

Valerie Okeiyi
London Borough of Haringey
Development Control
639 High Road
London
N17 8BD

Our ref: NE/2024/136795/02
Your ref: HGY/2024/0466
Date: 17 April 2024

Dear Valerie,

157-159, Hornsey Park Road, London, N8 0JX

Demolition of existing structures and erection of two buildings to provide residential units and class e floorspace; and provision of associated landscaping, a new pedestrian route, car and cycle parking, and refuse and recycling facilities.

Thank you for re-consulting us on the above application on 28 March 2024. As part of the consultation, we have reviewed the following documents:

- 'Initial Assessment of Impact on Moselle Brook Culvert', prepared by Iesis Structures, dated March 2024 (Ref: SE2053-ISS-XX-XX-RP-S-0001);
- 'Phase 1 & Phase 2 Desk Study & Ground Investigation', prepared by AG Geo-Consultants Ltd., dated February 2024, (ref.: 22-009 HorsneyPkRd Phase1and2 GeoReport V5.docx);
- 'Flood Risk Assessment and Drainage Strategy', prepared by RGP, dated February 2024, (ref: 7601-RGP-ZZ-00-RP-C-0500).

We initially had concerns for this site in relation to the location of the culvert (Moselle Brook) and the potential risk of the structural integrity of the culvert in the absence of an acceptable Flood Risk Assessment (FRA). We are now able to remove our previous objection as the existing buildings have been moved away from the top of the culvert and a 3m buffer zone has been provided. We are also happy to see a condition survey and a pile exclusion zone 3m from the Moselle Brook have been carried out.

Additionally, the previous land use at this site suggests it could potentially contain sources of contamination. Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Lambeth Group and Thanet Sands Secondary A aquifers and the deeper Chalk Principal aquifer (thought to be in hydraulic continuity), due to the proposed redevelopment of the site. The site is located within an Inner Source Protection Zone (SPZ1) associated with a Thames Water public abstraction approximately 350m west of the site (Hornsey Filter Beds). The London Clay between the Made Ground and the sensitive controlled water receptors is thought to be of substantial thickness.

Environment Agency Position

Based on a review of the submitted information, we have **no objections to the proposed development subject to the inclusion of the following conditions on any**

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grant of decision notice. Without these conditions we would object to the proposal in line with paragraph 173 and 180 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not pose any adverse impacts on the structural integrity of the culvert and that it will not put an unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. As a result, we ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Condition 1 – Post-development culvert condition survey

The applicant shall carry out a post-development survey of the culvert to demonstrate the development has not caused any adverse impacts on the structural integrity of the culvert within 90 days of the completion of the works. A copy of the CCTV survey shall be submitted to the Local Planning Authority (LPA) within 30 days. Any defects identified shall be made good at the applicant's expense and to the LPA's satisfaction within a time agreed with the LPA, in conjunction with the Environment Agency.

Reason

This is to ensure the structural integrity of the culvert (Moselle Brook Culvert) thereby reducing the risk of flooding. This is in line with paragraph [173 of the National Planning Policy Framework \(NPPF\)](#) and [Policy DM28 of Haringey's Local Plan](#).

Condition 2 – Remediation Strategy

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 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 ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs [180, 189, and 190 of the NPPF](#) and Policy [DM27: Protecting and Improving Groundwater Quality and Quantity OF Haringey's Local Plan](#).

Advice relating to condition 2

The Phase 1 & Phase 2 Desk Study & Ground Investigation by AG Geo-Consultants Ltd. will suffice (1), (2), and the remediation method statement outlined in section 6.11.3 satisfies (3). A bespoke verification/validation plan will be required to satisfy (4).

Condition 3 – Unexpected 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

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 paragraphs 180, 189, and 190 of the NPPF.

Advice relating to condition 3

The method presented under the “Unforeseen Contamination” heading (section 6.11.3) of the submitted Phase 1 & Phase 2 Desk Study & Ground Investigation by AG Geo-Consultants Ltd., including a watching brief, is an acceptable way of satisfying this condition.

We also note that further works are due to take place post-demolition with regards to Waste Acceptance Criteria (WAC) sampling. This would present a good opportunity to remove any identified contaminant hotspots, as opposed to the post-commencement method presented in the submitted Phase 1 & Phase 2 Desk Study & Ground Investigation. We also consider it prudent to incorporate further geotechnical investigation during this scheme to fully inform foundation design.

Condition 4 – 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 each phase of development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution in line with paragraph 180 of the National Planning Policy Framework.

Condition 5 – 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 ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

Condition 6 – Infiltration Drainage

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

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 180 of the NPPF.

Advice relating to condition 6

Infiltration drainage can mobilise contaminants within soil via leaching. However, we note in the submitted Flood Risk Assessment and Drainage Strategy by RGP that infiltration drainage is not deemed feasible at this location, and as such is not likely to be implemented. We recommend contacting Thames Water in regard to sewer connections as early as possible; they may also give advice regarding piling near their abstractions.

Condition 7 – Piling

Piling 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

Having reviewed the aforementioned documents, we note that there is some contamination within the made ground on-site, namely lead and polycyclic aromatic hydrocarbons, including dibenzo(a,h)anthracene. However, it is deemed that no remediation is necessary in the submitted Phase 1 & Phase 2 Desk Study & Ground Investigation as there is no pollution risk to groundwater. While this may be true within the operation phase of the development, uncertainty regarding foundation techniques presented in the geotechnical element of the report means that a linkage may be activated during the construction phase should piled foundations be proposed. The geology beneath the site has not been assessed to a depth where the piles may extend to, and as such there is uncertainty regarding potential risks to groundwater due to piling; piling has the potential to create preferential pathways to aid the vertical migration of pollutants towards sensitive aquifers. We deem a Foundation Works Risk Assessment (FWRA) necessary should piling be selected as the preferred foundation method.

Additionally, this will ensure that the proposed development does not harm groundwater resources in line with the [Environment Agency's approach to groundwater protection](#). A foundation works risk assessment will be required, prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002) available at the following website: [\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](#).

Advice relating to condition 7

We have not been made aware of a finalised foundation method, and as a result piling cannot be ruled out. Foundation works risk assessments can be an expensive and time-

consuming endeavour for smaller developments such as this, so to avoid it totally we recommend exploring the feasibility of shallower foundations as much as possible.

Please also include the below informative for any permission granted.

Informative - Flood Risk Activity Permit (FRAP)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert **including any buried elements** (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert, or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to Local Planning Authority

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

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.

We also recommend you contact your local planning authority for more information.

Riparian responsibilities

As the Moselle Brook runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here:

<https://www.gov.uk/guidance/owning-a-watercourse>

Contaminated soil - Waste

Contaminated soil that is (or must be) disposed of is waste, therefore its handling, transport, treatment, and disposal 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 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 hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK 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,

Tanzin Ferdous

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