocks

Erection of two storey building for employment (B1) use.

Bio-Park, Broadwater Road, WGC.

Thank you for your letter dated 24 February 2010.

ENVIRONMENT AGENCY POSITION

We **OBJECT** to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

Objection:

We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are three strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.
- Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason:

To ensure protection of controlled waters, in this case the Major Aquifer beneath the site.

Advice To The Local Authority

If you are minded to grant permission for the proposed development despite the above, it is considered essential that you contact us to discuss the implications prior to determination of that application as we may wish to request that conditions relating to other environmental aspects be imposed on any planning permission granted.

Advice To The Applicant

Please find attached a copy of our 'Preliminary Risk Assessment Reporting Requirements Checklist' for your records. The checklist represents good practice but is not exhaustive. Information contained in the checklist is formulated from the CLR11 management framework. Depending on site-specific factors, further work and reporting may be required. Comment boxes are also provided for additional comments and explanation for failure to meet any of the reporting requirements.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports 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, e.g. human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

DECISION NOTICE

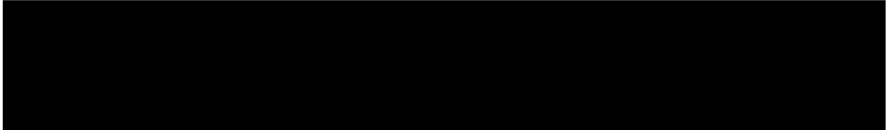
In order for us to monitor our effectiveness in influencing the determination of planning applications, a copy of the decision notice for this application would be appreciated.

A copy of this letter has been forwarded to the applicant's agent.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Mrs Anna Parr
Planning Liaison Officer



cc Turnberry Consulting

Extract from Environment Agency Guidance on Requirements for Land Contamination Reports, Version 1 July 2005.

PRELIMINARY RISK ASSESSMENT

The purpose of the preliminary risk assessment is to develop an outline conceptual model and establish whether or not there are any potentially unacceptable risks arising from contamination at the site. For the purposes of this guidance, the Environment Agency is concerned with the identification of potential risks to controlled waters.

The main activity at this stage is the collection of information required to identify all possible pollutant linkages at the site and prepare the outline conceptual model. This stage is often referred to as the 'desk study', although a site walkover survey may also be undertaken to verify data and obtain additional information such as anecdotal evidence from employees.

What happens next at the site will depend on the outcome of the preliminary risk assessment. Further action will be required if there are any gaps in information or potentially unacceptable risks are identified at the site. In some cases there may be sufficient information to be able to move straight to an appraisal of remediation.

RISK ASSESSMENT

Each tier of the risk assessment process should follow these four basic steps:

1. Hazard Identification- establishing contaminant sources.
2. Hazard Assessment- analysing the potential for unacceptable risks (what pathways and receptors could be present, what pollutant linkages could result and what the effects could be).
3. Risk Estimation- predicting the magnitude and probability of the possible consequences (what degree of harm or pollution might result to what receptors and how likely it is) that may arise as a result of a hazard.
4. Risk Evaluation- deciding whether a risk is unacceptable options. Alternatively, the Environment Agency may accept that no further action is required if the applicant is able to demonstrate that the site does not present an unacceptable risk of pollution to controlled waters.

The Environment Agency considers that sites have been brought back into beneficial use when it agrees that remediation has been undertaken and verified as complete, or where risks have been assessed and no further remedial action is required. Applicants are therefore encouraged to submit Verification Reports to demonstrate that remediation schemes have been completed.

The Environment Agency can agree that a site appears to no longer present an unacceptable risk of pollution to controlled waters, based on the information supplied by the applicant. However, it cannot 'sign-off' remediation schemes at sites affected by contamination. Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended.

A preliminary risk assessment must be submitted as a minimum in all cases. The reporting stages that should then be completed for each site will depend on the outcome of the preliminary risk assessment and progression.

The local authority should be consulted concerning its own requirements and risks to receptors other than controlled waters. Guidance on these and other issues, e.g. management considerations, that are not of direct concern to the Environment Agency and hence not addressed in the following checklists, is provided in the Model Procedures (CLR11).

The reporting requirements provided in the checklist represent good practice but are not exhaustive. Depending on site-specific factors, further work and reporting may be required. Comment boxes are provided beneath the checklists for additional comments and explanation for failure to meet any of the reporting requirements, e.g. because they are not applicable in the individual circumstances at a site.

All reports should be prepared by suitably qualified professionals and should contain evidence of their credentials. The reports should be submitted in hard copy and if possible, a CD-ROM or disk containing complete reports and CAD plans should also be supplied.

	Preliminary risk assessment reporting requirements:	Provided		Comments
		Yes	No	
1	Report objectives			
2	Site location map and National Grid Reference			
3	Site layout plans * All plans and historical maps extracts must be large scale, to scale, with a north point, and clearly show the site boundary.			
4	Site area in hectares			
5	Description of site and surroundings			
6	Details of desk study researches undertaken			
7	Information on past and current activities at the site			
8	Details of intended future use of the site			
9	Unique references for all relevant planning applications or permissions at the site			
10	Historical Ordnance Survey maps* and site plans* and if available, aerial photographs			
11	Environmental setting including:			
11a	• superficial deposits and solid geology			
11b	• hydrology			
11c	• hydrogeology (including the interaction between all relevant shallow and deep groundwaters and how they flow to potential receptors)			
11d				
11e	• location and status of relevant surface water and groundwater receptors, including all abstracted uses and natural discharge such as springs, river baseflow and wetlands.			
12	Information on site drainage and other man-made potential pollutant pathways, e.g. underground services			
13	Identification of potential contaminants of concern and source areas			
14	Consultations with the local authority			
15	Consultations with the Environment Agency			
16	Consultations with other appropriate bodies			
17	Review and summary of previous reports, with report references			
18	Outline conceptual model with nature and location of controlled waters receptors clearly identified			
19	Description of possible pollutant linkages for controlled waters			
20	Identification of potentially unacceptable risks to controlled waters, including criteria used to identify those risks			
21	Discussion of uncertainties and gaps in information			
22	Description and justification of next steps proposed at the site, e.g. carry out site investigation and quantitative risk assessment			