

Alex Tayler

London Borough of Barking & Dagenham
Development Control
Town Hall Broadway
Barking
Essex
IG11 7LU

Our ref: NE/2023/135553/01-L01

Your ref: 22/01177/FULL

Date: 26 April 2023

Dear Alex

Manns Waste Management, Civil Engineering Division of Samuel Williams Perry Road, Dagenham, Barking and Dagenham

Erection of industrial building for the separation of waste for recycling

Thank you for consulting us on the above application on 20 March 2023, and apologies for the delay in responding. We have reviewed the information submitted and have **two objections** to this application and recommend that planning permission is refused. We have reviewed the information submitted and have two objections regarding a lack of flood risk assessment and information relating to potential contamination of groundwater.

Please note that this application will require an Environmental Permit to operate. However, **this will not be granted** for this applicant (Manns Waste Management Ltd) in this location. Following the revocation of the existing Environmental Permit and the outcome of the subsequent appeal, all waste activities on site need to be removed and the site must be returned to pre permit conditions by October 2023. Considering the site and problems with local receptors it will be difficult for new owner to obtain a permit to cover this activity.

Objection 1 – Lack of Flood Risk Assessment

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. A Flood Risk Assessment (FRA) is vital to making informed planning decisions. In its absence, the flood risk posed by the development are unknown. This is sufficient reason for refusing planning permission.

This position is in line with paragraph 167 (footnote 55) of the National Planning Policy Framework (NPPF) and policy DMSI 6: 1 and 2 of the London Borough of Barking and Dagenham Draft Local Plan which states that an FRA must be submitted with development is proposed in such locations.

Overcoming our objection

To overcome our objection, the applicant should submit an FRA with demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

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If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll aim to respond within 21 days of receiving it.

Guidance on how to prepare a flood risk assessment can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>.

Objection 2 – Unacceptable risks to groundwater

We object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

Groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer A within the superficial Taplow Gravel deposits and the underlying Thanet Formation. The site is within a wider area that has been subject to industrial activities which are likely to have given rise to ground and potentially groundwater contamination. As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements of the National Planning Policy Framework.

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 risk of pollution is high, and the groundwater asset is of high value. In this case position statement A5 – *Supply of adequate information* applies.

In addition, the Thames River basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. Contamination present on the site could result in deterioration of groundwater quality within the Greenwich Tertiaries and Chalk WFD groundwater body.

This position is in line with paragraphs 183 and 184 of the NPPF and Policy DMSI 5: Land Contamination of the London Borough of Barking and Dagenham Draft Local Plan which states that development proposals on or adjacent to land potentially affected by previous contaminative uses will be required to apply the latest government guidance on land contamination.

Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures

This risk assessment should be undertaken in accordance with process set out in LCRM: [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/land-contamination-risk-management-lcrm)

Advice to the applicant

FRA Advice

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flooding information that we have available. Please contact HNLinquiries@environment-agency.gov.uk for flood data. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also

include local flood risk information to inform your FRA.

Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Pre-application advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL.SustainablePlaces@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.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you have any queries regarding this response, please contact me.

Yours sincerely


Sustainable Places Planning Advisor

