

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

Our ref: NE/2023/136336/01
Your ref: HGY/2023/2212
Date: 1 November 2023

Dear Philip,

Strategic Development Partnership (SDP) Sites Welbourne, North Island, Ferry Island, Ashley Road East and Ashley Road West Station Road N17

Approval of details pursuant to condition B24 (Contaminated Land) in relation to Plot B (Ferry Island site) of the Tottenham Hale Centre planning permission (LPA ref: HGY/2018/2223) dated 27 March 2019.

Thank you for consulting us on the above application on 25 October 2023. As part of the consultation, we have reviewed the information submitted including the document entitled 'Applicant Response to EA (ENVPAC/1/HNL/00410) – B24', prepared by CGL, dated 16 October 2023 (ref: Our ref: CG/39277A) which was uploaded to the planning portal on 25 October 2023.

Environment Agency Position

Based on a review of the submitted information, **we are unable to recommend the discharge of condition B24 (Contaminated Land)** in relation to Plot B (Ferry Island site) of planning permission (LPA ref: HGY/2018/2223) dated 27 March 2019.

Advice

The response correctly confirms aggregates produced in line with WRAP have ceased being a waste and the reuse of site derived topsoil which has never become a waste, falls outside the scope of regulation, but it is much less clear about imported soil forming materials.

Regarding the import criteria, the response is still focussing on risk assessment and protection of human health, it has failed to appreciate the compliance requirements regarding waste. Soils which meet BS3882 can still be a controlled waste and must comply with waste legislation. Soils provided by a "topsoil supplier" would not be acceptable. The storage treatment and processing of soils with no agreed end use is a waste treatment process and the output would remain a controlled waste. Accepting subsoil or topsoil from such a company could result in the unauthorised deposit of waste on the site and the developer may be liable to pay landfill tax on unauthorised deposits not made at a landfill.

To resolve this, one of the following must occur:

1. Confirm the soils will be imported under DoWCoP. This must be imported from an identified clean naturally occurring source directly transferred to the site fully in compliance with the scheme. The import criteria must ensure there is no

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anthropogenic contamination to ensure it is suitable, not just that it will be less than the current elevated contamination levels on site.

2. Confirm the import complies with the limitations in a U1 Exemption or the RPS190, less than 1000 Tonnes of soils used in the top 300mm of the restoration surface.
3. Secure an Environmental Permit for the recovery of waste.

Until this has successfully been resolved we would not recommend discharge of this condition.

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. This would be greatly appreciated.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Isabel Smith
Planning Advisor

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