

10 November, 2022

Planning Team
St Albans City and District Council
Development Control
Civic Centre St Peters Street
St Albans
Hertfordshire
AL1 3LA

Dear Planning Team,

RE: EA, Affinity Water and Thames Water Response – Application 5/2022/1988 Land to the rear of 42 -100 Tollgate Road, Colney Heath, St Albans Hertfordshire

Thank you for sending the statutory consultee comments from the Environment Agency (EA), Affinity Water (AW) and Thames Water (TW) dated 3 October 2022, 21 September 2022 and 31 August 2022, respectfully, regarding the planning application reference 5/2022/1988, Land to the rear of 42- 100 Tollgate Road, Colney Heath, St Albans (the site). We have provided responses below to address their respective concerns.

We have also received statutory consultee comments from RAB (the council's drainage consultant) and BPA both of which are standard comments that seems appropriate for the development and are therefore not addressed further in this letter.

Please see below our response to objections received from the EA with regards to the submitted Flood Risk Assessment and Drainage strategy works (Ref 332510999/401 dated June 2022):

1. EA Objection 1 – Building next to Main River

We object to this planning application as it involves works within 8 metres of a main river – River Colne. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

As submitted, the proposal does not comply with the requirements for planning, as set out in the Flood Risk and Coastal Change section of the Planning Practice Guidance and saved policy 84 (Flooding and River Catchment Management) of the St. Albans District Local Plan 1994.

Reason

The proposed development would restrict essential access to the main river. In particular, the proposal does not consider access to the 8-metre buffer zone from outside the site. This is necessary for maintenance or improvement works, particularly in an emergency.

Stantec response

We are disappointed to note the objection associated with perceived works within 8m of The River Colne, which is not applicable to this application.

As illustrated on the drainage strategy drawing for the site Ref 332510999/401/103 and 102, built development is a minimum of 137m from the River Colne, 90.5m from the proposed Northern SuDS Basin and 44.5m from the Southern SuDS Basin. This is considerably more than the 8m offset given as justification for an objection by the EA and therefore access for maintenance and any future improvement works to the River Colne is not applicable.

The site currently discharges surface water runoff to the River Colne, via overland flow routes, as confirmed within the supporting Flood Risk Assessment and Drainage Strategy report.

Infiltration is not feasible at the site, therefore the next sustainable solution for the discharge of surface water runoff is to discharge to a local watercourse, which the existing site also currently does.

The proposal is for two surface water pipes (one from the northern and one from the southern attenuation basins) to discharge the attenuated surface water flows into two proposed swales with a piped outfall and headwall arrangement to the River Colne. The works associated with the necessary outfalls from the basins will obviously need to be located within this 8m buffer, this would be acceptable following completion of the necessary permits, which would be undertaken prior to any works.

The proposed outfall arrangement has been discussed with the EA (please see enclosed) and this has been agreed in principle, the EA response dated 28/07/2022, states as follows:

'With regards to the Swale / headwall we would prefer the approach is as natural as possible providing this does not increase flood risk'.

We therefore request the EA review the current objection for the works next to a Main River, as this does not align with the site proposals and would be contrary to the riparian rights afforded to the landowner in accordance with The Water Resource Act 1991.

2. EA Objection 2: Insufficient information to determine risks to groundwater

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 174 of the National Planning Policy Framework.

Reasons

Our approach to groundwater protection is set out in "The Environment Agency's approach to groundwater protection" (Feb 2018 V1.2). In implementing the position statements in this guidance, we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value. In this case position statement "A5- Supply of adequate information" applies.

Groundwater is particularly sensitive in this location because the proposed development site:

- *is within Source Protection Zone 1 for multiple potable abstractions*
- *is located within the Kesgrave Gravel Formation which is underlain by a Principal aquifer within the Lewis Nodular Chalk Formation and Seaford Chalk Formation.*

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

- *No preliminary risk assessment with respect to land contamination has been provided. The Environment Agency notes the site is immediately adjacent to a historic landfill.*
- *The proposed location of a foul sewage station in an area of shallow groundwater presents a risk to controlled waters, including groundwater which supports potable abstractions. Any leakage, no matter how small would result in a direct input of untreated effluent to groundwater. Currently there is insufficient information to demonstrate the risk posed can be suitably managed.*

In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies. The proposal could cause further deterioration of controlled waters and prevent recovery of groundwater within the Mid Chilterns Chalk groundwater body.

Stantec Response

We would respectfully direct the EA to our Flood Risk Assessment and Drainage Strategy report for the site. This clearly shows only a very small area to the northeast, within the redline boundary, is in Source Protection Zone (SPZ) 1. This area is associated with an existing highway which is to be retained and used for access only. The remainder of the site is in SPZ 2. The intrusive works proposed are therefore pertinent to the SPZ 2 extent only.

The proposed development is for residential use, the attached EA checklist (When to consult the Environment Agency), which is used to guide Local Planning Authorities on the necessary consultation with the EA, clearly states in terms of groundwater, that development of this nature would not be considered a risk, even if applicable to a SPZ 1 extent (Refer to end notes 1 & 2 applicable to Groundwater Protection).

The Environment Agency's Approach to Groundwater Protection (Feb 2018 V1.2), as referred to by the EA in their objection, also follows the EA checklist and for Discharge of Liquid effluents into the ground (table 1) is applicable to SPZ 1 only, both of which is not applicable to the site.

We have also undertaken further assessment at a local level specific to Hertfordshire, to review other comparable sites of residential development at a similar scale, and as a worst-case review of those located in SPZ 1. It is evident that the EA objection of this nature is not consistent. For example, we reviewed a proposed site located in Royston Herts, which is located fully in SPZ 1, directly adjacent to an Affinity Water drinking water abstraction borehole, on a principal aquifer within chalk formation, directly adjacent to the SSSI of Therfield Heath and is proposed for development runoff to discharge via infiltration (Ref 18/00747/OP and 20/00744/OP). Groundwater risk was not addressed in any specific way and a groundwater risk assessment was also not submitted. Approval was granted by the EA subject to conditions.

The reference to landfill is also noted but is of no relevance to the Tollgate site, as surface water and foul is not discharging to ground.

A Phase 1 Ground Conditions Assessment Ref 332510999/3501/R01, dated May 2022 and a Phase 2 Ground Investigation Report, Ref 332510999/3501/R02 dated June 2022 have been undertaken in support of the site by Stantec. We would direct the EA to this document for any further information with regard to ground contamination.

Following the above we therefore respectfully ask the EA to review the objection raised in respect to groundwater risk.

Other Comments

We note the comments from Affinity Water and Thames Water. These are not objections but would like to highlight the above points raised with regard to the SPZ and the development proposals with regard to surface water discharge to the River Colne, which is proposed via a SuDS treatment train in full accordance with best practice and as detailed in our Flood Risk and Drainage Strategy report. The Surface Water will not discharge via infiltration. They should therefore note some of the comments made with respect to this site are not consistent with the development proposals and therefore conditions may not be fully addressed at reserved matters stage as not applicable. This however will be confirmed with stakeholders at the reserved matters stage.

We would however like to specifically address the following comment from Thames Water:

3. Thames Water Waste Comment – email dated 31 August 2022

“Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available ...”

Stantec Response

A pre-development enquiry was issued to Thames Water, this is enclosed with this letter. Thames Water confirmed there **is sufficient capacity in the sewerage network** to serve the development. Thames Water has made no approach to Stantec on behalf of the developer to agree an alternative position regarding foul capacity.

We would therefore ask Thames Water to review their comments issued as this is at odds with the pre-development assessment undertaken and provided for the site. Nevertheless, even if foul capacity was not available this is not a reason for objection by committee.

Conclusion

The site is not within the 8m easement of the River Colne, surface water and foul drainage have been designed in full accordance with both national and local policy and we would respectfully direct officers and members of the committee to the significant benefits that the development will be delivering.

Yours sincerely

Åsa Söderberg

Senior Associate Civil Engineer
on behalf of Stantec UK Ltd

Encs:

- EA Correspondence on Outfalls to River Colne
- EA Checklist (When to consult the Environment Agency)
- Thames Water Pre-Application Report

Knowles, Stephanie

From: Margetts, Michelle <Michelle.Margetts@environment-agency.gov.uk>
Sent: 28 July 2022 16:53
To: Bakopoulou, Christina
Cc: PSO Thames North East - Consents
Subject: RE: NEW ENQUIRY ~~ HNL 253613NR - 220218/DJ05. Land at Tollgate Road - EA Data Request

Hello Christina,

My apologies for the delay in getting back to you, your enquiry has been sent out to multiple departments so hopefully you have had a reply to some extent already.

Your surface water strategy should be assessed by the local authority, they will be the body that grants permission for a surface water discharge. This should form part of your planning application.

I believe our land and water team have been forwarded your query as they may have comments on what the quality requirements of that discharge are. More information can be found here:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

With regards to the Swale / headwall we would prefer the approach is as natural as possible providing this does not increase flood risk.

Any works within 8 metres of the river will likely require a flood risk permit, however there are exemptions and standard rules for outfalls:

FRA12

[Exempt flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](#)

Standard rules SR2015 No27

[SR2015 No 27: constructing an outfall pipe up to 500mm diameter through a headwall into a main river - GOV.UK \(www.gov.uk\)](#)

If the works do meet the above criteria and if the swale is within 8 metres of the river you may require a bespoke permit:

[Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](#)

I hope this is useful, please do not hesitate to get in touch if I can be of further assistance.

Kind regards

Michelle

Michelle Margetts

Flood Risk Technical Advisor, Partnership and Strategic Overview,

Environment Agency | Alchemy, Bessemer Road, Welwyn Garden City, Hertfordshire, AL7 1HE

Michelle.Margetts@environment-agency.gov.uk

External: 020 84749295 | Mobile: 07717151363



Creating a better place
for people and wildlife



From: Bakopoulou, Christina <Christina.Bakopoulou@stantec.com>
Sent: 16 June 2022 14:31
To: NET Enquiries <HNLenquiries@environment-agency.gov.uk>
Cc: Riley, Yvonne <Yvonne.Riley@stantec.com>
Subject: RE: NEW ENQUIRY ~ HNL 253613NR - 220218/DJ05. Land at Tollgate Road - EA Data Request

You don't often get email from christina.bakopoulou@stantec.com. [Learn why this is important](#)

Dear Naoimh,

Thank you for your last email.
We are in the process of finalising our surface water drainage strategy.

We are planning to discharge surface water to the River Colne, preferably via a swale (infiltration within the site is shown not to be feasible, as per the results of the ground investigation) .

Would you require us to use via a piped outfall and headwall or it would be possible to discharge directly via the swale?

Kind regards,
Christina

Christina Bakopoulou MEng MSc PhD GMICE
Senior Engineer

Direct: +441223802932
christina.bakopoulou@stantec.com

Stantec
3rd Floor
50-60 Station Road
Cambridge
CB1 2JH
UNITED KINGDOM



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From: NET Enquiries <HNLenquiries@environment-agency.gov.uk>
Sent: 17 March 2022 14:01
To: Riley, Yvonne <Yvonne.Riley@stantec.com>
Subject: RE: HNL 253613NR - 220218/DJ05. Land at Tollgate Road - EA Data Request

Dear Yvonne

Enquiry regarding Product 4, 5, 6 & 7 for Land at Tollgate Road, 520865, 205496

Thank you for your enquiry which was received on 17 February 2022.

We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

Please note that the Flood Map for Planning map and the Assets and Defences map and data is available for you to view or download yourself, see the links below.

Name	Product 4
Description	Basic Flood Risk Assessment Map for Land at Tollgate Road, 520865, 205496
Licence	Open Government Licence
Information Warnings	None.
Information Warning - OS background mapping	<i>The mapping of features provided as a background in this product is © Ordnance Survey. It is provided to give context to this product. The Open Government Licence does not apply to this background mapping. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which the Environment Agency makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.</i>
Attribution	Contains Environment Agency information © Environment Agency and/or database rights. Contains Ordnance Survey data © Crown copyright 2017 Ordnance Survey 100024198.

The following information is not available under the Open Government Licence but we may be able to license it to you under the Environment Agency Conditional Licence:

P5, 6 & 7: <https://ea.sharefile.com/d-sb27cace13bc469db>

Name	Products 5, 6 and 7
Description	<i>Upper Colne Flood Risk Mapping Study (Halcrow, 2010)</i>
Licence	Environment Agency Conditional Licence
Conditions	<p>1.0 You may use the Information for your internal or personal purposes and may only sublicense others to use it if you do so under a written licence which includes the terms of these conditions and the agreement and in particular may not allow any period of use longer than the period licensed to you.</p> <p>2.0 Notwithstanding the fact that the standard wording of the Environment Agency Conditional Licence indicates that it is perpetual, this Licence has a limited duration of 5 years at the end of which it will terminate automatically without notice.</p> <p>3.0 We have restricted use of the Information as a result of legal restrictions placed upon us to protect the rights or confidentiality of others. In this instance it is because of third party data. If you contact us in writing (this includes email) we will, as far as confidentiality rules allow, provide you with details including, if available, how you might seek permission from a third party to extend your use rights.</p> <p>4.1 The Information may contain some data that we believe is within the definition of “personal data” under the Data Protection Act 1998 but we consider that we will not be in breach of the Act if we disclose it to you with conditions set out in this condition and the conditions above. This personal data comprises names of individuals or</p>

	<p>commentary relating to property that may be owned by an individual or commentary relating to the activities of an individual.</p> <p>4.2 Under the Act a person who holds and uses or passes to others personal data is responsible for any compliance with the Act and so we have no option but to warn you that this means you have responsibility to check that you are compliant with the Act in respect of this personal data.</p> <p>5.0 The location of public water supply abstraction sources must not be published to a resolution more detailed than 1km². Information about the operation of flood assets should not be published..</p> <p>6.1 Where we have supplied model data which may include model inputs or outputs you agree to supply to the Environment Agency copies of any assessments/studies and related outputs, modifications or derivatives created pursuant to the supply to you of the Information, all of which are hereinafter referred to as “the Data”.</p> <p>6.2 You agree, in the public interest to grant to the Environment Agency a perpetual royalty free non-exclusive licence to use the Data or any part thereof for its internal purposes or to use it in any way as part of Environment Agency derivative products which it supplies free of charge to others such as incorporation into the Environment Agency's Open Data mapping products.</p>
Information Warnings	<p>Please be aware that model data is not raw, factual or measured but comprises of estimations or modelled results based on the data available to us.</p> <p>This model has been designed for catchment wide flood risk mapping. It should be noted that it was not created to produce flood levels for specific development sites within the catchment. Modelled outlines take into account catchment wide defences.</p>
Attribution	<p>Contains Environment Agency information © Environment Agency and/or database rights.</p> <p>May contain Ordnance Survey data © Crown copyright 2017 Ordnance Survey 100024198.</p>

However, you MUST first check the supporting information and the above link to determine if the conditions on use are suitable for your purposes. If they aren't, this information is not provided with a licence for use, and the data is provided for read right only.

For critical drainage you will need to speak to the Local Authority.

There are no projects for the local area. You can see the state and conditions for the defences in the links below. The details of the modelling will be in the P5, 6 & 7.

Here is the link to the climate change allowances: <https://www.gov.uk/government/publications/peak-river-flow-climate-change-allowances-by-management-catchment>

Further details about the Environment Agency information supplied can be found on the GOV.UK website:

<https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>

If you have requested this information to help inform a development proposal, then you should note the information on GOV.UK on the use of Environment Agency Information for Flood Risk Assessments

<https://www.gov.uk/planning-applications-assessing-flood-risk>

<https://www.gov.uk/government/publications/pre-planning-application-enquiry-form-preliminary-opinion>

Data Available Online

Many of our flood datasets are available online:

- Flood Map For Planning ([Flood Zone 2](#), [Flood Zone 3](#), [Flood Storage Areas](#), [Flood Defences](#), [Areas Benefiting from Defences](#))
- [Risk of Flooding from Rivers and Sea](#)
- [Historic Flood Map](#)
- [Assets and Defences](#)
- [Current Flood Warnings](#)

Please get in touch if you have any further queries or contact us within two months if you'd like us to review the information we have sent.

Kind regards,

Naoimh Richardson
Customers and Engagement Officer

☎ 0203 0257507 📧 HNLenquiries@environment-agency.gov.uk
✉ **Environment Agency, Hertfordshire and North London**
Alchemy, Bessemer Road, Welwyn Garden City, Hertfordshire, AL7 1HE

Working days: Monday to Friday 7am – 3pm

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When to consult the Environment Agency

Advice for Local Planning Authorities

August 2017

This guidance informs Local Planning Authorities (LPAs) of the types of planning consultations where the Environment Agency would like to be consulted. It describes the categories of development that could potentially impact on the environment and includes those for which we are listed as a statutory consultee in the [Development Management Procedure Order 2015](#) (DMPO) and current Government planning policy.

The guidance does not override the requirement to use the Environment Agency's [Flood Risk Standing Advice](#) (FRSA) or other locally agreed standing advice.

Pre-application, planning application and permission in principle consultations

Category	Description
Cemeteries	Development relating to using land as a cemetery, including extensions.
Coastal erosion	Development (excluding minor development) located within Coastal Change Management Areas, as defined by the LPA.
Environmental Impact Assessment (EIA)	Development requiring an EIA, including scoping opinions and the environmental statement.
Flood risk	Development, other than minor development or as defined in our FRSA , which is carried out on land: <ul style="list-style-type: none"> • within Flood Zone 2 or 3, or • in an area within Flood Zone 1 which has critical drainage problems as notified by the Environment Agency.
Groundwater protection	Potentially contaminating development ^{1 2} located in Source Protection Zones.
Hazardous waste/Control of Major Accident Hazard Regulations (COMAH) Sites	Development: <ul style="list-style-type: none"> • of new establishments, or • modifications to existing establishments which could have significant repercussions on major accident hazards, or • within 250 metres, where the siting or development would increase the risk or consequences of a major accident.
Intensive farming	Development of intensive animal farming (such as pig or poultry) that may require an Environmental Permit ³ .
Pollution from land contamination	Development on land where a previous use ¹ of the site may have caused contamination.
Mineral Extraction	Development involving or including mineral and mining operations and restoration schemes relating to such development.
Oil and fuels	Development for the purpose of refining or storing non-domestic oils and their by-products.
Refuse or waste	Development that includes: <ul style="list-style-type: none"> • the storage or spreading of sludge or slurry, or

	<ul style="list-style-type: none"> the storage, transfer, process, treatment and / or use of refuse or waste.
Non-mains drainage	Major development proposing to use non-mains foul drainage.
Works affecting a watercourse	Development involving carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River as notified by the Environment Agency.
Discharge / variations of Conditions	Only consultations where the Environment Agency has requested the condition be attached to the planning permission.
Planning appeals –	Only appeals related to an Environment Agency objection or recommended condition.

Strategic Consultations

Category	Description
Local Plans	Development Plan Documents, including documents prepared individually or in co-operation with other LPAs.
Environmental evidence documents	Including, but should not be limited to: <ul style="list-style-type: none"> Water Cycle Strategy. Strategic Flood Risk Assessment. Surface Water Management Plan. Strategic Infrastructure Plan. Environmental or Green Infrastructure Study. Strategic Housing Land Availability Assessment.
Strategic Environmental Assessment (SEA)/Sustainability Assessment (SA) of local plans	SEA/SA of local plan documents, including screening, scoping, draft and final report and post adoption statement.
Other strategic planning allocations	Including, but should not be limited to enterprise zones, garden cities and other strategic growth proposals such as urban expansions.

Endnotes -

¹ - As defined on gov.uk, [Land contamination DoE industry Profiles](#)

² - This type of development also includes the storage of potentially contaminating substances as defined in DoE industry profiles

³ - An environmental permit is required for the development of or expanding of, an existing facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry



Mrs Emma Thornes

STANTEC

11 Prospect Court,
Courteenhall Road,
Blisworth,
Northamptonshire,
NN7 3DG

**Wastewater
pre-planning**



Our ref **DS6093339, DTS-72409**

30 March 2022

Pre-planning enquiry: Confirmation of sufficient capacity

Site: Land South of Tollgate Road, Colney Heath, Hertfordshire - AL4 0PY

Dear Emma,

Thank you for providing information on your proposed development.

Existing site: Greenfield site.

Proposed site: Housing (150 units).

Proposed foul water discharge by gravity (75 units) and remaining by pumped discharge at 3.8 l/s into manhole TL20058601.

Proposed surface water discharge to nearby watercourse.

We're pleased to confirm that there will be sufficient foul water capacity in our sewerage network to serve your development.

This confirmation is valid for 12 months or for the life of any planning approval that this information is used to support, to a maximum of three years.

You'll need to keep us informed of any changes to your design – for example, an increase in the number or density of homes. Such changes could mean there is no longer sufficient capacity.

What happens next?

Please make sure you submit your connection application, giving us at least 21 days' notice of the date you wish to make your new connection/s.

If you've any further questions, please contact me on 07747 647 155.

Kind Regards

Zaid Kazi

Developer Services – Major Projects, Project Engineer

zaid.kazi@thameswater.co.uk

Get advice on making your sewer connection correctly at connectright.org.uk

Clearwater Court, Vastern Road, Reading, RG1 8DB

Find us online at developers.thameswater.co.uk