

Amit Patel
East Herts District Council
Development Control
Wallfields Pegs Lane
Hertford
Hertfordshire
SG13 8EQ

Our ref: NE/2023/136031/01
Your ref: 3/23/1447/OUT
Date: 21 August 2023

Dear Amit,

Outline planning for the development of 350 dwellings, with up to 4,400 sqm of commercial and services floorspace (use class E and B8) and up to 500 sqm of retail floorspace (use classes E) and other associated works including drainage, access into the site from the A10 and luynes rise (but not access within the site), allotments, public open space and landscaping.

Land East of the A10 Buntingford Hertfordshire.

Thank you for consulting us on the above application on 1 August 2023.

Please note that we have reviewed risks to groundwater, and our comments below reflect this. We have not reviewed the flood risk for this site and instead refer you to flood risk standing advice (see advice paragraphs below). We recommend that you view our standing advice in full before making a decision on this application.

Environment Agency Position

The groundwater beneath the proposed development site is sensitive in this area because the site is located:

- Within a Source Protection Zone 3
- Atop a Principal Bedrock aquifer (Chalk)
- Within a Water Framework Directive Groundwater water body with 'poor' overall classification (Upper Lee Chalk GB40601G602900)

We wish to see the following conditions attached to any grant of planning permission. Without these conditions, we feel that the development would pose an unacceptable risk to groundwater and we would object. This position is in line with paragraph 174 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.

We ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations. Please note that our comments are only in relation to environmental issues. Other parties may need to be consulted with respect to Health and Safety or amenity issues.

Condition 1 - 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

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planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

No investigation can completely characterise a site. This condition ensures that the development does not contribute to, 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 174 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.

Condition 2 - Infiltration of Surface Water onto the 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

To ensure that the development does not contribute to, 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 174 of the National Planning Policy Framework and Policy WAT3 of the East Herts District Plan.

Advice to local planning authority

Sequential Test

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions or conservatories
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
 - the proposed development is consistent with the use for which the site was allocated; and
 - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search

and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Flood risk standing advice

The proposed development falls partially within Flood Zone 2, which is land defined in the [planning practice guidance](#) as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed [here](#). We recommend that you view our standing advice in full before making a decision on this application.

Flood mitigation

The developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found [here](#).

Flood warning and emergency response

Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building and/or site during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

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.

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.

Signing up for flood warnings

The occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit [this site](#). It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

- For practical advice on preparing for a flood, visit [this site](#).
- To get help during a flood, visit [this site](#).
- For advice on what do after a flood, visit [this site](#).

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 us. Further information on our charged planning advice service is available [here](#).

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,

Becki Ingram

Sustainable Places Planning Specialist

Direct dial 02030 254985 | E-mail HNL.SustainablePlaces@environment-agency.gov.uk

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