

22 January 2024

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Isabel Smith
Environment Agency
Alchemy,
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Our ref: CG/39277A

Please reply to: Kimberley Neville/ Paul
Sheehan

BY EMAIL

Dear Isabel

Ferry Island Plot B RMS - Discharge of Conditions ENVPAC/1/HNL/00410. Full discharge Request B24, December 2023

Background

CGL issued capping Import Criteria for Plot B, Ferry Island in the Remediation Strategy for the site¹. This was submitted to the Environment Agency (EA) as part of the planning process, and they responded with a series of queries and comments. In response, CGL revised and re-issued the Import Criteria with more justification and lower values for some of the parameters², and after additional EA queries reduced these values further³. The EA subsequently issued further comments⁴ noting that “...*manufactured topsoils even produced in-line with BS 3882:2015 is likely to be a controlled waste EWC 19 12 12*” and advised “...*the use of DoWCoP for direct-transfer of clean naturally occurring topsoils*”. The EA also raised concerns regarding the concentrations set as the import criteria, saying that “...*it will lead to a deterioration of land quality*”. CGL prepared an additional letter⁵ to clarify the proposed works and the materials that will be used and imported to site, with details of relevant guidance and criteria as appropriate for each material. The EA responded further to this⁶ and noted that, “*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*”.

CGL spoke with the EA⁷ to try and resolve this continuing issue. Our queries have been passed on to the Waste Team, but were advised that a response before the end of January 2024 would be unlikely based on current EA workload. In the meantime, CGL has prepared this letter to confirm proposed soil arrangements for the site and clarify that these will not be waste products requiring compliance with waste legislation.

Imported Materials

CGL has previously detailed the materials proposed for use at the site⁵. These include:

¹ CGL (2022). Plot B, Ferry Island, Tottenham Vale Masterplan Redevelopment. Remediation Strategy (Revision 1).

² CGL (June 2023). Ferry Island Plot B – Revised Capping Import Specification

³ CGL (04/08/23). Email ‘Ferry Island – Statutory consultee response: HGY/2022/0779 – Conditions B19 and B24’.

⁴ Environment Agency (06/09/23). Email ‘Tottenham Hale – Discharge of Conditions ENVPAC/1/HNL/00410.’

⁵ CGL (October 2023). Tottenham Hale, Ferry Island – Discharge of Conditions ENVPAC/1/HNL/00410. Full discharge request B24.

⁶ Environment Agency (November 2023). Strategic Development Partnership (SDP) Sites Welbourne, North Idland, 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. Ref: NE/2023/136336/01.

⁷ Phone call between CGL and the EA on 19/12/2023.



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- For the piling mat and backfill: 6F5, 6N and Type 1 MOT.
These will be procured via JRL Environmental Ltd and manufactured at their Silvertown Facility in line with SR2010no 12 Treatment of waste to produce soil, soil substitutes and aggregates <75,000tpy, EA permit (EPR WE4202AA/A001) and the WRAP protocol.
The EA have confirmed that aggregates produced in line with WRAP have ceased being a waste and waste regulations would not apply.
- For limited areas of soft landscaping: topsoil and subsoil in-line with BS 3882 and BS8601.
These will be procured via JRL Environmental Ltd and as previously stated, this will be a natural, greenfield sourced products, and not a manufactured product. It will not contain waste materials. It will be purchased from a reputable supplier, and the material will be certified to the BS for Topsoils.

The EA have ongoing concerns that use of these materials could be a “*controlled waste and must comply with waste legislation*”. This material will not be a waste and will not be sourced from another construction site, nor will it be a manufactured topsoil in-line with RPS190. It will be a purchased product from a reputable supplier of clean, naturally occurring soils.

The proposed volumes of soil to be imported for the areas of soft landscaping is small and include:

- Ground floor: Topsoil – 232.6m³; Subsoil – 348.9m³
- Building 1, Level 7: Topsoil – 11.18m³; Subsoil – 13.03m³
- Building 1, Level 19: Topsoil – 12.06m³; Subsoil – 12.06m³
- Building 2, Level 7: Topsoil – 31.72m³; Subsoil – 36.65m³

Layout plans showing the extent and locations of the soft landscaping areas are included as Appendix A. These are proposed for use in four areas, three of which are at podium levels so drainage will be controlled and there will be no percolation / infiltration to groundwater. The imported soils will be sampled and tested to confirm they meet the required import specification, protective of human health (controlled waters receptors are not considered relevant at Levels 7 and 19). The topsoils will be certified to BS3882 and will not contain waste products. At groundfloor level, the soils will be limited to small, landscaped tree pit areas around the site boundary, and these too will be sampled and tested prior to use at the site. Many of the tree pits are lined with root barriers at the base. The risk to controlled waters has been confirmed as low by the EA⁸, so controlled waters specific import criteria have not been derived.

The EA’s remaining query appears to be solely concerned with importing topsoils for use in limited areas of soft landscaping. The use of DoWCoP is not considered necessary in this instance, as the proposed landscaping materials will be purchased, clean, naturally occurring materials that have never been classified as waste materials. Similarly, an Environmental Permit would not be applicable to an “inert as dug topsoil that confirms to BS3882:2015⁹”. The total volume of proposed imported soils would be less than the 1,000 tonnes permitted under a U1 Exemption and if required, this would be used, although as a U1 Exemption covers use of “suitable waste in construction¹⁰”, this too would be overly conservative for use of a natural topsoil.

⁸ Environment Agency (January 2023). Charged meeting to discuss the HGY/2022/0779 for the discharge of conditions B19 (monitoring and maintenance plan – contamination – Environment Agency) in relation to plot b (ferry island site) of the Tottenham Hale Centre planning permission (LPA REF: HGY/2018/2223) Dated 27 March 2019. Ref: NE/2022/135208/01-L03.

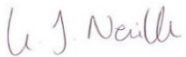
⁹ [TS1 Topsoil - 20mm Sandy Loam - Products - Bourne Amenity - Amenity & Aggregate Suppliers In Kent](#) (accessed 19/12/23).

¹⁰ [U1 waste exemption: use of waste in construction - GOV.UK \(www.gov.uk\)](#) (accessed 19/12/23).

The EA have suggested that for imported soils to be used at the site, they must either be imported under DoWCoP; the import must comply with a U1 Exemption or the RPS190; or an Environmental Permit for recovery of waste must be secured. For reasons detailed above, this is not considered necessary at this site because aggregates will be produced following the WRAP protocol (and as such will no longer be classified as a waste); and imported topsoils will be a purchased from a reputable supplier of certified topsoil materials (and is a commodity not a waste material).

We trust the above is satisfactory, please do not hesitate to get in contact should you have any queries.

Yours sincerely

A handwritten signature in purple ink that reads "K. J. Neville".

Kimberley Neville, Associate
Card Geotechnics Limited

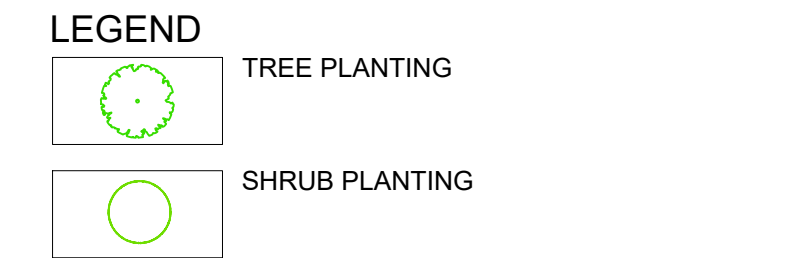
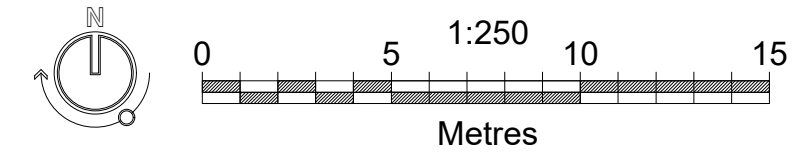
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Appendix A

Planting Layout Plans

APPENDIX A

Planting Layout Plans



MAINTENANCE AND IMPLEMENTATION

GENERAL

All planting tree and shrub planting to be certified British stock or have been kept in a UK nursery for at least 1no. growing season. All trees and shrubs to comply with BS 3936. All plants shall be transported and manouvred in accordance with the Code of Practice for Plant Handling (CPSE).

Handling should be to HTS 'Handling and Establishing Landscape Plants'

Planting shall be carried out between October and March. The soil condition should be moist, friable and (excepting aquatic/marginal planting) not waterlogged.

Planting should be set out in a staggered grid pattern to avoid bare areas. Contractor should allow for 10% over purchase to ensure suitable coverage is met.

Compacted soil should be ripped through before topsoiling.

Percolation tests should be carried out prior to trees and shrub planting, to ensure the soils is not prone to waterlogging.

All planting to be set out on site as directed by the project landscape architect

NOTE

Root barrier locations to be coordinated with utilities on site. Utilities can pass adjacent to the root barrier to engineer's specification.

NOTE

1. TO BE READ IN CONJUNCTION WITH
TH-IS-00-001-L-3248-91-700 PLANT SCHEDULE

P01 15/12/2023 FY S3 ISSUE
T03 22/08/2023 FY RE-UPLOAD
T02 23/02/2023 FY S4 ISSUE

Rev Date By Notes

Client
ARGENT SERVICES LLP

Project
**FERRY ISLAND
TOTTENHAM HALE**

Title
**PLANTING PLAN
GROUND FLOOR**

Status
S3 SUITABLE FOR REVIEW AND COMMENT

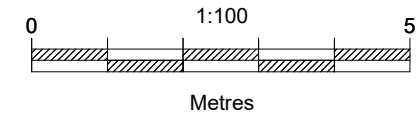
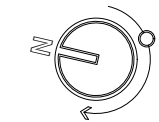
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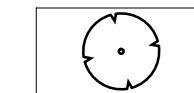
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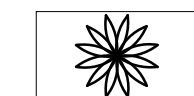




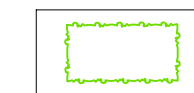
LEGEND



PROPOSED TREE



PROPOSED SPECIMEN PLANTING



PROPOSED ORNAMENTAL PLANTING

NOTE

- TO BE READ IN CONJUNCTION WITH
TH-IS-01-001-L-3248-91-700 PLANT SCHEDULE

MAINTENANCE AND IMPLEMENTATION

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P01	15.12.2023	FY	S3 ISSUE
T02	25.08.2023	HM	S3 FOR COMMENT
T01	23/02/2023	FY	S4 ISSUE

Rev	Date	By	Notes
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Client
ARGENT SERVICES LLP

Project
**FERRY ISLAND
TOTTENHAM HALE**

Title
**PLANTING PLAN
BUILDING 01 LEVEL 07**

Status
S3 SUITABLE FOR REVIEW AND COMMENT

Drawing No.
TH-IS-01-001-L-3248-91-100

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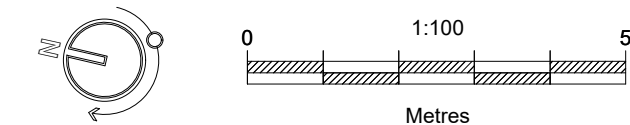
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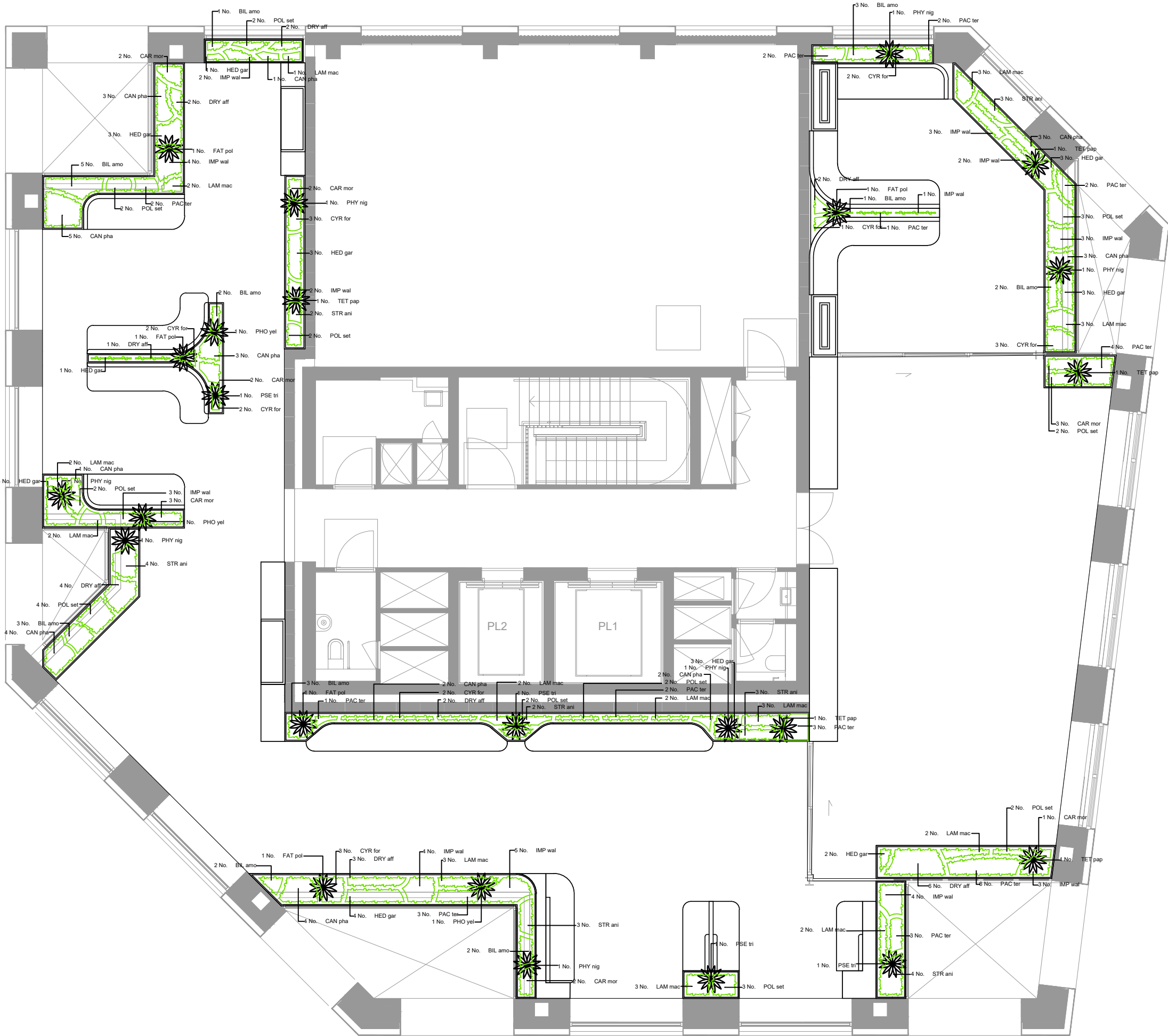


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LEGEND

- PROPOSED SPECIMEN PLANTING
- PROPOSED ORNAMENTAL PLANTING



NOTE
1. TO BE READ IN CONJUNCTION WITH TH-IS-01-001-L-3248-91-701 PLANTING SCHEDULE

MAINTENANCE AND IMPLEMENTATION

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T02	25.08.2023	FY	S3	FOR COMMENT
T01	23/02/2023	FY	S4	ISSUE

Rev	Date	By	Notes
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Client
ARGENT SERVICES LLP

Project
**FERRY ISLAND
TOTTENHAM HALE**

Title
**PLANTING PLAN
BUILDING 01 LEVEL 19**

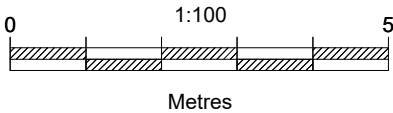
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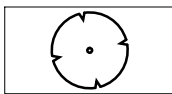
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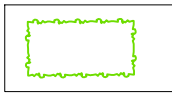
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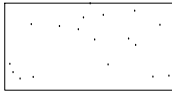
PROPOSED TREE



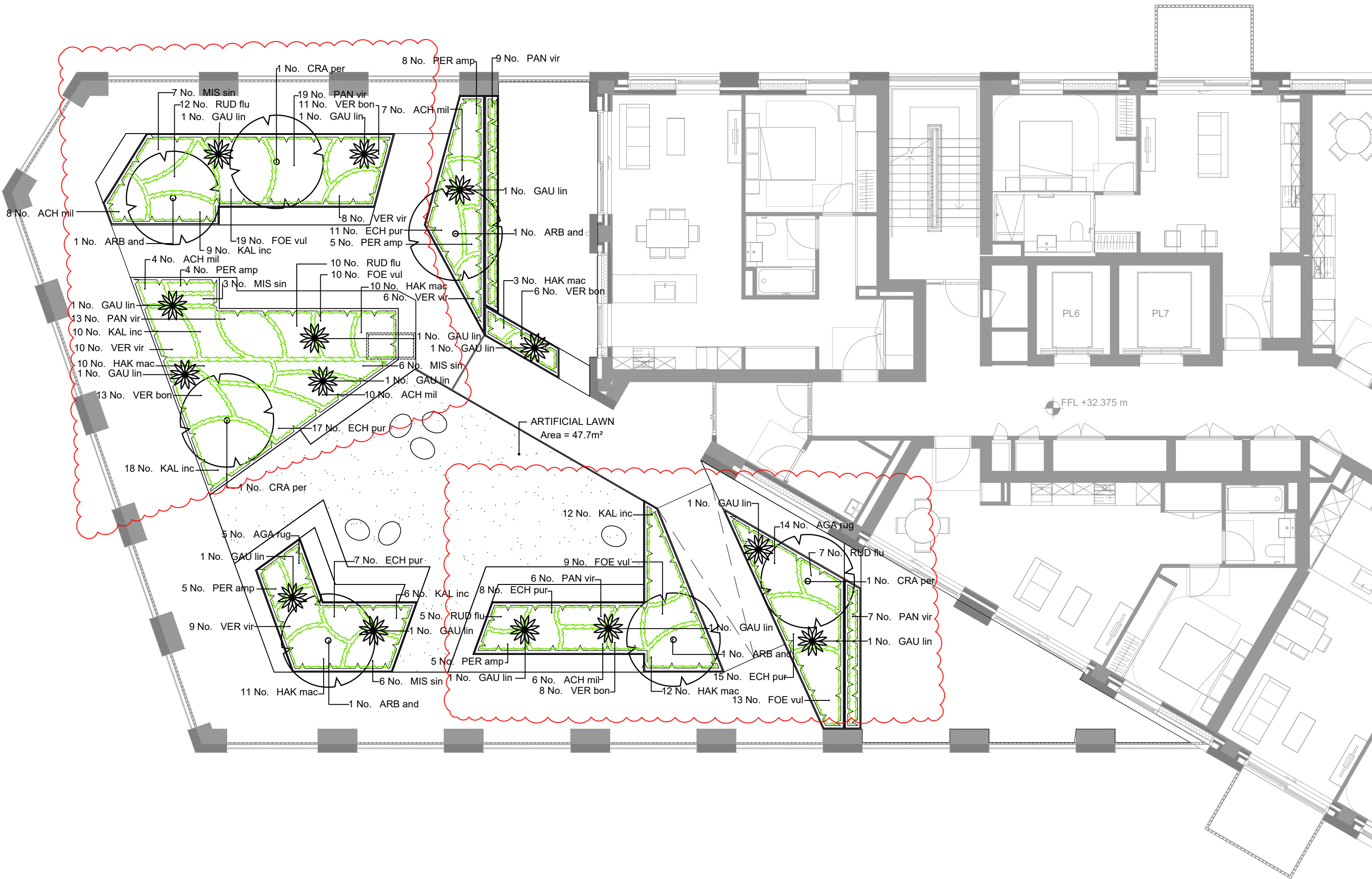
PROPOSED SPECIMEN PLANTING



PROPOSED ORNAMENTAL PLANTING



PROPOSED ARTIFICIAL LAWN



NOTE
1. TO BE READ IN CONJUNCTION WITH TH-IS-02-001-L-3248-91-700 PLANT SCHEDULE

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T01	23/02/2023	FY	S4 ISSUE
Rev	Date	By	Notes

Client
ARGENT SERVICES LLP

Project
**FERRY ISLAND
TOTTENHAM HALE**

Title
**PLANTING PLAN
BUILDING 02 LEVEL 07**

Status
S3 SUITABLE FOR REVIEW AND COMMENT

Drawing No.	Scale
TH-IS-02-001-L-3248-91-100	1:100@A2
Drawn	Date
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Checked	AW

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