



Re: 21/0573/FUL – Proposed warehouses - Maple Cross

Dear Claire,

Local residents have repeatedly expressed their concerns about the risks that the proposed warehouse development poses to the underlying chalk aquifer and the drinking water it contains. Accordingly we have now taken legal advice.

Our legal advisors have told us that, as a public body, TRDC has a statutory duty to observe the objectives of the Water Framework Directive. This particularly applies to drinking water. The advice we have been given is as follows:

"There is a strong obligation under the WFD (implemented by the 2017 Regs) for the programme of measures relating to a body of water to include measures with the aim of avoiding deterioration in the quality of the water in that area, in order to reduce the level of purification treatment required in the production of drinking water abstracted from it.

Therefore, if a proposed project might impact the extent /cost / length of purification of drinking water extracted from a body of water, then it may contravene the Directive and the Regulations. Again if this is a real risk but the evidence is unclear, TRDC can refuse permission under the precautionary principle; and permission may be refused before harm occurs under the prevention principle".

We note that the applicant has engaged with Affinity Water prior to submitting this application in order to reduce any risks to the public water supply during and post construction.

However, in their letter dated 31st March 2021 Affinity Water state:

" the risk to public water supply still remains due to the proximity of the development to our pumping stations, although we recognise these risks can be managed, providing the agreed plans are thoroughly adhered to".

So, Affinity Water have confirmed that the risks still exist.

Affinity Water also clearly state the nature of the risks:

"Piling has the potential to impact on local underground sewerage utility infrastructure in addition to contaminant transport to the Chalk aquifer (including manganese), turbidity in the Chalk aquifer and potentially at the PWS abstractions, and on ground permeability, which may affect groundwater levels and flows".

It is proposed to manage these risks through planning conditions requiring "regular consultation and dialogue throughout the construction phase alongside the proposed monitoring programme, to ensure that risks to public water supply are effectively managed".

However, we know from recent experiences with HS2 that, however well a project is managed and monitored, it is not enough to prevent the perceived risks from materialising. Therefore, the proposed solution does not meet the objectives of the Water Framework Directive.

Furthermore TRDC cannot absolve themselves of their statutory duty to comply with the objectives of the Water Framework Directive by passing on that responsibility to the applicant, Affinity Water or indeed the Environment Agency. That duty rests fairly and squarely with TRDC.

The legal guidance we have received on this is as follows:

"There is a real risk that the proposed project may impact (a) the status of the water quality of the groundwater and the surface water, or (b) the purification process of the drinking water.



The evidence provided does prove with sufficient certainty that the above is true, meaning that TRDC can and should refuse to allow the proposed project on the basis of the precautionary and prevention principles".

As Hertfordshire is in an area of severe water stress, we expect TRDC to take the protection of the public water supply extremely seriously. Therefore, because of the stated risks to the supply of drinking water and in order to comply with the Water Framework Directive, TRDC must refuse this application.

Yours sincerely

[Redacted signature]

Maple Cross & West Hyde Residents Association