

Philip Elliott
London Borough of Haringey
Development Control
639 High Road
London
N17 8BD

Our ref: NE/2023/135667/03
Your ref: HGY/2022/4310
Date: 23 August 2023

Dear Philip,

Omega works, Hermitage Road, Tottenham, London, N4 1LZ

Redevelopment of the site for a mixed-use scheme comprising employment use (use Class E) and 36 residential units (use class C3). Together with associated landscaping, new courtyard, children's play space, cycle storage, new shared access route, 2x accessible car parking spaces and waste and refuse areas.

Thank you for re-consulting us on the above application on **04 August 2023**.

Environment Agency's Position

Based on a review of the submitted information we are able to **remove our previous objection, subject to the inclusion of the 5 planning conditions below on any grant of planning permission**. Without these conditions we feel that the development would pose an unacceptable risk to groundwater, and we would object to the proposal in line with paragraph 183 of the National Planning Policy Framework.

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

The application's "Phase 1 Desk Study, 167 Hermitage Road Haringey, London N4 1LZ (Ground and Water, ref GWPR4712/DS/May 2022)" demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Site Context

The previous use of the proposed development presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 1.

Conditions

Condition 1 – Land affected by Contamination

No development approved by this planning permission shall commence until a

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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 should include the following components:

1. The results of the site investigation and the detailed risk assessment (Phase 1 Desk Study, 167 Hermitage Road Haringey, London N4 1LZ (Ground and Water, ref GWPRA4712/DS/May 2022) 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.
2. 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

This condition will 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 183 of the NPPF and your Local Plan Policy DM23: Environmental Protection.

Condition 2 – 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s)

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 from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the NPPF and your Local Plan Policy DM23: Environmental Protection. To prevent deterioration of a water quality with the basal sands and Chalk aquifer which underlies the site.

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.

Reason(s)

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 183 of the NPPF and your Local Plan Policy DM23: Environmental Protection. To prevent deterioration of a water quality with the basal sands and Chalk aquifer which underlies the site.

Condition 4 – Piling/boreholes/tunnel shafts/ground source heating and cooling systems with respect to groundwater resources

Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) 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(s)

To ensure that the proposed Piling, deep foundations, or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using does not harm groundwater resources in line with paragraph 183 of the NPPF and your Local Plan Policy DM23: Environmental Protection.

Prior to any piling etc. commencing it must be demonstrated that deterioration of controlled waters will not occur. This is likely to require monitoring of controlled waters receptors prior to, during and after the works have been completed. A mitigation plan, to include trigger values and actions to be implemented should these values be breached will be required.

Condition 5 – Decommission of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the development.

Reason(s)

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 183 of the NPPF and your Local Plan Policy DM23: Environmental Protection. To ensure that a sufficient monitoring network is maintained to allow for the completion any monitoring required to demonstrate as part of any verification plan. No boreholes should be decommissioned until it has been agreed in writing that they are no longer required.

Informative - 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.

Advice to applicant

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g., soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. 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. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "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." For this definition and more please see here.
4. Refer to the contaminated land pages on Gov.uk for more information.
5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g., British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:
 - BS5930:2015 Code of practice for site investigations.

- BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites.
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points.
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details).
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples.
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples.
- Use MCERTS accredited methods for testing contaminated soils at the site.
- Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent Person” e.g., a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assesors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.
- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g., if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values.
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario.
- LS 2 batch test - to benchmark results of a simple compliance test against the

final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.

The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g., monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.

We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.

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 183 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/>)"

SUDs

Where SUDs are proposed - Infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for Cont/d. 6 handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit.

Further advice is available in the updated CIRIA SUDs manual

http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx

Waste off-site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment, and disposal is 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 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. Please refer to the [waste management](#) page on GOV.uk for more information.

Material Re-use 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 are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site provided 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

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 developments 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.

Commercial/Industrial developments

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

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.

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,

Nisarga Vishwanath
Planning Specialist

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