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Hertfordshire  
SG6 3JF

**Our ref:** NE/2025/138187/01  
**Your ref:** 25/01196/FP  
**Date:** 4 June 2025

Dear Alex,

**Starwood House, Avenue One, Letchworth Garden City, Hertfordshire, SG6 2HB.**

**Erection of two buildings including three units for Flexible Use Classes including Eg (ii) (iii), B2, B8, including servicing, parking, access, landscaping.**

Thank you for consulting us on the above application on 19 May 2025. As part of the consultation, we have reviewed the following documents:

- Document titled 'Desk Based Geoenvironmental and Geotechnical Site Assessment' prepared by (ref: 631621.0000.0000, dated 20.03.2025)
- Document titled 'Flood Risk Assessment & Drainage Strategy Report' prepared by Burrows Graham (ref: 40365-BGL-XX-XX-RP-D-0001, dated 25.04.2025)

**Environment Agency position:**

The proposed development will be acceptable if the following **conditions are included** on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

**Condition 1 - Universal condition for development on land affected by contamination**

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

#### **Reason**

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with [National Planning Policy Framework](#) paragraphs 187,196 and 197 and relevant position statements within the [Environment Agency's Approach to Groundwater Protection](#).

#### **Condition 2- Verification report**

Prior to any part of the permitted development being 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.

#### **Reason**

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with [National Planning Policy Framework](#) paragraphs 187,196 and 197 and relevant position statements within the [Environment Agency's Approach to Groundwater Protection](#).

#### **Condition 3 - Long-term monitoring**

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been 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.

#### **Reason**

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with [National Planning Policy Framework](#) paragraphs 187,196 and 197 and relevant position statements within the

[Environment Agency's Approach to Groundwater Protection.](#)

**Condition 4 - Previously Unidentified Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason**

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with [National Planning Policy Framework](#) paragraphs 187,196 and 197 and relevant position statements within the [Environment Agency's Approach to Groundwater Protection.](#)

**Condition 5 - Infiltration of surface water into ground**

Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk 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, 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 187 of the [National Planning Policy Framework](#) and relevant position statements within the [Environment Agency's Approach to Groundwater Protection.](#)

**Condition 6 - Piling**

Piling or other foundation or ground improvement 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.

**Reason**

To ensure that piling or other penetrative foundation or ground improvement methods do not harm groundwater resources in line with paragraph 187 of the [National Planning Policy Framework](#) and relevant position statements within the [Environment Agency's Approach to Groundwater Protection.](#)

**Technical comments relating to groundwater and contaminated land**

We have provided further technical comments in relation to the conditions that we have requested below:

### Contamination:

The Desk Based Geoenvironmental and Geotechnical Site Assessment contains limited information about the previous potentially contaminative activities that may have occurred on the site or the potential point sources of contamination that may be present. It may therefore not have identified all potential contaminants of concern, or all locations requiring further investigations. The applicant should endeavor to obtain additional information about the former activities undertaken on the site in order to inform the conceptual model, the preliminary risk assessment, and the design of intrusive investigations. Notwithstanding the preceding, we are aware that groundwater in this area is impacted by a range of substances including PFAS compounds, Cr (VI) and chlorinated solvents, and consider that the site poses a potential risk to groundwater for these substances. We expect these substances (as well as other potential contaminants of concern) to be adequately considered within the preliminary risk assessment, conceptual site model and future intrusive investigations. If the findings of the Arcadis 2024 investigations are to be used to inform or support the contamination assessment for the Site, then these documents should be submitted on the portal.

### Surface Water Disposal

According to the Flood Risk Assessment and Drainage Strategy Report, an attenuated discharge to surface water sewer is currently proposed for the disposal of surface water drainage. We do not consider this strategy to pose a significant risk to groundwater. However, the risk must be managed should the strategy be subsequently amended in favour of infiltration drainage. Due to the siting of the proposed development within Source Protection Zone 1, we will object to the use of infiltration SUDs for anything other than clean roof drainage, unless a Hydrogeological Risk Assessment is provided which demonstrates that the scheme does not pose an unacceptable risk to groundwater and to the protected source of supply (as per statement G13 within [The Environment Agency's Approach to Groundwater Protection](#)). We will object to the use of infiltration SUDs if we consider that the discharges may cause pollution by mobilising contaminants already in the ground, as per statement G10, and would expect information demonstrating no unacceptable risks to be presented within a Hydrogeological Risk Assessment. We will only agree to the use of deep infiltration systems if it is demonstrated that position statement G9 is fully satisfied, with information demonstrating no unacceptable risks being presented within a Hydrogeological Risk Assessment.

### Foundations

The foundation design for the proposed development has not been specified and must be confirmed via future submissions. The applicant should be aware that, due to the siting of the proposed development within SPZ1, we will object to the use of piled or other deep penetrative foundations unless full details of the methods and the design are supplied, together with a Foundation Works Risk Assessment which demonstrates that the scheme does not pose an unacceptable risk to groundwater and to the protected source of supply. This approach is compatible with position statement N7 within [The Environment Agency's Approach to Groundwater Protection](#). We refer the applicant to the [Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention](#) report published by CL:AIRE in March 2025.

## **Advice to Local Planning Authority**

### **The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites**

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NO<sub>x</sub>), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM<sub>10</sub> and PM<sub>2.5</sub>). Use of low emission technology will improve or maintain air quality and support Local Planning Authorities and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

## **Advice to applicant:**

### **Land Contamination Assessments**

We expect land contamination assessments to follow the tiered approach laid out in our [Land Contamination Risk Management \(LCRM\)](#) guidance. The preliminary risk assessment (PRA) should include historical plans of the site, an appraisal of the environmental setting (including geology, hydrogeology, groundwater and surface water receptors, potential contaminants of concern and source areas), an initial conceptual site model (CSM) describing possible pollutant linkages for controlled waters, and identification of potentially unacceptable risks. Land contamination investigations should be undertaken by suitably qualified and experienced professionals and in accordance with BS 5930: [Code of practice for ground investigations](#) and BS 10175: [Investigation of potentially contaminated sites – code](#)

[of practice](#). Soil and water analysis should be fully MCERTS accredited. Investigation, demolition, remediation, or construction works must not create new pathways or linkages to controlled waters. Clean drilling techniques may be required for boreholes that penetrate contaminated ground.

### **Sustainable Drainage System (SUDs)**

Soakaways and other infiltration SUDs must comply with statements G1 and G9 to G13 within [The Environment Agency's Approach to Groundwater Protection](#) and should be constructed in line with good practice and guidance documents including the [CIRIA C753](#) SuDS Manual and the [Susdrain website](#). They must not be constructed in contaminated ground where infiltration could re-mobilise contaminants to pollute groundwater. All infiltration SuDS should be designed to maintain a minimum 1.2m clearance above peak seasonal groundwater levels. We do not consider deep infiltration systems (>2.0m below ground level) to be routinely acceptable. Only clean roof water can be directly discharged to infiltration SuDS; systems for the discharge of surface water from hard-standing, roads and impermeable vehicle parking areas must incorporate appropriate pollution prevention measures and a suitable number of SUDs treatment components in line with the environmental sensitivity of the receiving waters. An oil separator/interceptor (or equivalent device) may be required to treat water draining off hard surfaces with a risk of oil contamination.

### **Management of Waste during Development**

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. Excavated materials recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice subject to certain conditions being met. However, contaminated materials that are / must be disposed of are waste and therefore 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. 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.

### **Land contamination: risk management and good practice**

We recommend that developers:

- Refer to our [Groundwater Protection](#) webpages, which include our [Groundwater Protection Position Statements](#)
- Refer to our [Land Contamination Technical Guidance](#), including our [Land Contamination Risk Management \(LCRM\)](#) guidance, when dealing with land affected by contamination and for the type of information required in order to assess the risks to controlled waters. The Local Authority can advise on management of risks to 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.

- Refer to British Standards BS 5930 [Code of practice for ground investigations](#) and BS 10175 [Investigation of potentially contaminated sites – code of practice](#)
- Refer to '[Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention](#)' published by CL:AIRE, March 2025. The selected method, including environmental mitigation measures, should be presented in a Foundation Works Risk Assessment Report as per section 17 of the above guidance.
- Refer to [Position Statement on the Definition of Waste: Development Industry Code of Practice](#)
- Refer to our [Good Practice for Decommissioning Boreholes and Wells](#)
- Refer to our [Dewatering building sites and other excavations: environmental permits](#) guidance when temporary dewatering is proposed.

### **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 196 of the National Planning Policy Framework. 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 in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. 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 all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

### Commercial/Industrial developments

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the [BREEAM 'excellent' standard](#) for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your Local Planning Authority for more

information.

### **Pre-Application Advice**

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@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**

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 do not hesitate to contact me.

Yours sincerely

**Demitry Lyons**  
**Sustainable Places Planning Advisor**

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