

**Cllr Peter Cook
Colney Heath Parish Council**

Appeal ref: 3278097
Date: 15 October 2021

Dear Peter

Environment Agency response to questions regarding our recent Statement of Case

Thank you for your email dated 28/09/21. I apologise for the delay in getting back to you. We have limited resource in this area and have been busy with our Statement Of Common Ground. The missing documents you have noted will be attached along with this response and I appreciate you highlighting that they were missing from our original response.

You had a number of questions regarding our response which I have reiterated below along with our response.

Question 1

Please update us as to what remediation is happening at the moment.

- Is it still only the extraction via HATF WPS or
- are you currently taking any other intervention action?

Answer

Currently the plume continues to be managed via scavenge pumping under the Voluntary Remediation Statement (VRS) at Bishops Rise (HATF,) the primary purpose of which is hydraulically contain the plume and limit the impacts on down hydraulic gradient abstractions. This was the agreed interim measure to be undertaken while works to determine the best practicable technique are completed.

No interventions', with exception of actions as required by the VRS are currently taking place under the contaminated land regime. The Environment Agency is precluded from serving a remediation notice under Section 78H(5)(c) of the Environmental Protection Act 1990 as *'the authority is satisfied that appropriate things are being, or will be, done by way of remediation without the service of a remediation notice on that person'*.

Question 2

What actions are you proposing should take place, especially following the public consultation on the second remediation where you asked for suggestions?

Answer

The public consultation on the second 'draft remediation Notice' and decision document took place between December 2018 and March 2019.

As a result of the consultation some amendments were made to the second remediation notice before it was served on 17 July 2019. The amendments are explained with

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reference to the relevant responses in the decision document to the second remediation notice (attached).

The second remediation notice was withdrawn on 24th September 2020 when the VRS was signed by the appropriate persons, Crest and Redland as the Environment Agency was then precluded under section 78H(5) from serving the remediation notice.

Question 3

What "work is underway to address the actions as set out within the VRS" as referred to in para 3.10 above.

Answer

The VRS requires a number of assessment actions to be completed, alongside ongoing monitoring. The Appropriate person's technical teams are currently in the process of undertaking the required steps to address these requirements. The requirements of each action are detailed within the VRS and reference should be made to this document. The Environment Agency notes that this document was not included with the documents submitted with the SoC, this omission was in error and a copy is provided with this response.

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

Yours sincerely

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Sustainable Places Planning Specialist

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