

Mr Ben Glover
North Hertfordshire District Council
Planning Control & Conservation
Council Offices Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

Our ref: NE/2024/137607/01
Your ref: 24/02455/FP
Date: 21 November 2024

Dear Ben,

Land Opposite Wymondley Grid Station and to the south of Sperberry Hill, St Ippolyts, Hertfordshire.

Proposed solar farm measuring 35.5 hectares with associated battery storage and ancillary infrastructure.

Thank you for consulting us on the above application on 6 November 2024. As part of the consultation we have reviewed:

- Waterco. Drainage Strategy Addendum. 14855-Drainage Strategy Addendum-03. 22/10/2024
- Axis. Planning Design and Access Statement. 3732-01-PDAS. October 2024

Environment Agency Position

We consider that **planning permission could be granted to the proposed development as submitted if the following planning conditions are included** as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

The proposed development site overlies principal and secondary aquifers and is partly within a Source Protection Zone 3 (SPZ3) designated for the protection of public water supply. It is in a sensitive location for groundwater as contaminants from the Site could enter the aquifer and pollute groundwater and the protected source of supply.

Condition 1

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 each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.

3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan, as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and 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 (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

The application is not supported by a land contamination assessment. This shortcoming should be addressed following the tiered approach within our Land Contamination Risk Management (LCRM) guidance.

Condition 2

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 (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

Condition 3

The development hereby permitted may not commence until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason 3

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 (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

We require further information demonstrating that the surface water drainage

scheme will be designed and constructed to prevent discharge of polluted firewater to ground or to a surface water body. This includes: detailed drainage plans demonstrating that, in the event of an emergency, contaminated firewater can be adequately contained within the Site so that there is no discharge of polluted water to receptors; details of the impermeable lining(s) that will be provided to ensure that polluted firewater cannot infiltrate into the ground; information demonstrating that the sealed containment for polluted firewater will have sufficient capacity/headroom for the volumes expected in the event of a fire, even during periods of intense rainfall. We consider that the system for containing firefighting effluent should be automatic with a backup system in place in case of power failure.

Condition 4

Piling or 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.

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 (NPPF), paragraphs 180, 189, 190 and relevant Environment Agency Groundwater Protection Position Statements.

A Foundation Works Risk Assessment must be provided if piled or other penetrative foundation methods will be used on the Site. Such methods will only be acceptable if it is demonstrated that they will not cause pollution of groundwater.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations

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 (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs 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.

Use of Sustainable Drainage Systems (SuDS)

Support for the use of SuDS to ensure development does not increase flood risk elsewhere is set out in paragraph 173 of the National Planning Policy Framework.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reedbeds and seasonally flooded grasslands can also be particularly attractive features within public open spaces.

SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. As such, virtually any development should be able to include a scheme based around these principles. In doing so, they'll provide multiple benefits and will reduce costs and maintenance needs.

Further information on SuDS can be found in:

- the CIRIA C697 document SuDS manual
- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS

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 189 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/>)"

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 of our [Groundwater Protection Position Statements](#) 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 or watercourses; 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 remove oil from water draining off hard surfaces with a risk of oil contamination.

Waste Management during Development

Developers should ensure that all contaminated materials are adequately characterised both chemically and physical in line with BS EN 14899:2005, 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, or must be disposed of, classify as waste and 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 2010, The Waste (England and Wales) Regulations 2011.

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 our [Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination](#) National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a Foundation Works Risk Assessment Report, guidance on the production of which can be found in Table 3 of [Piling Into Contaminated Sites](#)
- 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.

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.

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.

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 contact me.

Yours sincerely,

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Planning Advisor

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