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Planning

## Literature Review for Groundwater Activity Cost Benefit

Environment Agency

UK2: Preliminary market engagement notice - Procurement Act 2023 - [view information about notice types](#)

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### Scope

### Description

Early market engagement is designed to benefit both those who may be interested in bidding for the proposal (when issued), but also to garner suggestions from a wider audience into how the technical approach could be refined and/altered.

#### Project Specification

The purpose of this project is to carry out a literature review of UK specific resources to evaluate what may be considered disproportionately costly in a necessary and reasonable measures evaluation for groundwater activities.

#### Background

Any discharge of pollutants which enter groundwater directly, or may enter into soil and reach groundwater, is a groundwater activity. Groundwater activities are regulated under Schedule 22 to the Environmental Permitting Regulations 2016 (EPR 2016).

In accordance with the regulations, the Environment Agency must ensure that all necessary and reasonable measures are taken to:

- prevent the input of hazardous substances to groundwater, and
- limit the input of non-hazardous pollutants to groundwater so as to ensure that such inputs do not cause pollution of groundwater

This is what we call 'prevent and limit'. Permit applications for groundwater activities must show that they can meet 'prevent and limit' before the Environment Agency can grant a permit for a groundwater activity.

Defra's Groundwater activity core guidance to the Environment Agency recognises that 'prevent' is not absolute and there is a practical limit to what realistically can be achieved within the overall context of aiming to avoid the introduction of all hazardous substances to groundwater. Paragraph 4.17 also explains how an input of hazardous substances would be prevented, for example, if:

- there is no discernible concentration of a hazardous substance in the discharge. This would also clearly come within the exemption under paragraph 3(3)(b) of Schedule 22 to the 2016 Regulations, with only limited assessment needed to make this judgement: or
- there are no discernible concentrations of hazardous substances attributable to the discharge in groundwater immediately down-gradient of the discharge zone, subject to adequate monitoring (or in the case of new discharges a detailed predictive hydrogeological impact assessment); or
- there are (or are predicted to be) discernible concentrations of hazardous substances in the groundwater down-gradient of the discharge zone attributable to the discharge but all of the following conditions apply:
  - (a) concentrations will not result in any actual pollution or a significant risk of pollution in the future; and
  - (b) there is no progressive increase in the concentration of hazardous substances outside the immediate discharge zone, that is there will be no statistically and environmentally significant and sustained upward trend or significant increasing frequency in pollutant "spikes"; and
  - (c) all necessary and reasonable measures to avoid the input of hazardous substances into groundwater have been taken (see below)

Defra's groundwater activity core guidance provides some brief guidance on what necessary and reasonable measures could be: "A reasonable measure would be one where the necessary technical precautions to prevent inputs to groundwater are technically feasible, not disproportionately costly and are within the control of the operator."

The Environment Agency anticipates an increased number of groundwater activity permit applications for the re-deposit of contaminated materials at brownfield sites where there are predicted to be discernible concentrations of hazardous substances in groundwater immediately down-gradient from, and which are attributable to, the re-deposit. In these instances, applicants will need to use a 'necessary and reasonable measures' evaluation to show they have prevented inputs of hazardous substances into groundwater as per sub bullet (c) above. Evaluating risks from groundwater activities is different from evaluating risks from legacy contamination, because hazardous substances may already be present in groundwater.

Currently, although there is guidance on cost benefit analysis, including specifically what may be disproportionate costs for the remediation of land contamination, this project specifically aims to understand the specific costs and benefits that can be applied directly to groundwater activities (as defined in Schedule 22 of the EPR).

The National Groundwater Team at the Environment Agency has identified that there is a need to produce new guidance on what are 'necessary and reasonable measures' in the context of groundwater activities, what is disproportionately costly for groundwater and how to evaluate this. Necessary and reasonable measures evaluations could be semi quantitative or fully quantitative depending on the risk of the activity and sensitivity of groundwater at the site-specific location.

To ultimately support the production of the new guidance, the deliverables for this project are to:

1. Undertake a literature review of UK-specific resources to evaluate what may be considered as disproportionately costly in a necessary and reasonable measures assessment for groundwater activities. This literature review should include, as a minimum, historic cost benefit reports Environment Agency R&D Technical Reports P278, P279, P316 and P2-078/TR. However, we invite you to use other relevant literature sources, where applicable.
2. Produce a report detailing the outcomes of the literature review (1) that could be incorporated into new guidance on disproportionate costs in a necessary and reasonable measures assessment for groundwater activities or to identify gaps in the literature and further research is needed.

### **Total value (estimated)**

- £0 excluding VAT

- £0 including VAT

Below the relevant threshold

### **Contract dates (estimated)**

- 8 September 2025 to 8 March 2026
- 6 months, 1 day

### **Main procurement category**

Services

### **CPV classifications**

- 90733700 - Groundwater pollution monitoring or control services

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## **Engagement**

### **Engagement deadline**

11 July 2025

### **Engagement process description**

The literature review and associated report will be completed over a three-month timeline, using the Environment Agency's Literature Review Guidance document, which provides guidance as to how literature reviews should be completed to align with Environment Agency requirements.

## Timeline

The Environment Agency's indicative timetable, which is subject to change, is detailed below:

Procurement Activity Anticipated Date

Market Engagement 20 June 2025 - 11 July 2025

Publish Invitation to Tender (ITT) 28 July 2025

ITT response date 22 August 2025

Contract award / contract issued 8 September 2025

Contract Start Date 8 September 2025

Draft final report submitted 8 December 2025

Contract End Date 31 March 2026

## Market Engagement Questions

Questionnaire responses will be used to inform our assessment of carrying out this requirement and how it might potentially be delivered, including the route to market. Responses will not, under any circumstances, be used as an evaluation tool.

Please indicate your expression of interest and any feedback by 11 July 2025 by emailing [lucy.snape@environment-agency.gov.uk](mailto:lucy.snape@environment-agency.gov.uk).

All responses and details of respondents will be held in the strictest commercial confidence and will not be shared wider.

Please provide examples in your responses to projects, programmes of work and international standards where necessary.

## Questions

1. Contractor Name

2. Please provide two brief examples that demonstrate your organisations experience and expertise in the remediation of brownfield sites, specifically where a groundwater activity was carried out (Schedule 22 of EPA 2016 Groundwater activities).

3. Are there any factors that may prevent you from submitting a bid for this project, such as capacity and/or expertise?
4. Given your understanding of the scope, are you able to provide the outputs for all of the requirement, including all deliverables?
5. Please set out what you foresee as key risks or challenges associated with delivery of the outlined services (including mitigations where relevant).
6. Given your understanding of the technical specification provided:
  - a. Do you believe the project tasks are adequately described with relevant information?
  - b. Is there any further information you would need about the specification?
  - c. Do you have any suggestions on how the specification could be modified to improve the project outcome?
7. What key information does the Environment Agency need to provide in the Invitation to Tender (ITT) documents to ensure that you can prepare a quality bid and price the work accurately?
8. Do you wish to express an interest in this project? If your reply is No, please provide a brief reason why you have opted out for monitoring purposes.
9. Please provide an estimation of costs to carry out this project to the nearest £5k. Please note these will not be taken as a formal quote and will only be used for project planning purposes.
10. Any other comments of feedback?

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## **Contracting authority**

### **Environment Agency**

- Public Procurement Organisation Number: PNWW-1475-NYLN

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Organisation type: Public authority - central government