

Gareth Prosser
London Borough of Haringey
Development Control
639 High Road
London
N17 8BD

Our ref: NE/2024/137720/01
Your ref: HGY/2024/3315

Date: 20 December 2024

Dear Gareth

Land adjacent to Seven Sisters Road and St Ann's Road, London N15.

Construction of 66 new affordable homes across two new buildings of six storeys each. These include 13 x 1 bed 2 person flats, 1 x 2 bed 3 person maisonette, 27 x 2 bed 4 person flats, 1 x 3 bed 5 person maisonette and 24 x 3 bed 5 person flats.

Thank you for consulting us on the above planning application on 11 December 2024. As part of the consultation, we have reviewed the following submitted documents:

- Document titled 'Ground Investigation Report Geo-environmental Interpretation' prepared by Concept Engineering Consultants (dated April 2023, ref.: 22/3737).
- Document titled 'Flood Risk Assessment & Drainage Strategy Report' prepared by CRE8 Structures (dated October 2024, ref.: 2021008-CRE-XX-XX-RP-C-000001).

Environment Agency position

The proposed development will be acceptable if the following **conditions** are included on the planning permission's decision notice. Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be contributing to or put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 - 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 187, 196, and 197 of the National Planning Policy Framework.

Condition 2 - 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 187 of the National Planning Policy Framework.

Condition 3 - Piling

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.

A foundation works risk assessment will be required should deep piled foundations be required, prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002) available at the following website: [\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](#)

Reason

To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection.

Condition 4 - 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 187 of the National Planning Policy Framework.

Advice to LPA:

Drainage

The current drainage strategy is deemed acceptable a protection of groundwater

quality perspective. If the strategy changes we request to be reconsulted, especially if the new strategy includes infiltration drainage features.

Risk of contamination

The proposed development site's history of construction and demolition means it could potentially contain sources of contamination within the Made Ground. 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, as a result of the proposed redevelopment of the site. The site is also located within an Inner Source Protection Zone (SPZ1) associated with a series of Thames Water abstractions which are part of the North London Artificial Recharge Scheme (NLARS) to the southwest of the site.

We note in the submitted Ground Investigation Report Geo-environmental Interpretation by Concept Engineering Consultants (ref.: 22/3737) that concentrations of contaminants of concern have been found to be quite low with respect to controlled waters assessment criteria. Additionally, the relatively thick layer of the impermeable London Clay will likely act as an aquitard to protect potentially leachable contaminants migrating towards the sensitive Thanet Sands and Chalk aquifers, which are typically considered a combined sensitive groundwater receptor.

In the absence of infiltration drainage features, we consider the primary risk to groundwater arising from this development to be piled foundations which, though not confirmed to be proposed or discussed in the reviewed documents, could create preferential pathways to aid the vertical migrations of contaminants towards groundwater receptors.

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 (NO_x), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM₁₀ and PM_{2.5}). 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:

Further advice on unexpected contamination condition

In the event contamination that was not previously identified in intrusive site investigation works, we recommend that developers should:

- Contact the relevant Local Planning Authority and the Environment Agency as soon as possible;
- Follow the risk management framework provided in [Land Contamination: Risk Management](#), when dealing with land affected by contamination;
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as 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 the [contaminated land](#) pages on gov.uk for more information.

Further advice investigative boreholes condition

Redundant boreholes that are not intended for monitoring should be decommissioned as soon as practicable as to not act as pathways for contaminants – either already present or associated with the construction phase – to migrate to sensitive groundwater receptors themselves.

The decommissioning of boreholes at the site should be undertaken in line with the guidance presented in Good practice for decommissioning redundant boreholes and wells (Environment Agency, 2006) available at the following website: [\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](#).

You should keep an accurate record of the abandonment details for future reference, including:

- the reasons for abandonment (for example water quality problems);
- measurement of groundwater level prior to backfilling;
- the depth and position of each layer of backfilling and sealing materials;
- the type and quantity of backfilling and sealing materials used;
- any changes made to the borehole/well during the abandonment (for example casing removal);

any problems encountered during the abandonment procedure.

The location of abandoned borehole and wells should be clearly marked on site records. This is essential where any part of the well has not been filled. It is also

good practice to mark or deeply inscribe well caps; even if done crudely it can avoid considerable risk, delay, or uncertainty in the event of the structure being discovered during excavation by others in the future who may not otherwise know what the feature is. Always notify the Environment Agency and British Geological Survey of the abandoned well location and structure.

Further advice on piling condition

Piling has the potential to create preferential pathways, aiding the vertical migration of contaminants towards sensitive groundwater aquifers. We consider it prudent to include geotechnical investigation within the scope of any further intrusive ground investigation in order to inform foundation design. Continuous Flight Auger (CFA) piling is our preferred piling method, if piling is indeed deemed necessary. If the proposed strata for piles to terminate in is a Principal aquifer, **we strongly recommend exploring the feasibility of shallower foundations as much as possible.**

If penetrative techniques are indeed to be used during the construction of this development, information to address these issues will need to be included as part of a risk assessment and should consider the following:

- identification of relevant receptors and baseline monitoring;
- determination of contaminants of concern and establishment of trigger values;
- a monitoring strategy to be implemented during and after piling;
- mitigation measures to be implemented should the agreed trigger values be breached.

Within SPZ1, due to the close proximity of potable abstractions, we recommend that weekly monitoring for in-situ groundwater quality parameters, including conductivity and turbidity, should be incorporated into the groundwater monitoring plan as these provide valuable on-site data that can enable rapid decision making with respect to mitigations if required. A brief introduction to the potential hazards associated with piling through contaminated soils can be found [here](#). Monitoring wells installed to support a piling risk assessment should be installed to at least 5m deeper than the deepest piled foundation toe depth to capture any impacts from the proposed groundworks during and post construction.

Further advice on infiltration drainage condition

The current drainage strategy as outlined in the submitted Flood Risk Assessment & Drainage Strategy Report by CRE8 Structures (ref.: 2021008-CRE-XX-XX-RP-C-000001) is acceptable, and this condition is a precaution in case the desired drainage design cannot be achieved, with future proposals including infiltration features; we do not consider infiltration drainage feasible at this site.

We will likely object to the use of deep borehole soakaways without reasonable justification, in line with Position Statement G1 in [the Environment Agency's approach to groundwater protection](#). Please refer to the other position statements in Section G of this document when designing the drainage plan.

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.

Additionally, the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2), often referred to as “DoW:CoP”, provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution;
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are 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. Refer to the [Waste Classification Technical Guidance](#) and the [waste suitability](#) page on gov.uk for information about what each type of waste comprises and what it can be used for.

Permitting

The construction of this project may be subject to a number of activities regulated through Environmental Permits (EPR), including (but not limited to):

- dewatering;
- Deposit for Recovery (DfR);
- Flood Risk Activity Permit (FRAP);
- use of drilling fluids;
- abstraction license;
- surface and groundwater discharge consent(s).

We recommend contacting the National Permitting Team for permitting matters and any issues likely to be raised as early as possible as the processing times vary depending on the type of permit and can be long in some cases.

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.

Residential developments

The supply of water in the area is under serious water stress (as identified in our report: [Water stressed areas – 2021 classification](#)). All residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within [the Building Regulations &c. \(Amendment\) Regulations 2015](#). This standard **or higher** may already be a requirement of the local planning authority.

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.

Yours sincerely,

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Sustainable Places Planning Advisor

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