

GREATER**LONDON**AUTHORITY

DP9

100 Pall Mall
London
SW1Y 5NQ

Department: Planning

Your reference:
Our reference: D&P/1200c&d/PR
Date: 30 April 2019

For the attention of Julian Shirley

Dear Sirs

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('2011 Regulations') The Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 And 2007; The Town and Country Planning (Mayor of London) Order 2008.

**Request for Scoping Opinion Review
Land known as Bishopsgate Goods Yard, London, E1**

**Greater London Authority ref: D&P1200c&d
(Hackney and Tower Hamlets Planning application nos. 2014/2425 & PA/14/02011
Hackney and Tower Hamlets Listed building application nos. 2014/2427 &
PA/14/02096)
Bishopsgate Goods Yard Regeneration Limited ('Applicant')**

I refer to your Scoping Opinion Review Request (SORR) dated 5th March 2019 pursuant to the 2011 Regulations and the content of the Environmental Statement Addendum (ESA) to be prepared in connection with the development proposed at the above site under the existing planning applications (references referred to above) (Applications').

Please find below the GLA's (on behalf of the Mayor of London, Local Planning Authority for the Applications) review of the Scoping Opinion issued jointly by the London Borough of Hackney (Ref: 2014/0249) and the London Borough of Tower Hamlets (Ref: PA/14/00107) in March 2014 ('2014 Scoping Opinion') (attached as Appendix).

Section 1 sets out the details of the application site and the proposal, Section 2, details the comments of the consultees and Section 3 sets out the review of the approach to the EIA. Section 4 comments on the matters to be assessed in the ESA and Section 5 deals with the topics Scoped-Out.

SECTION 1 – CONTEXT AND PROPOSAL

- 1.1 This Scoping Opinion Review letter pertains to the Bishopsgate Goods Yard site, an area of 4.7 hectares straddling the boundary between Hackney and Tower Hamlets, located within and adjacent to Shoreditch, Spitalfields and Brick Lane. In strategic planning terms the site lies within the City Fringe Opportunity Area and the Central Activities Zone, as identified by the London Plan. Originally the London terminus of the Eastern Counties Railway Company in the 1800's, the land was subsequently used as a purpose-built railway goods yard in the 1880's. A large fire destroyed the majority of the site in 1964 after which most of it was vacated. Since that time there have been several temporary uses of the site, including for football pitches and the 'Box Park' retail space. A new rail line, London Overground was constructed in the 2000's and Shoreditch High Street London Overground Station opened in 2010. The station and the approaches to it across the site were 'boxed' in to allow for future development.
- 1.2 The site has several infrastructure constraints which affect the options for redevelopment in addition to the boxed-in Overground railway. These include Central Line tunnels and a BT communications tunnel which sit 17 metres and 28 metres below ground respectively and extend across the site. To the south of the site is the six-track West Anglia mainline and suburban line and an additional area safeguarded for two future tracks, known as the "eight-track safeguarding".
- 1.3 Additionally, there are a number of historic structures on-site, including the Grade II listed Braithwaite Viaduct and the gates, walls and the Oriel Gateway on the Shoreditch High Street frontage as well as a number of other listed structures in the local vicinity. The north east corner of the site is within the Brick Lane and Fournier Street Conservation Area which wraps around the site to the south. To the south west of the site lies the Elder Street Conservation Area, to the north and west is the South Shoreditch Conservation Area and to the north is the Redchurch Conservation Area and the Boundary Estate Conservation Area beyond.
- 1.4 The Scoping Opinion Review Report (SORR) relates to the Applications Following amendments to the proposals, an updated environmental statement was submitted with the amendments on 15 June 2015. After the Mayor's decision to call in the Applications in September 2015, further environmental information was submitted which was consulted on in early 2016. The scheme was scheduled to be presented at a Mayoral Representation Hearing in April 2016 but was deferred at the request of the Applicant to allow for further discussion and amendment to the submitted proposal. The Applications have remained undetermined and the Mayor continues to be the determining local planning authority.

1.5 Following extensive and collaborative discussion between the Applicant and Officers from the GLA and the two Boroughs, the Applicant decided to submit a request for a Scoping Opinion on the emerging proposals under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations) in December 2017 ahead of the submission of amendments to the Applications. This was considered not, as a matter of law, to be correct in its apparent assumption that the EIA for the Applications are to proceed under the 2017 Regulations. The GLA take the view that the determination of the Applications, so far as the EIA is concerned, remains governed by the 2011 Regulations. Regulation 76(2) of the 2017 Regulations provides that, notwithstanding the revocation of the 2011 Regulations, the 2011 Regulations continue to apply where, before the commencement of the 2017 Regulations, an applicant has submitted an environmental statement or requested a scoping opinion. As such, and pursuant to Regulation 76(2), the 2011 Regulations continue to apply to the Applications as submitted and as intended to be amended.

1.6 Neither the 2011 Regulations nor the 2017 Regulations provide for the procedure that the Applicant initially wished to undertake, namely the submission of a request for an entirely new scoping opinion after application for planning permission has been made. By Regulation 13(1) of the 2011 Regulations and Regulation 15(1) of the 2017 Regulations, a scoping opinion may be sought where a person is minded to make an EIA application. As such, the procedure is available only before an application is made. A formal request for a scoping opinion after an EIA application is made (supported by an environmental statement) is outside the Regulations. As such, it was considered that the Mayor could not, lawfully, entertain and respond to the Applicant's request in the terms and form in which was originally made. However, given the passage of time since the original environmental statement, it was considered appropriate that review of the 2014 Scoping Opinion is requested enabling the Mayor, acting as local planning authority, to indicate, where the scope of the submitted environmental statement requires modification or requires addition to be made. Such modifications or additions can then be addressed through additional environmental information.

1.7 Accordingly, the Applicant submitted in March 2019 a request for a review of the 2014 Scoping Opinion (the SORR), allowing the Mayor the opportunity to identify any revisions or additions to the 2014 Scoping Opinion which are required to address the likely significant effects on the environment arising from the development as proposed to be amended.

Development Proposal

1.8 According to the Scoping Review document the amended submission will be for the following development:

- provision of up to 130,000 m² Gross External Area (GEA) of Commercial (B1 use);
- provision of up to 20,000 m² GEA of Retail (A1 to A5 use);
- provision of up to 500 residential homes (C3);
- provision of up to 150 hotel rooms (C1);
- other assorted uses of D1;
- up to 1 hectare of public realm

1.9 Paragraph 1.2.10 of the SORR states that the proposed development will be divided into 9 development plots with plots 2 and 7 covered in detail (Full) and the rest in outline. Plot 7

incorporates the listed elements within the site. This compares with the development proposed in the 2014 Scoping Opinion prior to the submission of part full and part outline planning application covering the entirety of the site seeking part outline and part detailed (full) planning permission for the following:

- Provision of up to 180,000 m2 Gross External Area (GEA) comprising of 6 residential buildings (equating to up to 1420 units),
- An office complex providing up to 60,000 m2 (GEA),
- Retail provision throughout the scheme of up to 20,000 m2 (GEA); and
- Substantial public realm, including a new raised park

1.10 The 2014 Scoping Opinion noted that an accompanying application for listed building consent would need to be submitted for the proposed works to and re-use of the listed arches and other listed structures within the site.

SECTION 2.0 - CONSULTATION

2.1 All parties consulted previously on the 2014 Scoping Opinion, including all the statutory consultees plus others were consulted on this Scoping Opinion Review. The following bodies responded.

Historic England

No observations.

Environment Agency

No environmental constraints that fall within EA remit at this site and no comments to make.

Natural England

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20 ha of best or most versatile land), nor is the development for a mineral or waste site over 5 ha.

It is not a priority for Natural England to advise on the detail of this EIA. Natural England would expect the final Environmental Statement (ES) to include all necessary information as outlined in Part 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

Transport for London

The Mayor's Transport Strategy and related Action Plans in the submission. As well as the impacts listed in the report, TfL prime concerns would be:

Impact on road safety –inter-action between vulnerable road users and heavy goods vehicles/ delivery vehicles during operation and construction, as well between increased pedestrian and cycle demand and the existing highway. Mitigation through influencing driver behaviour (FORS, CLOCS), design on site and on highway, as well managing vehicular deliveries and servicing, including funding of works on Shoreditch High Street.

Impact on health – we need to ensure the scheme itself and interaction with local highway encourages active travel and mode shift. Mitigation is applying the Healthy Streets approach to site design and works on adjacent highway and promoting sustainable travel. TfL approach to Healthy Streets TA is set out here: <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments> including how to undertake a Active Travel Zone assessment: <http://content.tfl.gov.uk/atz-assessment-instructions.pdf>

Impact on equality and inclusion – we need to help ensure the physical environment caters for the needs of all people who will work, visit or live on site. We have discussed Blue Badge parking, however, accessibility includes the approach to shared space, signage, cycle parking, accessible bus stops, access to public transport more generally. The Mayor’s strategy <https://www.london.gov.uk/sites/default/files/mayors-equality-diversity-inclusion-strategy.pdf> refers to transport and TfL Streets Toolkit includes specific design advice.

BT Property

No comments at this stage. Scheme is very close to an exchange and will have some impact. Openreach’s opinion should be sought re local capacity.

Royal Borough of Greenwich

No further observations.

London Borough of Hackney

No objections

In the delegated report, Officers comment on the scope of views with the TVIA section of the ES; the following additional views are considered necessary to fully assess the impact of the scheme:

- Kingsland Road, from the pavement on the west side of the road, in front of St Leonard’s Hospital;
- South west pavement corner at junction of Bishopsgate and Commercial Street;
- North eastern edge of the front gardens to the Geffrye Museum (Grade I);
- Just south of Christ Church, Spitalfields looking north along Commercial Street to Spitalfields Market;
- Northern end of Boundary Street, from the pavement on the west side, looking south;
- A view which shows the relationship between the Oriel Gate and Building 2, with a view down Middle Road, probably taken from the pavement on the west side of Shoreditch High Street;

- View east from Holywell Lane.

London Borough of Tower Hamlets (LBTH)

The London Borough of Tower Hamlets provided detailed responses. For ease of reference substantive comments to be addressed by the Applicant (omitting those raised by GLA Officers), are summarised where appropriate under each heading in Sections 3, 4 and 5 of this report, along with GLA Officer comment and action for the Applicant. There are other matters that LBTH have raised which the Applicant should have regard to, particularly in terms of some of the technical and presentational aspects of the ESA. The full response is attached as an appendix.

Health and Safety Executive

No comments on the Scoping Review made.

Port of London Authority

No comments to make.

Historic Royal Palaces

Historic Royal Palaces note that the Visual Impact Assessment section of the updated Townscape and Visual Impact Assessment volume of the Environmental Statement will include 'Accurate Visual Representations' of LVMF views 10A.1 (from Tower Bridge, north and south bastions), 25A.1-3 (from the Queen's Walk) and the view from the Tower of London North Wall Walk. These should provide the information we need to assess whether or not the amended scheme will have an impact on key views of and from the Tower of London World Heritage Site. No other comments at this stage.

Crossrail 2

No comments

Crossrail

No comments on this application as submitted.

NATS

Although the potential of an impact at this specific location is felt to be relatively low NATS advice is for the applicant to provide further details to NATS in respect of the exact heights and coordinates of the proposed blocks. NATS will then be able to refine its assessment and advise whether an impact is anticipated or not. We note that historically London City Airport has been consulted, their advice would be to ensure that both Heathrow and LCY are engaged in respect of the potential impact upon aviation.

NATS has no other comments to make on the Scoping Opinion.

Marine Management Organisation

No comments on the application

2.2 The following parties did not respond to the consultation exercise

Ancient Monuments Society
BBC
British Gas
Canal and River Trust
Council for British Archaeology
City of London
The Georgian Group
Greater London Archaeology Advisory Service
London Borough of Islington
London Borough of Lewisham
London Borough of Newham
London Borough of Southwark
London City Airport
London Fire Brigade
Maritime Greenwich World Heritage
Network Rail
National Grid
The Society for the Protection of Ancient Buildings
Sport England
The Twentieth Century Society
The Victorian Society

3.0 SECTION 3 – General Approach to the ESA

- 3.1 The National Planning Policy Guidance (NPPG) identifies the purpose of an Environmental Impact Assessment to be to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 3.2 Section 1.2 of the SORR sets out the general approach to the ESA with regards to the scheme amendments and bearing in mind the time that has lapsed since the original Environmental Statement (ES) was produced. The SORR confirms that baseline conditions will be updated where necessary and the assessments revised to reflect any changes in guidance and policy. This is welcomed. The SORR also states that the ESA will be presented in a way that it can be easily understood to avoid having to use track changes and refer back to the original ES too much. Each chapter will also have a qualitative assessment comparing the environmental effects of the 2019 Proposed Amendments with the 2015 Proposed Development. The effects will also be considered with and without mitigation applied and conclusions presented on whether the effects are better or worse than reported in the 2015 scheme. This approach is considered acceptable as it still provides a means of comparing the likely significant effects of the proposed amended scheme with those identified for the original proposal.
- 3.3 Detail on the overall assessment methodology for the ESA is included in section 1.5 of the SORR. This is considered broadly acceptable subject to the following comments:

- 3.4 Para 1.5.13 of the SORR refers to construction being undertaken in phases. It is important that the assessments factor in any new receptors that might inhabit certain phases of the development while others are under construction. The use of assessment parameters (SORR paras 1.5.6 to 1.5.8) is acceptable but the ESA must make it clear in each topic what the assessment assumptions are with regards to parameters, so it is clear how a reasonable worst case assessment has been carried out.
- 3.5 The approach to the assessment of effects is covered in paras 1.5.17-1.5.34 of the SORR. This section notes that consideration of significance will take into account receptor sensitivity, duration of effect, and magnitude of impact which is welcomed. Tables 1.5.1 to 1.5.3 defining sensitivity, magnitude and setting out a generic significance matrix are helpful to the reader. Para 1.5.33 also sets out what is considered significant in EIA terms (moderate or above) and this is felt acceptable for a generic EIA approach though it is noted there will be topic specific approaches that will need to be clearly explained in the ESA. The SORR notes that the ESA will still present the limited development scenario in a standalone appendix to cover the potential to just deliver the parts of the development within LBTH. This is acceptable. The SORR outlines that the ESA will include consideration of the main alternatives considered during the design process and will include the rationale for the selection of the preferred options. This is welcomed.
- 3.6 The SORR notes that there will be coverage of embedded mitigation measures and the likely effects during construction and operation, as well as inclusion of additional mitigation measures, prior to concluding on residual effects. The ESA should present a realistic assessment of likely significant effects and as such it is considered appropriate that this can include *“industry good practice, Best Practicable Measure (BPM) and construction environmental management procedures identified in the draft Code of Construction of Practice (CoCP)”* as set out in para 1.5.38 of the SORR. However, it is important that the ESA clearly identifies such measures to enable them to be identified by the GLA and conditioned. A table or list summarising all embedded and additional mitigation would be helpful. The SORR states that *“Residual effects will be presented within each individual topic chapter and summarised in the concluding chapter of the ES Addendum”*. This is welcomed.
- 3.7 Section 1.3 refers to the emerging policy context. Note that Hackney Council submitted their Local Plan 2033 for examination in public in January 2019.

Consultation

- 3.8 Section 1.4 of the SORR outlines the approach to consultation in relation to the ESA. It is not clear from the SORR how consultation will be presented in the ESA. The ESA should include a clear summary of the consultation undertaken and should summarise key responses from consultees and how these have been addressed in the ESA.

Structure of ESA

- 3.9 The structure of the ESA assessment chapters is set out in section 1.22 of the SORR. This is considered reasonable and comprehensive. The separation of TVIA and Built Heritage into separate chapters is welcomed. The ESA should include sufficient figures, maps and diagrams to aid understanding of the assessment including visual representations of the proposed scheme changes and how they differ to the previous scheme.

3.10 It is not clear where coverage of 'scoped out'/non-significant topics will be included in the ESA. The ESA should include a clear section discussing the scoping process and providing clear justification for why topics have been scoped out.

Cumulative Effects

3.11 The approach to the cumulative assessment including consideration of type 1 and 2 effects is acceptable. A table and map of schemes to be included in the cumulative assessment has been provided. This appears to include schemes that are under construction, granted consent and where a planning application has been registered. It is helpful for the cumulative assessment to include schemes which do not yet have submitted applications but which are reasonably likely to come forward (such as those where a request for scoping has been submitted and where an application is expected within the determination period for the assessed scheme). The list of schemes is not complete and should include those raised by LBTH and referenced in Section 4 (para 4.35). The Applicant must provide justification to scope out any of the schemes identified, in relation to likely significant effects. In addition, those inaccuracies highlighted by LBTH should be addressed ahead of the amended submission.

3.12 Para 1.5.45 of the SORR states that *"The EIA will consider Type 2 cumulative effects from schemes of an appropriate scale and spatial extent in the context of the development"*. It is not clear what scale is being considered. In the 2014 Scoping Opinion LBTH commented on the thresholds used to identify cumulative schemes (para 4.13) and this comment still applies.

Demolition and Construction

3.13 The SORR states that a chapter describing the proposed construction methodology, the likely phasing of the Proposed Amendments and the proposed construction timescales will be presented as per the 2015 ES. There is no other information provided which illustrates what this chapter might contain. As such, the ESA should ensure it provides an overview of the works required during the demolition, excavation and construction activities. The ESA should ensure it provides sufficient detail on demolition, excavation and construction activities to enable the topic assessments to draw relevant information into their assessment of effects. The chapter should include details of an indicative construction programme, split into the main phases of the project; the likely plant and vehicle movements during each phase, including for any overlap of activities; information on any phasing of the project and whether any new receptors will be created through the occupation of any phases; details on vehicle access and egress routes; worst case vehicle movements including for any waste traffic; details on how the site is to be managed and welfare facilities to be provided during each phase; mitigation measures proposed to control impacts during the demolition, excavation and construction works; details on hours of operation and any crane requirements.

Topics

3.14 The Applicant considers as per the submitted scoping review that aspects of the environment that are likely to be significantly affected by the 2019 Proposed Amendments should be addressed by the following topics to be within the scope of the Environmental Statement Addendum:

- Waste and Recycling
- Socio-Economic Issues

- Ground conditions
- Traffic and Transport
- Wind microclimate
- Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution
- Air Quality
- Noise and Vibration
- Water resources and flood risk
- Archaeology
- Townscape and Visual Impact Assessment
- Built Heritage
- Ecology
- Climate Change Mitigation and Adaptation

3.15 The 2013 Scoping Report provided by the Applicant and subsequent 2014 Scoping Opinion were in agreement that the following topics were not considered to have the potential for significant environmental effects to arise from impacts associated with the 2015 Proposed Development and could therefore be 'scoped out' of the main assessment:

- Aviation; and
- Human Health and Wellbeing

The SORR review considers that the same topics with added justification be scoped out again alongside the following matters:

- Electronic Interference
- Population and Human Health
- Major Accidents and or Natural Disasters

London Borough of Tower Hamlets summary

3.16 In their consultation response which is attached the Borough provided several responses on the approach to the ESA addendum. Those which are not covered above and considered of relevance to this Scoping Review are summarised below (with GLA response in *italics*).

General Points

- Clarity on the proposed amendments are required in terms of the use classes and totality of floorspace as well as the actual development now proposed – *This point should be taken on board to ensure all consultees are aware of the precise nature of what is being proposed.*
- Clarity on the max building heights requires across the development including building height, and number of buildings to be provided – *Agreed.*
- Total area should be detailed in the ESA not just the appendix – *Agreed*
- The phasing of the development will have to be fixed should permission be granted. – *Agreed*

Methodology

- LBTH consider that an entirely new ES should be submitted based on the most recent scoping opinion. LBTH considers that the submission of an entire ES, as opposed to an ES

addendum will support public access and support the objective of the Aarhus Convention – Please refer to paragraph 1.6 above. The Applicant’s SORR also confirms that the ESA will be presented in a way that it can be easily understood and the ability of all parties to interrogate the environmental effects of the proposal will not be fettered

Significance Criteria

- LBTH notes that the proposed significance matrix includes the classification that impacts of moderate magnitude on receptors of a moderate sensitivity, will result in a moderate-minor effect. The Borough considers that this classification underplays the effects and the final matrix for determining significance should be refined to ensure that the assessment of effects is representative and does not understate or overstate beneficial effects. – GLA Officers do not raise concerns in this regard. The results will depend how the matrices are used in practice, and which impacts are described as neutral. It is considered that the assessment of impacts will not be prejudiced.

Mitigation

- LBTH state that the ES should make clear what measures are required in mitigation and whether they are inherent to the design or if they need to be secured through planning condition or s106 – Agreed

Plans and Drawings

- The Borough makes several comments relating to the clarity of the submitted plans and drawings and the information they give to assist the reader – GLA Officers agree that clarity in presentation is essential

Section 4 - Environmental Topics Scoped-in to the EIA

4.1 This section reviews the topics proposed for detailed assessment in the Environmental Statement Addendum. The report sets out tables which identify the specific changes to the original 2014 Scoping Opinion are required to reflect the changed circumstances and should be read alongside that document. It is important to note that if paragraphs are not mentioned in the tables of suggested changes to the Scoping Opinion, these should remain as written in the 2014 Scoping Opinion.

4.2 A summary of the response from the London Borough of Tower Hamlets will be added to each topic.

Waste and Recycling

4.3 Given the size of the site and the complexity of the scheme it is appropriate to scope in the assessment of waste into the ESA.

Implications for the 2014 Scoping Opinion

| <i>Paragraph in 2014 Scoping Opinion</i> | <i>Recommendation</i> |
|---|------------------------------|
| | |

| | |
|--|---|
| Paragraph 4.35 refers to a review from the LBTH's Waste Officer | To be updated to reflect if this review has been reviewed again by the Waste Officer. |
| Paragraph 4.39 | Replace with "When estimating total waste arisings regard is to be given to the types and volumes of demolition, excavation and construction wastes likely to be generated. For each waste types the ES should clarify how the wastes are to be managed, for example re-used, recycled, landfilled and whether such activities are to be undertaken on-site or off-site." |
| | |
| <p>Additional paragraphs on the following matters are proposed:</p> <ul style="list-style-type: none"> • to ensure that the baseline environment including existing levels of waste generated at the site will be examined • to ensure that relevant legislation, policy, standards and guidance will be reviewed. This assessment should consider waste management policies and those pertaining to the sustainable use of natural resource policies. This should include consideration of the updated Draft London Plan and the Local Development Plan and associated guidance • to ensure that consideration should also be given to sustainable construction practices during the development, and how these may benefit the reduction in volumes of waste arising • to state that reference to a qualitative comparison of the residual effects to the 2015 Development with the 2019 Proposed Amendments is to be provided in the ES • to state that cumulative impacts, during both the construction and operation phases, will also be considered with the committed developments listed in the updated Scoping Report. This should also cover any cumulative impacts during the demolition phase, as significant volumes of waste requiring landfill could arise during this phase | |

4.4 LBTH Comments

The inclusion of appropriate waste storage and recycling facilities is required in accordance with the LBTH Managing Development Document (DPD 2013) and Policy SP05 of the Core Strategy. This is a guiding principle which will assist in calculating waste volumes, storage and capacity – *Agreed. The applicant should take this into account in the design of such facilities in the Borough.*

Socio Economics

4.5 The key issues for inclusion in the assessment are appropriate and the proposed approach to informing the assessment methodology considered appropriate. The assessment should take into account the Public Land status of the site for which a 50% affordable housing target is required.

Implications for the Council's Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|--|
| 4.46 | Delete 2 nd and 3 rd sentence. And replace with "The key issues identified for inclusion in the assessment and the approach to the assessment are appropriate." |
| 4.48, 4.49, 4.50, 4.51 | Delete |
| 4.52 | Delete and replace with "It is accepted that LBTH policy will be used for the housing and affordable housing assessments, as the residential element is only located in LBTH. If LBTH's targets cannot be met on-site, but will instead be secured through financial contributions and /or off site locations, the ESA should consider these effects." |
| 4.53, 4.54, 4.55 | Delete. |
| Reference to the draft London Plan 50% Affordable Housing requirement should be made | |

4.6 LBTH Comments

LBTH query why the socio-economic baseline for England as a whole is not provided. – *GLA Officers do not consider this to be necessary in addition to the Greater London baseline. Other comments made in this section are reasonable and should be noted by the applicant.*

Ground Conditions

4.7 It is considered appropriate that this topic is scoped into the ESA. The information presented on this matter is very limited, with previous assessments based on a commercial land use which is less sensitive than the current proposals. The proposed methodology is considered appropriate.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|---|---|
| Paragraph 4.62 refers to a review from the LBTH's Contaminated Land Officer | To be updated to reflect if this review has been reviewed again by the Contaminated Land Officer. |
| Additional paragraphs on the following matters are proposed: | |

- To be added between para 4.63 and 4.64: the assessment methodology and significance criteria to be used in the assessment will require detailed description in the ES. The sensitivity of the receptors, magnitude and significance of impacts is to be defined in accordance with recognised ground conditions guidance and corresponding EIA terminology
- To be added after para 4.66: the assessment should include consideration of previous site investigation results in the light of the proposed residential land use, and should include consideration of ground gases
- regard should also be given to any geotechnical or other issues associated with ground conditions (for example, geological features, nearby tunnels, ground stability and unexploded ordnance) as well as potential impacts on groundwater
- reference to a qualitative comparison of the residual effects to the 2015 Development with the 2019 Proposed Amendments is to be provided in the ES pre and post mitigation
- cumulative impacts, during both the construction and operation phases are to be considered, having regard to the committed developments listed in the updated Scoping Report. This assessment should also cover any cumulative impacts during the demolition phase
- A site visit should be included in the assessment.

4.8 LBTH comments

LBTH expects all reports assessment and data should be evaluated against up to date assessment criteria, reviewing baseline conditions and potential receptors – *The applicant’s review and update of assessments/investigations, against the original 2013 assessment where necessary will have to be comprehensive.*

Traffic and Transport

4.9 The Transport Assessment appended to the ESA should be scoped by the Applicant’s transport consultants in conjunction with the two Boroughs and Transport for London (TfL).

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|---|
| 4.67 | Delete if no longer applicable |
| 4.68 | The Applicant has stated that the transport effects of the scheme will be assessed in a Transport Assessment (TA) which will be appended to the ES (Para 1.2.24). The TA should be scoped by the Applicant’s transport consultants in conjunction with LBH and LBTH and Transport for London (TfL). The agreed transport scoping report and responses from LBH and LBTH and TfL to the transport scoping report should form part of the submitted documentation for the ES. |

| | |
|------|--|
| 4.69 | <p>The scale and extent of assessment would be expected to be defined in accordance with TfL's Transport Assessment Best Practice Guidance document (April 2010) as well as the Mayor of London's 'Healthy Streets Approach', National Planning Policy Framework (2019), specific LBH and LBTH requirements and IEMA 1993 Guidelines for The Environmental Assessment of Road Traffic. Guidance provided by the IEMA and Department for Transport (DfT) can be consulted in order to identify significance criteria applicable to the assessment. Ideally the approach to assessing significance should be submitted as part of the scoping process.</p> |
| 4.70 | <p>The baseline data sources appear to be sufficiently comprehensive to provide a quantitative basis for the assessment. The Applicant states that baseline data will be augmented by PERS and CERS audits. The Applicant may also wish to consider the use of TfL's Pedestrian Comfort Guidance as a basis upon which to assess the baseline pedestrian network. Pedestrian Comfort Levels may then be applicable as a tool to determine the impact of changes in pedestrian flows and the impact of changes to the pedestrian network.</p> <p>The assessment methodology as set out in the Scoping Report is acceptable although no specific mention is made in relation to assessing how changes in cycling trip distribution and assignment will be undertaken. Provided appropriate methodology is applied to the effects of the proposals on cycling it is anticipated that all of the issues and effects are likely to be properly identified and assessed.</p> <p>For the avoidance of doubt the development should be assessed with regard to the effects of the following criteria on all receptors; severance, delay, fear and intimidation, amenity, and accidents and safety, in accordance with IEMA guidance.</p> |
| 4.71 | <p>In respect of the changes which will result from the new areas of public realm to be created within the Site, a description should be provided of the reasonable alternatives for pedestrian and cycle routes studied by the developer. The main reasons for selecting the chosen option should be set out together with the reasons for other route options being discounted so that the transport effects can be properly weighed.</p> |
| 4.72 | <p>Replace with "A draft Demolition and/or a Construction Logistics Plan should be provided to inform relevant ESA Chapters accordingly".</p> |
| 4.73 | <p>Delete - In the context of the proposed development of this site, this is primarily an issue for the Transport Assessment to consider.</p> |

| | |
|--|--|
| 4.74 | Delete as covered by replacement for 4.72 above. |
| 4.75 | Delete as covered by replacement for 4.72 above. |
| 4.76 | Delete - In the context of the proposed development of this site, this is primarily an issue for the Transport Assessment to consider. |
| 4.77 | Delete as this is an issue for the Demolition and/or Construction Logistics Plan to consider. |
| <p>Additional matters to consider:</p> <ul style="list-style-type: none"> • The Applicant states that it is proposed that the Development does not include any on-site car parking although on-street car parking will be available (including dedicated accessible spaces). The effects of changes to on-street parking supply and demand should be included in the scope of the TA and Traffic and Transport ESA Chapter. • The baseline data sources appear to be sufficiently comprehensive to provide a quantitative basis for the assessment. The Applicant states that baseline data will be augmented by PERS and CERS audits. The Applicant may also wish to consider the use of TfL's Pedestrian Comfort Guidance as a basis upon which to assess the baseline pedestrian network. Pedestrian Comfort Levels may then be applicable as a tool to determine the impact of changes in pedestrian flows and the impact of changes to the pedestrian network | |

4.10 In addition to the above, the comments made by Transport for London (outlined in section 2) should be taken into account, covering road safety, health and equality and inclusion with reference to Mayoral Strategies and the Healthy Streets approach.

4.11 LBTH Comments

Paragraph 1.10.12 of the Scoping Report states that there is potential for temporary road closures during construction. These should be clarified, and consequential effects assessed. – *Agreed*. LBTH has increasing concerns regarding the servicing of buildings and deliveries. The assessment on this element should be clear, realistic and robust and a draft Delivery and Servicing Plan should be submitted – *Agreed*.

Wind Microclimate

4.12 The applicant has provided a summary of the site baseline conditions, showing that the applicant already has a good understanding of the wind conditions at the proposed development and the surrounding infrastructure. The applicant has also identified that the introduction of buildings is likely to divert wind flow down to pedestrian level which will cause concern with pedestrian comfort and safety, as well as impact sensitive amenity areas. The applicant states that the baseline conditions will be assessed through a combination of desktop and wind tunnel assessments, which is a satisfactory approach. The applicant highlights key areas that are likely to be impacted by the development; however, the applicant should make sure that they are targeting sensitive receptors such as building entrances as well as public spaces.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|---|---|
| 4.79 | Combine first sentence with 4.81 and then delete the rest of the paragraph |
| 4.80 | Delete, as applicant has stated that they will test mitigation where required |
| 4.81 | See 4.79 |
| <p>Additional paragraphs on the following matters are proposed:</p> <ul style="list-style-type: none"> • The applicant should explain why desktop studies are necessary when wind tunnel assessments are taking place. • The applicant should include a description of the sensitive receptors that will be targeted in the assessment. • It is recommended that that the Lawson Comfort and Safety criteria be used in the assessment and this should be detailed in the assessment methodology. • The applicant should detail the height at which wind speed measurements will be made, 1.5m above ground level is recommended. • Details on where the historical wind data will be taken from should be included in the assessment methodology. • The applicant highlights key areas that are likely to be impacted by the development; however, the applicant should make sure that they are targeting sensitive receptors such as building entrances as well as public spaces. | |

4.13 LBTH Comments

LBTH highlight the need to provide clear detail on the receptors and includes sensitive areas such as entrances, waiting areas, active frontages within the site and the surrounding area. Open space (private & communal amenity, play space, balconies and roof terraces should all be assessed – *This is agreed, the quality of the scheme depends on the usability of all its spaces.*

All data used to inform the wind microclimate assessment should be provided and submitted in a form which can be independently verified and include digital copies of drawings, 3D models and circulation sheets etc – *Agreed.*

Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution

4.14 The general approach to the assessment of daylight and sunlight conditions for surrounding occupiers is considered acceptable. Although no detailed designs of residential units are proposed, it is considered that an assessment of internal daylight should be undertaken to support the proposed residential development. Assessing a standard set of rooms within the

outline blocks within the more challenging areas for good daylighting will enable these to be reviewed ahead of the reserved matters stage where design alterations may be limited.

Implications for the 2014 Scoping Opinion

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| | |
| Paragraph in 2014 Scoping Opinion | |
| 4.88 | The requirement for an internal daylight and sunlight assessment should be retained for the outline residential units based on standard room layouts where appropriate |
| An additional scenario should be added to those listed in the Scoping Opinion Review Report <ul style="list-style-type: none"> • The Proposed Amendments v Cumulative | |

4.15 LBTH Comments

The omission of solar glare and light pollution is considered to be wholly inappropriate for outline permission as all effects which are identifiable at the time of submission should be assessed at that stage. – *GLA Officers do not consider this to be an essential requirement at this stage. The impacts of the buildings’ envelope on neighbouring amenity will be tested at Reserved Matters stage.*

With respect to the assessment a scenario is to be tested showing the existing scenario with cumulative schemes but without the Proposed Development. LBTH would understand the effects more clearly with an additional scenario presented, i.e. The Proposed Development vs Cumulative – *This is agreed. This will enable all interested parties, including local occupiers, to appreciate the full impact of the development in daylight and sunlight terms.*

LBTH make comment on the assessment criteria for Vertical Sky Component and No Sky limit as well other technical points – *These matters are reflected in the 2014 Scoping Opinion and will be carried over.*

Air Quality

4.16 It is considered appropriate that this topic is scoped into the ESA.

Implications for the 2014 Scoping Opinion

| | |
|---|--|
| | |
| Paragraph in 2014 Scoping Opinion | Recommendation |
| Paragraph 4.98 refers to a review from the LBTH’s Air Quality Officer | To be updated to reflect if this review has been re-done by the Air Quality Officer. The last sentence of this paragraph |

| | |
|--|--|
| | should be deleted so that issues raised are considered in full by the Applicant |
| Paragraph 4.101 | Should be amended to remove reference to time slices. Reference can be made to worse case scenarios. |
| Paragraph 4.103 | Delete as sufficient monitoring data is available for use in model verification and as such no additional monitoring will be required as part of this scope. However, it should be noted that the Applicant would be expected to prioritise the use of locally collected air quality monitoring data over the use of gridded pollution maps. |
| <p>Additional paragraphs on the following matters are proposed:</p> <ul style="list-style-type: none"> • Confirmation that the Applicant will assess the scheme's impact upon the long- and short-term air quality objectives (AQOs) for NO2 and PM10, as well as the impact upon the PM2.5 air quality objective. • Further information on the screening of odour impacts from A3 properties. • Consideration for adjustment for future trends in emission projections and baseline air quality for the scheme opening year. • Inclusion of intermediate years in modelling assessment to adequately reflect the risk posed to new points of exposure, as they're introduced. • The assessment will include a cumulative assessment of combined emissions from committed developments in close proximity to the proposed development. • It would be prudent for the Applicant to include justifications for the fleet mixes adopted in the modelling of construction vehicles. • There is no commentary on existing monitoring data in LBH and LBTH, which is acceptable at the scoping stage, although such details are to be provided in the ESA. It should be noted that the Applicant would be expected to prioritise the use of locally collected air quality monitoring data over the use of gridded pollution maps. • Whilst it is expected that the air quality impact assessment will predominantly follow LAQM.TG(16), the assessment should reference guidance that will be followed for the following processes: <ul style="list-style-type: none"> - Background concentrations; - Projection of emission rates to the scheme opening year; - Habitat screening and, if required, assessment; - Model verification; and - Dispersion model setup. | |

4.17 LBTH Comments

Emissions from any energy plant should be considered and *assessed – Agreed.*

The ES needs to provide further details and justifications of the traffic scenarios that will be used to undertake the assessment and provide a transparent account of the modelling undertaken. - *Agreed.*

The ES should clearly identify and justify receptors in relation to air quality and their sensitivity to poor air quality/changes in air quality – *Agreed*

The applicant should have regard to draft London Plan Policy S11, the London Mayor's Environment Strategy, with regards to new developments being air quality positive and the emerging LBTH Local Plan, in particular policy ES2 - *Agreed*

The Air Quality chapter should assess the effects at various heights and identify at which levels mitigation is required – *Agreed.*

Noise and Vibration

4.18 A baseline noise survey has been proposed and has been described in adequate detail. The baseline conditions refer to potential sources of vibration thus baseline vibration measurements will be undertaken. The survey monitoring positions and methodology should be agreed with LBTH and LBH EHOs.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|---|
| Paragraph 4.107 | To be updated to include reference that the survey monitoring positions and methodology should also be agreed with LBTH and LBH EHOs. |
| Paragraph 4.108 | Should be amended to delete reference to paragraph 6.18.4 and delete the last sentence and refer to BS6472:2008 criteria for vibration and TfL criteria for ground-borne noise. |
| Paragraph 4.110 | Should be amended to state that noise levels at receptors should be assessed in accordance with recognised noise and vibration guidance and delete reference to paragraph 6.18.7. |
| Paragraph 4.111 | The last part of the paragraph "as raised in 3.57" should be deleted and replaced with "raised". |
| Paragraph 4.112 | Delete reference to Appendix 2. |
| Paragraph 4.114 | Should be deleted |
| Paragraph 4.115 | Should be deleted |
| | |

Additional paragraphs on the following matters are proposed:

- to ensure that the location of potential sensitive receptors is clearly defined – the provision of a map is sought for the ES.
- the construction noise and vibration calculation methodology should be specified and the assessment should take account of existing ambient conditions at the sensitive receptors.
- the magnitude of impacts is defined in accordance with recognised noise and vibration guidance and corresponding EIA terminology. The scale of effects is to refer to guidance within the Noise Policy Statement for England and agreed during consultation with the EHOs.
- to ensure that consideration of the accordance of the proposals with Government policies and guidance including those referenced above.
- to ensure that mitigation measures proposed should be detailed and contained in a CEMP.
- to ensure that construction phasing should be taken into account whereby completed phases become sensitive receptors during later construction phases.
- The section of the ESA on site suitability should include a description of potential measures for mitigation of external noise from road traffic and the railway to meet BS8233:2014 internal and external noise guidelines.

4.19 LBTH Comments

LBTH noted that the baseline noise monitoring will be undertaken in accordance with British Standard 7445:1991. This guidance has been superseded by BS7445-1:2003 which should be used to inform any noise monitoring. The Noise and Vibration aspect chapter should demonstrate compliance with the following BS's: BS4142, BS5228, BS8233 and BS6274. – *This is expected by the Environmental Health Officers at LBTH and compliance with these Standards should be followed.*

Noise monitoring and sensitive receptors should be agreed with LBTH's Environmental Health Officer – *The applicant should contact the Borough EHO ahead of submission in this regard.*

No reference is made to the Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL). Both should be defined for all of the construction and operational noise and vibration matters assessed and these thresholds should be used to determine the significance of absolute noise levels. The lowest L_{A90} should be used as the baseline on which to determine the Sound Pressure Level at the nearest noise-sensitive receptor, as opposed to the representative L_{A90} – *Agreed.*

Suitable target levels for internal noise within properties should be demonstrated with reference to BS 8233:2014. LBTH considered that the good criteria within BS 8233:2014 should be met by the Proposed Development. In addition the amendment application should be supported by a vibration suitability assessment. – *These matters are agreed and the applicant should demonstrate that they have met these requirements.*

Water Resources and Flood Risk

4.20 The proposed approach in the Scoping Review is judged to be acceptable.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|---|
| Paragraph 4.116 – LBTH’s Flood Engineer | Delete or update as appropriate. |
| Paragraph 4.121 – Climate Change | The first sentence can be deleted. |
| Paragraph 4.123 | Retain – Also include ‘CIRIA guidance’ as an example at the end of the sentence. |
| Paragraph 4.124 | Delete |
| Paragraph 4.130 refers to a licence under the Marine and Coastal Access Act (2009) | To be update/amended if this licence is to be required. |
| Paragraph 4.132 | Retain – add (from Paragraph 4.133) ‘Thames Water would make the following observations’. |
| Paragraph 4.133 | Delete |
| <p>Additional paragraphs on the following matters are proposed:</p> <ul style="list-style-type: none"> the Applicant should reference the potential use of sustainable urban drainage (SuDS) in the ESA. They should also undertake a thorough SuDS appraisal as part of the FRA/drainage strategy and specifically reference SuDS as part of the drainage solution/surface water flooding mitigation for the Proposed Development. If found to be ‘not feasible/viable’, only then can alternatives be considered. ensure that climate change allowances are designed into the drainage strategy as per the NPPF and local guidance. ensure that Thames Water Utilities can accommodate the increased demand in potable water and wastewater via consultation and assessment of the Proposed Developments usage. with respect to the water environment, outline mitigation measures for demolition, construction and operational phases of the Proposed Developments should be detailed and contained in a Construction Environmental Management Plan (CEMP). state that cumulative impacts, during both the construction and operation phases, will also be considered with the committed developments listed in the updated Scoping Report. This should also cover any cumulative impacts during the demolition phase, in terms of increased waste water from activities such as dust suppression. | |

4.21 LBTH Comments

The ES should clearly identify the receptors and study area, this should include a map and appropriate descriptors – *Agreed, clear presentation is important.*

The updated EA climate change allowances (2019) should be considered as part of the assessment and modelling undertaken. It should be demonstrated that the site passes the Flood Risk Sequential Test, and it is advised that consultation is undertaken with the EA regarding FRA requirements and the need to ensure the Proposed Development provides safe access in the event of a flood. LBTH consider that the drainage strategy should be designed to accommodate the 1 in 100-year event + 4-% climate change – *This is helpful detail and should be addressed to meet LBTH latest requirements.*

Archaeology

4.22 The approach set out in the Review is broadly appropriate. However, paragraphs 1.16.6 and 1.16.7 suggest that effects to above-ground heritage assets, as consequence of setting change, will be covered in the TVIA. This is incorrect – the built heritage section of the Review confirms that these will be dealt with in the ‘Built Heritage’ chapter which is welcomed.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|--|
| 4.139 and 4.140 | Delete; replace with appropriate dates of receipt of HE/GLAAS consultation responses. |
| 4.142 | Remove references to LBTH Scoping Guidance and replace reference to the PPS5 Practice Guide with Planning Practice Guidance. |
| 4.143 | Remove reference to ‘English Heritage National Monuments Record’ and replace with ‘National Heritage List for England, and the Greater London Historic Environment Record (GLHER)’ |
| See above. | |

4.23 LBTH Comments

The Archaeology chapter should make reference to the Spitalfields and Brick Lane tier 2 Archaeology Priority Area – *Agreed.*

No justification for scoping out effects on archaeology is provided. The assessment should, where appropriate, consider the likelihood of alterations to drainage patterns that might lead to decomposition or destruction of below ground archaeological remains and deposits. - *Agreed*

Townscape and Visual Impact Assessment

Implications for the 2014 Scoping Opinion

4.24 The previous Scoping Report (and 2014 Scoping Opinion) covered townscape, conservation and visual impact all in one section. The new SORR covers townscape and visual in a separate section to the built heritage assessment, which is welcomed. This section covers the townscape and visual components of the 2014 Scoping Opinion (built heritage is covered in the next section).

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|---|
| 4.183-4.184 | Delete |
| 4.186-4.187 | Delete |
| 4.188 first bullet | Add reference to the Urban Structure and Characterisation Study Addendum 2016. Remove reference to London's Natural Signatures (2011). |
| 4.189-190 | Replace with 'Relevant cumulative schemes should be agreed with the GLA'. |
| 4.191 – 4.193 | Delete |
| 4.194 | Delete the words ' With respect to paragraph 6.25.14' |
| 4.195-4.196 | Delete |
| 4.199 | Delete |
| 4.200 | Substitute 'GLA' for 'LBTH and LBH'. |
| 4.202 | Delete last sentence |
| 4.203 | Delete |
| 4.204/4.205 | Swap order of these two paragraphs |
| 4.205 | Remove last section in brackets |
| <p>Additional paragraphs on the following matters are proposed:</p> <p>In terms of effects upon townscape, the Applicant should include sufficient detail to understand how the proposal will fit or contrast with the character of adjacent areas, including considering the height and massing of the proposed new structures, the materials to be used, and the character of the spaces between them.</p> <p>In addition:</p> <p>GLA Officers have identified the following additional views to be included:</p> <ul style="list-style-type: none"> • South west pavement corner at junction of Bishopsgate and Commercial Street; | |

- View east from Holywell Lane

Hackney Council noted the following additional views to the above. These should also be included

- Kingsland Road, from the pavement on the west side of the road, in front of St Leonard's Hospital;
- North eastern edge of the front gardens to the Geffrye Museum (Grade I);
- Just south of Christ Church, Spitalfields looking north along Commercial Street to Spitalfields Market;
- Northern end of Boundary Street, from the pavement on the west side, looking south;
- A view which shows the relationship between the Oriel Gate and Building 2, with a view down Middle Road, probably taken from the pavement on the west side of Shoreditch High Street.

Dialogue with Tower Council Tower Hamlets should be conducted to establish if there are further viewpoints which should now be considered. These should be added in to the submission.

Winter views where there is vegetation should be included.

4.25 LBTH Comments

The Applicant to discuss with LBTH Design Officer to agree views – *Agreed. Engagement with the local Design Officers is vital for the full assessment of the scheme's townscape impact.*

The ESA should assess winter views – *Agreed. Where there is vegetation within a view winter views are key to enable a full assessment of the scheme. These should be incorporated in the submission.*

Built Heritage

4.26 The SORR states that the sensitivity of and impact on listed buildings, conservation areas, non-designated heritage assets and the Tower of London WHS, as well as any protected views of St Paul's Cathedral, will be assessed as part of this chapter and this is welcomed. However, there is no mention of scheduled monuments or registered parks and gardens. These should be added to the scope of assessment.

4.27 The SORR does not refer to any guidance for the assessment of the significance of heritage assets or the contribution that setting makes to that significance. As a minimum, the following guidance and sources should be referred to for the identification of designated and non-heritage assets and the assessment of their significance:

- Historic England (2008) *Conservation Principles, Policies and Guidance*
- Historic England (2017) *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (second edition)*
- Local Historic Environment Record (HER) data
- The National Heritage List for England
- Conservation area appraisals

- Tower of London World Heritage Site Management Plan (2016) & Tower of London Local Setting Study (2010)

4.28 When assessing the impact of a proposal on an asset the following guidance should also be referenced:

- Ministry of Housing, Communities & Local Government (2018) *Planning Practice Guidance: Conserving and Enhancing the Historic Environment*
- Historic England (2015) *Tall Buildings: Historic England Advice Note 4*

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|---|
| 4.155 | Replace with "The significance of heritage assets is not defined by their contribution to townscape character and so a comprehensive assessment of the heritage values of all heritage assets needs to be carried out if the full extent of the impact of a proposal on the historic environment is to be understood. As such, the assessment should include: World Heritage Sites; any designated heritage asset appearing on the National Heritage List for England ¹ ; conservation areas and non-designated heritage assets. It is recommended that a search of the Greater London HER is undertaken to ensure the most up-to-date information on non-designated assets is applied". |
| 4.156 last sentence | Delete |
| 4.157 | Delete reference to paragraph 6.22.6. Amend last sentence to 'reference should be made to Conservation Area Appraisals and Management plans – where they exist – for all affected conservation areas'. |
| 4.158 | Substitute 'English Heritage' for 'Historic England'. Delete reference to Circular 07/09 on the Protection of World Heritage Sites; this has now been withdrawn and replaced by Planning Practice Guidance: conserving and enhancing the historic environment. The Historic England Guidance to the circular, while no longer having a formal status in the planning process, is still a useful reference document. |
| 4.159 – 4.160 | Substitute 'English Heritage' for 'Historic England'. |
| 4.161 | This paragraph should be updated with reference to current guidance (as outlined above). |
| 4.162 | Substitute 'English Heritage' for 'Historic England'. |

¹ i.e. scheduled monuments, listed buildings, registered parks and gardens, WHS (no registered battlefields within the study area)

| | |
|--|--|
| 4.163 | Substitute 'English Heritage' for 'Historic England' and delete the last sentence. |
| <p>Additional paragraphs on the following matters are proposed:</p> <ul style="list-style-type: none"> • The chapter should include: World Heritage Sites; any designated heritage asset appearing on the National Heritage List for England; conservation areas and non-designated heritage assets. • The applicant will need to provide a clear methodology and criteria that explains how they have identified which assets to scope into the assessment and which to exclude. • Reference to appropriate guidance documents for the assessment of significance, sensitivity and impact should be included. • Paragraph 1.18.5 refers to the potential positive impacts on the local townscape character as a result of an enhanced townscape and sense of place. The applicant is reminded that this section should assess only the impact of the proposal on the <i>significance of designated and non-designated heritage assets</i> and that townscape considerations should be included in the townscape and visual impact chapter. • In paragraph 1.18.13 the SORR states that the current significance, value, character and appearance of nearby designated and non-designated heritage assets will be considered as part of the analysis of existing baseline conditions; the applicant should clarify in the ESA what the definition and extent of 'nearby' is and how this decision was reached, clearly documenting the rationale for the selection of any given study area and the inclusion / omission of specific heritage assets. It is recommended that the ZTV-based approach set out in HE GPA3 and Tall Buildings guidance is applied. | |

4.29 LBTH Comments

It is considered that non-designated features of historic, architectural, archaeological or artistic interest should also be identified as receptors for assessment, in addition to designated heritage assets. Since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place - *Agreed*

Ecology

4.30 The scoping in of Ecology within the ESA is considered appropriate, given the nature of the site, its location and the scale of the proposed development.

Implications for the 2014 Scoping Opinion

4.31 Since the original SR (and Council's Scoping Opinion), a number of ecological surveys have been conducted and these are referenced in the new SR. The following paragraph amendments in the Council's Scoping Opinion are therefore recommended to reflect this; and these are provided in the table below.

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| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|--|
| 4.167 | Delete or update as appropriate. |
| 4.168 | Delete and replace with: "The scope and methodology of the ecology assessment proposed within the ESA is clearly defined and is considered appropriate, incorporating reference to the Chartered Institute for Ecology and Environmental Management's (CIEEM) Guidelines for Ecological Impact Assessment (EcIA)." |
| 4.169 | Delete and replace with: "Section 1.19 of the SORR includes a Summary of Baseline Conditions, which covers all the topics expected, including: statutory and non-statutory designated sites within a suitable buffer zone; habitats on site; bats; birds (including black redstart); reptiles and invertebrates." |
| 4.170 | Delete and replace with: "The Summary of Baseline Conditions refers to several baseline studies on habitats and species, which were carried out in 2013 and 2017. The results of these studies have informed the Key Issues and Potential Likely Impacts within Section 1.19, and species such as common reptiles and black redstart appear to have been scoped out of the list of potential receptors on this basis. The baseline studies should therefore be included in the ESA (as appendices) to provide clarity on the baseline environment, in line with CIEEM guidelines. Confirmation should also be provided as to whether the studies were undertaken at an appropriate time of year and in accordance with best practice guidance". |
| 4.172 | Delete and replace with: "As requested in our previous review, consideration has been given as to whether any, or all, of the site meets the JNCC definition for the UK priority habitat "Open Mosaic Habitat on Previously Developed Land". This habitat is now included in the list of potential receptors in the Key Issues and Potential Likely Impacts, within Section 1.19." |
| 4.171, 4.173, 4.174 and 4.175 | Delete. |
| No additional recommendations | |

4.32 LBTH Comments

The effects on ecological receptors should be undertaken for demolition, construction and operation - *Agreed*

Climate Change Mitigation and Adaptation

4.33 The overall approach to this assessment is considered acceptable.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|--|
| 4.21-4.23 | Delete and replace with "The SORR refers to coverage of the project's increase or decrease in greenhouse gas emissions, as well as climate change resilience and adaptation. There is clear reference to suitable guidance in the form of IEMA's 'Assessing Greenhouse Gas Emissions and Evaluating Their Significance'. There is clear reference to other topics in the ESA where issues will also be covered, for example flood risk and drainage. The overall approach to the assessment is considered acceptable. |
| No additional recommendations | |

4.34 LBTH Comments

Reference should be made to whether national, regional and local policy requirements in relation to energy and green house gas emissions are satisfied by the proposed development – *This is agreed*

4.35 LBTH General Comments

The Borough make a number of comments on the methodology for intra-project effects which the applicant should have regard to in the ESA submission. *This is agreed.*

LBTH have reviewed the draft list of cumulative schemes provided in Table 1.5.4 of the SORR and have identified the following schemes for inclusion/consideration in the cumulative effects assessment:

- Land bounded by 2-10 Bethnal Green road, 1-5 Chance Street (Huntingdon Industrial Estate) and 28-32 Redchurch Street (PA/19/00294). EIA Scoping Opinion issued 7 March 2019, could be determined before the Proposed Development.
- 281-285 Bethnal Green Road, London, E2 6AH (PA/17/00299/A1). Planning Permission Granted 16 June 2017.

- 9 2-3 Finsbury Avenue London EC2M 2PA (16/00149/FULEIA) (City of London). Planning Permission Granted 29 March 2018.
- Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 (PA/14/03548). Granted Planning Permission 3 May 2016.
- Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920). Awaiting appeal decision. Likely to be determined before the Proposed Development.
- Site Bound by Raven Row, Stepney Way Sidney Street, London.E1 (PA/15/01789). Granted Planning Permission 6 January 2017.
- Site Bound by Raven Row, Stepney Way Sidney Street, London E1 (PA/18/00917). Likely to be determined before the Proposed Development.
- 100-136 Cavell Street, London (PA/16/00784). Likely to be determined before the Proposed Development.
- South East block Of Goodman's Fields, 74 Alie Street, London (PA/14/02817). Planning Permission Granted 26 March 2015.
- Former Beagle House Now Known As Maersk House, Braham Street, London (PA/18/00971). Planning Permission Granted 29 March 2019
- Land bounded by King John Street, Holywell Lane, New Inn Yard, ELL Viaducts (2013/3567). Planning Permission Granted 17 September 2014.
- Land bounded by Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street (2012/3871). Granted Planning Permission 7 October 2014.
- 49-51 Paul Street Hackney London EC2A 4LJ (2018/2104). Likely to be determined before the Proposed Development.
- Development House 56-64 Leonard Street LONDON EC2A 4LT (2017/4694). Likely to be determined before the Proposed Development.
- Enterprise House, 21 Buckle Street, London, E1 8NN (PA/16/03552). Granted Planning Permission at appeal 17 December 2018.
- Land Adjacent To 20 Bury Street London EC3A 5AX (18/01213/FULEIA). Likely to be determined before the Proposed Development.
- 1-2 Broadgate London EC2M 2QS (18/01065/FULEIA). Likely to be determined before the Proposed Development.

*The GLA consider that **all** the above should be included. If not full justification for their omission should be provided.*

LBTH has identified a number of discrepancies with the cumulative developments listed in Table 1.5.4, LBTH considers that all details should be reviewed to ensure these are correct and identified the most recent application. LBTH has identified the following discrepancies:

- In relation to map reference 6, LBTH understands that the most recent reference is 17/00330/FULMAY. Planning Permission Granted 22 November 2018.
- In relation to map reference 19, LBTH understands that the most recent reference is 2018/4549. Planning Permission Granted 29 March 2019.
- In relation to map reference 20, LBTH understands that the correct reference is 2017/0343. Planning Permission Granted 3 March 2017. In relation to map reference 22, LBTH understands that the most recent reference is 17/00276/FULL. Planning Permission Granted 5 June 2017.

The applicant should take note of the above.

Section 5 - Environmental Topics Scoped-out of the EIA

Aviation

5.0 The scoping out of this topic is reasonable.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|---|
| 5.1 | Update paragraph numbers and add 'Electronic interference' and 'major accidents and natural disasters' to the bullet point list. |
| 5.3, 5.6 | Delete. |
| 5.5 | Delete and replace with "the SORR proposed that aviation is scoped out of the ESA as the height of the proposed development takes it outside the safeguarding distances for London City Airport. There is no reference to the applicant having undertaken consultation with London City Airport, or even if this is required, and this should be confirmed in the ESA." |
| No additional recommendations | |

5.1 LBTH Comments

If supported following the consultation process, LBTH would be satisfied to scope the assessment out of the ESA.

Electronic Interference

5.2 The Review Report proposes to scope this topic out of the ESA. The justification provided is acceptable.

Implications for the 2014 Scoping Opinion

| Paragraph in 2014 Scoping Opinion | Recommendation |
|--|--|
| 4.179-4.182 | Delete and in Section 5 of the scoping report add a sub-heading for electronic interference and include the following text – "The SORR proposes to scope this topic out of the ESA. The justification provided is acceptable. The SORR |

| | |
|-------------------------------|---|
| | refers to mitigation that might be available for dwellings that may experience loss or degradation to TV reception. This is to be outlined in the ESA so any such mitigation can be conditioned”. |
| No additional recommendations | |

5.3 LBTH Comments

The ESA should confirm that the building density will be sufficient to avoid significant effects - *Agreed*

Population and Human Health

5.4 The scoping out of this topic is considered acceptable.

Implications for the 2014 Scoping Opinion

| <i>Paragraph in 2014 Scoping Opinion</i> | <i>Recommendation</i> |
|---|---|
| 5.4 | Delete and replace with “The SORR notes that human health implications will be assessed in other topics within the ESA including noise, air quality, water resources, and wind, and that a Health Impact Assessment will accompany the application. The justification provided to scope this topic out of the ESA is acceptable”. |
| In line with emerging LBTH policy D.SG3 it is considered that a detailed Health Impact Assessment should be submitted | |

5.5 LBTH Comments

Agreed that population and human health does not need to be included in the EIA as a stand-alone chapter. It is unclear why a rapid HIA to be provided and why consultation with surrounding stakeholders is not proposed. In accordance with emerging policy, the applicant is required to submit a detailed HIA – *This is agreed as per table above.*

Major Accidents and or Natural Disasters

5.6 This topic was not considered in the previous scoping report and scoping opinion and as such there are no paragraphs in the 2014 scoping opinion to edit. The following text can be included in section 5 of the updated scoping opinion under a sub-heading for ‘Major Accidents and or Natural Disasters’.

- “The justification for scoping this topic out of the ESA is accurate and considered acceptable. It is accepted that elements of risk will be covered within the flood risk assessment and a Code of Construction Practice.”

5.7 LBTH Comments

Section 1.21 of the Scoping Report proposes to scope out assessment of major accidents and / or natural disasters. However, it is stated in paragraph 1.21.35-36 that a flood risk assessment will be undertaken, which is considered by LBTH to provide assessment relevant to major accidents and / or disasters within the ES, and that the ES will include reference to where potential accidents and disasters have been addressed. It is considered that the ES should include a description and assessment of the potential vulnerability of the Proposed Development to risks of major accidents and / or disasters, including vulnerability to climate change, which are relevant to the Proposed Development. Measures to prevent or mitigate significant adverse effects of such events should be provided in the ES where relevant. It is important that the introductory section(s) of the ES sign-post to where accidents and hazards have been assessed in the ES, such as flood risk, construction and contaminated land as stated in paragraph 1.21.36. For clarity, LBTH does not agree to scope out major accidents and / or natural disasters from the ES and that relevant major accidents and / or natural disasters should be assessed within the relevant aspect chapters of the ES.

GLA Response

Flood risk is the key concern, which will be addressed through the FRA. Climate change is already subject to its own chapter in the ES. The approach suggested by the applicant which has included consideration of potential risks, with others such as unexploded ordnance covered in the ground conditions chapter.

However, in order to help address LBTH’s concerns, the applicant could extend the table proposed (para 1.21.36 of the SORR) to signpost where the potential for major accidents / natural disasters is referenced within the ES / Appendices, as well as how it is addressed within the wider application. The applicant should also include justification for their approach within the Scoping Chapter of the ES (e.g. expanding on the text in the SORR at 1.21.31-1.21.37).

General Comments and Conclusion

Please ensure that current national, regional and local planning (and other relevant) legislation, policies and guidance are referred to throughout the ESA.

Please ensure consistency between all planning application documents and the ESA.

I trust this provides a comprehensive response to your request for an EIA Scoping Opinion Review. Should responses from consultees be received after the issue of this letter those comments will be forwarded to you for consideration and inclusion within the ESA.

If you have any queries please do not hesitate to contact me (paul.roberts@london.gov.uk, tel: 020 7084 2682).

Yours faithfully,



Paul Roberts

Planning Officer – Bishopsgate Goods Yard

Appendix 1
Joint London Borough of Tower Hamlets and London Borough of Hackney
2014 Scoping Opinion
Bishopsgate Goods Yard

**EIA SCOPING OPINION UNDER
THE TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2011**

In respect of the:

***Request for an EIA Scoping Opinion as to the
information to be contained within an
Environmental Impact Assessment in support
of an application for the redevelopment of
Bishopsgate Goods Yard***

Located at:

***Bishopsgate Goods Yard, Shoreditch High
Street, London***

Adopted by:

**LONDON BOROUGH OF TOWER HAMLETS
AND LONDON BOROUGH OF HACKNEY**

Report Status: *Final*
Applicant: *Bishopsgate Goods Yard
and Regeneration Ltd*
EIA Consultant: *URS*
Adoption and Issue date: *20/03/2014*
LBTH Case No: *PA/14/107*
Coordinator: *Harriet Peacock, LUC and
Cascade*

FOREWORD

This opinion has been prepared by the London Borough of Tower Hamlets and London Borough of Hackney with all reasonable skill, care and diligence.

It is based on the information provided to London Borough of Tower Hamlets and London Borough of Hackney on behalf of the Applicant and the comments and opinions resulting from consultation with the Applicant and internal/ external consultees prior to adopting this opinion.

The fact that London Borough of Tower Hamlets and London Borough of Hackney has given this opinion shall not preclude them from subsequently requiring the developer to submit further information in connection with any submitted development application to the council.

Please note, the London Borough of Tower Hamlets and London Borough of Hackney are the relevant planning authorities with respect to land within their administrative boundaries, and therefore cannot determine applications or adopt EIA Scoping Opinions on land outside of their jurisdiction. Whilst this EIA Scoping Opinion has been produced in a collaborative manner, reflecting the comprehensive nature of the proposed development, both boroughs adopt the EIA Scoping Opinion in respect to their own administrative boundary and publish the document on their own planning register.

Contents

1. INTRODUCTION 1

2. THE PROPOSED DEVELOPMENT 2

3. REVIEW OF APPROACH TO EIA..... 4

4. REVIEW OF POTENTIAL ENVIRONMENTAL EFFECTS BY TOPIC 8

5. ASSESSMENTS SCOPED OUT OF THE EIA 34

6. PROPOSED STRUCTURE OF THE ENVIRONEMNTAL STATEMENT..... 36

7. REFERENCES 38

APPENDIX A – LBTH Consultation Lists

APPENDIX B – LBH Consultation Lists

APPENDIX C – LBTH External Consultation Responses

APPENDIX D – LBH External Consultation Responses

1. INTRODUCTION

Context

- 1.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (hereafter referred to as ‘the EIA Regulations’) require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken, and an Environmental Statement (ES) produced. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms (Carroll and Turpin, 2009).
- 1.2. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.
- 1.3. Where a proposed development is determined to be an ‘EIA development’ the Applicant can ask the relevant planning authority for advice on the scope of the EIA (an EIA Scoping Opinion).
- 1.4. An EIA Scoping Report (URS, 2014) was received by the London Borough of Tower Hamlets (LBTH) and the London Borough of Hackney (LBH) as the ‘relevant planning authorities’ on behalf of Bishopsgate Goods Yard Regeneration Ltd on 21st January 2014.
- 1.5. The EIA Scoping Report requested an EIA Scoping Opinion for a proposed redevelopment at Bishopsgate Goods Yard, as the Applicant had determined that the development would constitute an ‘EIA development’.
- 1.6. This document constitutes the EIA Scoping Opinion.

EIA Scoping Opinion

- 1.7. Land Use Consultants (LUC) and Cascade Consulting have been commissioned by LBTH and LBH to provide a critical review of the EIA Scoping Report for the Bishopsgate Goods Yard development (LBTH reference number: PA/14/00107).
- 1.8. The EIA Scoping Report was submitted to LBTH and LBH by URS, on behalf of the applicant, Bishopsgate Goods Yard and Regeneration Ltd. This is a cross-boundary application with the western part of the proposed site located in LBH, however the majority of the site lies within LBTH.
- 1.9. This EIA Scoping Opinion outlines the opinion on the proposed scope of the EIA (based on the information provided to date), and identifies any suggested amendments and/ or concerns.
- 1.10. In addition to the information provided by the Applicant, this EIA Scoping Opinion has been drawn up with reference to the following documents:
 - EIA Scoping Guidance (LBTH, 2012);

- LBTH and LBH's previous comments on the EIA Scoping Discussion Document, and previous review of a Draft Scoping Report submitted to LBTH and LBH by URS in September 2013;
 - relevant site history, including the previous planning applications and permissions for the site;
 - interactive map from LBTH and supplementary site visit;
 - consultation with internal LBTH consultees and external environmental consultees; and
 - LBTH's Local Plan – made up of the Core Strategy (LBTH, 2010) and Managing Development Document (MDD) (LBTH, 2013).
- 1.11. The issuing of this EIA Scoping Opinion does not prevent the planning authority from requesting 'further information' at a later stage under Regulation 22 of the EIA Regulations.
- 1.12. No indication of the likely success of an application for planning permission for the proposed development is implied in the expression of this EIA Scoping Opinion.

Report Structure

- 1.13. The contents of the remainder of this EIA Scoping Opinion are set out below.
- 1.14. Chapter 2 details the Councils' understanding of the proposed development.
- 1.15. Chapter 3 reviews the overall approach to the EIA in the context of prevailing EIA legislation.
- 1.16. Chapter 4 provides a review of the proposed scope and approach to assessment of each of the following EIA topics:
- Demolition and Construction;
 - Waste and Recycling;
 - Socio-Economics;
 - Ground Conditions;
 - Traffic and Transport;
 - Wind Microclimate;
 - Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution;
 - Air Quality;
 - Noise and Vibration;
 - Water Resources, Drainage and Flood Risk;

- Archaeology;
- Built Heritage;
- Ecology;
- TV and Radio (Electronic) Interference; and
- Townscape Visual and Conservation Assessment.

1.17. Chapter 5 reviews those assessments scoped out of the EIA.

2. THE PROPOSED DEVELOPMENT

Site and Surrounding Area

- 2.1. Bishopsgate Goods Yard Regeneration Ltd is seeking to obtain part outline and part detailed (full) planning permission (forming a ‘hybrid’ planning application) for Bishopsgate Goods Yard.
- 2.2. The site is approximately 4.7 hectares (ha) in size and is bounded by Bethnal Green Road to the north, Brick Lane to the east, a rail line (serving Liverpool Street Station) to the south and Shoreditch High Street to the west. Braithwaite Street runs through the site connecting Bethnal Green Road to Commercial Street.
- 2.3. For the purpose of the EIA Scoping Report the following description was provided for the proposed development:

‘A planning application covering the entirety of the site seeking part outline and part detailed (full) planning permission. This will provide the context for bringing forward the parameter based outline elements by way of subsequent reserved matters applications.

- *The detailed elements of the application will be submitted for development plots referred to as Plots C, F, G and H, I, J at ground level (as discussed below).*
- *An accompanying application for listed building consent will also need to be submitted for the proposed works to and re-use of the listed arches (predominantly Plot H and L) and other listed structures within the site.*

The proposed quantum of development has been established by the Interim Planning Guidance (IPG) adopted for the site informed by on-site constraints and visual / heritage consideration as well as other environmental factors. This provides for the following draft mix of uses/floor space:

- *Provision of up to 180,000 m² Gross External Area (GEA) comprising of 6 residential buildings (equating to up to 1420 units).*
- *An office complex providing up to 60,000 m² (GEA);*
- *Retail provision throughout the scheme of up to 20,000 m² (GEA); and*
- *Substantial public realm, including a new raised park’.*

Consultation

- 2.4. The EIA Regulations require that the relevant planning authority consults ‘consultation bodies’ prior to issuing an EIA Scoping Opinion. Both LBTH and LBH have independently consulted on the EIA Scoping Report.
- 2.5. The LBTH internal and external specialists consulted are listed in **Appendix A**, and the LBH internal and external specialists consulted are listed in **Appendix B**.

- 2.6. The LBTH external responses received included in **Appendix C**, and the LBH external responses received included in **Appendix D**.

Adjoining Planning Authorities

- 2.7. Adjoining planning authorities have been consulted on the EIA Scoping Report and their comments are set out below.
- 2.8. Southwark Council have no objection to the proposed development, but given the location of the site within a strategic view it is requested that a full views impact assessment be undertaken, including fully rendered views, to identify and analyses any impacts on the protected views.
- 2.9. The Royal Borough of Greenwich has formally considered the EIA Scoping Report and raises no objections. The Royal Borough of Greenwich would like to be formally notified of any future planning application to develop the site.
- 2.10. The City of London notes that the ES does not include reference to the St Paul's Heights policy which aims to protect and enhance local views of St Paul's Cathedral and its setting and backdrop. Paragraph 6.25.5 should include references to the City of London's St Paul's Heights policy. Regard should be had to the impact of the development on the backdrop of St Paul's Cathedral, particularly from viewing points on the South Bank (London View Management Framework (LVMF) view 16B), Waterloo Bridge and Hungerford Bridge.
- 2.11. Table 1 and Figure 7 do not fully represent the number of schemes in the City that the City of London would expect to be included in the assessment of cumulative effects. The following sites should be added:
- Mitre Square;
 - Tenter House;
 - 101 Moorgate;
 - 15 Bishopsgate; and
 - Broadgate Circle and 3 Broadgate.
- 2.12. The proposed buildings would be tall enough to be prominent new landmarks in the area east of and within the eastern parts of the city and may also be of sufficient height to feature in other well-known views. The EIA should demonstrate the impact on local views.

3. **REVIEW OF APPROACH TO EIA**

- 3.1. This section comments on the over-arching approach to the EIA, as described in Chapters 1-5, Chapter 6 (Sections 6.1 to 6.6), and Chapter 8 of the EIA Scoping Report.
- 3.2. The applicant has determined that the development will constitute ‘EIA development’ as the scale of the development proposals could give rise to significant effects on the environment.
- 3.3. The EIA Scoping Report states that the application will be a ‘hybrid’ application, comprising part-outline and part-full. The EIA Scoping Report defines the elements for which detailed and outline permission is sought. The EIA Scoping Report confirms that for the outline application elements of the development, a ‘reasonable worst case scenario will be assumed’ (para. 6.2). This is in line with good practice and the LBTH EIA Scoping Guidance.
- 3.4. LBTH has previously requested additional detail on this matter, and would welcome further detail at this stage. This is important in determining whether the scope of the proposed assessment is suitable, specifically in relation to the outline aspects of the application. URS have since stated that a schedule based on the maximum and minimum parameters, units mix etc. will be used, and therefore no assumptions have had to be made to derive the population figures etc.
- 3.5. The EIA Scoping Report complies with the minimum requirements for a request for an EIA Scoping Opinion, as set out in the EIA Regulations. The EIA Scoping Report satisfactorily provides a brief description of the nature and purpose of the development, and the conditions on the site at present. A clear description is provided of the proposed EIA method, which complies with good practice. The EIA Scoping Report also outlines the types of ‘Alternatives’ which will be considered in the ES, including a Do Nothing scenario, and different development massing and design options. The ES will summarise the evolution of the current design proposal, the modifications which have taken place. The EIA Scoping Report states that the ES will provide a *‘summary of the main alternatives considered, such as alternative use mixtures, floor heights, massing, and materials used will be presented together with a justification for the final design’* (para. 6.10.1 of EIA Scoping Report).
- 3.6. Table 3.1 below assesses whether the EIA Scoping Report meets the requirements set out in the EIA Regulations (Section 13), whilst Table 3.2 assesses whether it meets the requirements set out in LBTH’s EIA Scoping Guidance.

Table 3.1: Review of Contents of the EIA Scoping Report in Respect to the EIA Regulations

| EIA Regulation Requirement | Requirement met in EIA Scoping Report? |
|----------------------------|--|
|----------------------------|--|

| | |
|--|--|
| A plan sufficient to identify the land. | A plan showing the location of the proposed development sites is provided in Figure 1 and 2. |
| A brief description of the nature and purpose of the development and of its possible effects on the environment. | Descriptions of the particular features of the proposed development and their possible effects on the environment are provided in Section 6. |
| Such other information or representations as the person making the request may wish to provide or make. | As appropriate. |

Table 3.2: Review of Contents of the EIA Scoping Report in Respect to LBTH’s EIA Scoping Guidance

| LBTH Scoping Guidance Requirement | Requirement met in Draft EIA Scoping Report? |
|--|--|
| Description of the development | Yes. Chapter 2. |
| Conditions present on site and surrounding area | Yes. Chapter 3. |
| How alternatives will be considered | Yes. Chapter 6. |
| Initial assessment of micro-climate implications | No. The EIA Scoping Report contains a summary of the potential microclimate impacts of the proposal (Chapter 6), but no initial assessment as required by Section 2.6 of the LBTH Scoping Guidance. |
| List of cumulative developments | Yes. Chapter 6. |
| Overall methodology for the ES | Yes. Chapter 6. |
| Organisations consulted as part of Scoping. | Yes. Chapter 4. |
| Initial topic-by-topic assessment | Yes. Chapter 6. |
| Details of any supporting material to be submitted | Yes. Chapter 6. |
| Proposed contents of the ES | Yes. Chapter 6. |

General Points

- 3.7. The EIA Scoping Report confirms that underground constraints will be considered. LBTH welcomes recognition of this issue.
- 3.8. Both LBTH and LBH previously commented that additional maps should be included in the EIA Scoping Report. While maps for traffic assessment, surrounding daylight receptors, built heritage, viewpoints and cumulative developments have been included, maps showing the following should also have been included in the EIA Scoping Report: surrounding noise and air quality receptors.
- 3.9. Figure 4: 'Local Constraints and Sensitivities' is helpful, but the locations of the numbered list of leisure and other community facilities are not shown on the map.
- 3.10. The ES should differentiate between measures that have been incorporated into the design of the development, and those additional measures required to mitigate adverse effects.
- 3.11. LBTH is keen to understand how mitigation measures/ enhancements measures are going to be secured. It would therefore be helpful if the ES could identify potential conditions based on these mitigation measures.
- 3.12. It is requested that all correspondence with consultees (including LBTH and LBH) is appended to the ES.

Overview of the Proposed Development

- 3.13. There are a number of points that appear to be incorrect in Sections 1 to 4 as follows:
 - with respect to paragraph 1.1.4, the correct name for the second conservation area is 'Brick Lane and Fournier Street';
 - with respect to paragraph 2.1.3, Plot L contains the listed arches and Plot K is the two small development parcels to the south of the railway line. The text in the report implies the opposite;
 - with respect to paragraph 2.1.11, current proposals show that development on plot E will not be over the East London Line, but to the south of it;
 - with respect to paragraph 1.1.12, while DEFRA just refers to this part of Hackney being an AQMA for NO₂ the LBH Air Quality Action Plan published in 2006 refers to both NO₂ and particulate matter;
 - with respect to paragraph 3.1.1:
 - bullet one – it is not just views from the conservation areas that should be considered, but also the impact on their character as a whole;
 - bullet two - sensitive receptors also include non-designated heritage

assets such as (but not exclusively) the Weavers Cottages and Non-conformist Mission Chapel on Sclater Street, the unlisted arches above London Road and the unlisted boundary wall around the site; and

- with respect to paragraph 4.1.3, the Historic Royal Palaces should also be consulted, given the impact on the setting of the Tower of London.

Submission Documents

- 3.14. The planning application should be accompanied by a copy of the ES, both as a hard copy and electronically. A minimum of three copies of the ES will need to be provided to LBTH.
- 3.15. A further three copies (both hard and electronic) of the ES should be sent directly to the Council's EIA Consultants – address to be supplied separately.

4. REVIEW OF POTENTIAL ENVIRONMENTAL EFFECTS BY TOPIC

- 4.1. This section summarises the review of the proposed approach to the assessment of each EIA topic.
- 4.2. This section provides a review of the proposed approach to the assessment of each EIA topic, in relation to the:
- scope of assessment;
 - methodology and reference to best practice guidance;
 - survey work proposed;
 - receptors identified;
 - consultees; and
 - policy documents referenced.

Review of Section 6.2: EIA Methodology

- 4.3. The EIA must consider the potential significant effects on both external and internal receptors (i.e. those introduced as a result of the proposed development).
- 4.4. Whilst paragraph 6.2.6 sets out that moderate effects are considered to be “likely significant effects”, it would also be useful to identify the terminology to use throughout the ES with respect to significance; for example neutral, minor, moderate, major. This was highlighted in the review of the Draft EIA Scoping Report.
- 4.5. The determination of the significance of the effects is not set out in the EIA Scoping Report (e.g. importance, magnitude of change or matrices) and therefore LBTH is unable to comment on this, at this time. It is recommended that this is agreed with the relevant technical specialists prior to submission of the planning application, to ensure that there are no discrepancies post-submission.
- 4.6. The ES should clearly set out how the significance has been determined for each discipline in the ES.
- 4.7. Paragraph 6.17.21 refers to an indicative scheme – this the first mention of this approach, and should be clarified earlier in the document. This was highlighted in the review of the Draft EIA Scoping Report.

Review of Section 6.4: Scale and Layout Parameters

- 4.8. The EIA Scoping Report states that a ‘*3-dimensional envelope which represents the upper limit (maximum extent) of the outline development will be assumed for the purposes of the EIA*’. The EIA Scoping Report now clarifies that the maximum extent of the development will not always be the worst scenario, and that technical specialists will use their professional

judgment to determine a reasonable worst case scenario if different. It states that *'In cases where the minimum development envelope will give rise to the "worst case scenario" that will instead be assessed'*.

- 4.9. The topic specific sections do not fully explain how the 'reasonable worst case scenario' has been determined. It would be helpful to provide this information, as it provides an opportunity to agree the proposed approach, prior to submission. This was highlighted in the review of the Draft EIA Scoping Report. This is particularly important for the outline element, as there is more flexibility in what can be progressed. Without more detailed information on the proposals it is difficult to ascertain how this is going to be determined and then assessed e.g. affordable housing provision/ child yield/ transport.
- 4.10. If upon submission it is determined that the likely significant effects are unclear/ unknown, it is likely that request for further information will be made under Regulation 22 of the EIA Regulations.
- 4.11. Plans showing the location of receptors should be included in the ES. A figure showing the site, the phasing and any changes in access and egress should be provided.

Review of Section 6.8: Impact Interactions and Cumulative Impact Assessment

- 4.12. The EIA Scoping Report contains a list of the developments which are proposed to be used to assess the cumulative effects in each of the ES chapters. The schemes selected are all within 1 km of the site, and also conform to a number of other criteria, reflecting their scale. Schemes which are under construction, granted consent, and those with a resolution to grant consent have been considered. This is not the procedure that has been agreed with LBTH and LBH, as planning applications that have been submitted but not yet approved are also to be considered, and this has been reflected in the list of cumulative developments agreed.
- 4.13. It is also important to note that a threshold of over 50 residential units or 10,00m² of floorspace should not be strictly adhered to. Smaller sized schemes can easily have major servicing i.e. Heavy Goods Vehicles (HGV) and Manned Ground Vehicles (MGV) impacts and thus queue length implications.
- 4.14. The list of cumulative developments was agreed with LBTH and LBH in December 2013. Please note that since then, Land at Fakruddin Street (4) and Huntingdon Industrial Estate (10) are now pending refusal and therefore it is recommended that these are removed from the list. Also, the reference number for Beagle House should be PA/14/00225 as the previous application has now been deleted.
- 4.15. A further application (2013/3567) relating to the development known as Shoreditch Village (2012/3792) has received a resolution to grant planning permission from LBH Planning Sub-Committee. This application increases the height of the hotel element to 10 storeys. 145 City Road (2012/3259) has now been granted.

- 4.16. The City of London state that Table 1 and Figure 7 do not fully represent the number of schemes in the City that the City of London would expect to be included in the assessment of cumulative effects. The following sites should be added:
- Mitre Square;
 - Tenter House;
 - 101 Moorgate;
 - 15 Bishopsgate; and
 - Broadgate Circle and 3 Broadgate.
- 4.17. It is recommended that the list of cumulative developments is reviewed regularly to ensure that all relevant current applications are captured for EIA purposes. An appropriate 'cut off' date can be agreed with the LBTH/ LBH i.e. after design freeze, if necessary, to allow for the assessment to be completed prior to submission.
- 4.18. The EIA will need to carefully assess the effect that proposed development has both on, and with, cumulative developments.
- 4.19. The EIA Scoping Report states that the cumulative chapter in the ES will also draw together the findings from each chapter to analyse the interactions between effects and to provide a summary of the cumulative effects of the development. This approach to the assessment of cumulative effects is considered acceptable.
- 4.20. LBTH is finding that separate developments in the borough are referencing the same existing capacity (e.g. school places, public transport capacity etc.) leading to an underestimation of the cumulative effects and insufficient mitigation. The EIA will therefore need to carefully assess cumulative effects, and demonstrate this in the ES.

Review of Section 6.9: Consideration of Climate Change within the EIA

- 4.21. The potential impacts of climate change will be considered as necessary in each environmental topic e.g. air quality, flood risk, and will use the UK Climate Projections 2009 as the basis. Potential ways to mitigate the development's impact on climate change have been highlighted (e.g. reduced energy usage, minimising CO₂ emissions during construction and operation). It is also important for the proposals to include climate change mitigation and adaptation measures as detailed in the LBTH EIA Scoping Guidance.
- 4.22. The EIA Scoping Report identifies that standalone energy and sustainability strategy would be produced and submitted in support of the application. Whilst this is supported, we should highlight the need to include the proposals identified in the energy/ sustainability documents into the relevant technical chapters i.e. plant specification included in the air/ noise chapters, renewable energy technologies/ flue details included in the visual impact assessment.

- 4.23. The EIA Scoping Report identifies that the development will be assessed against future climate change scenarios as identified in the Mayors climate change adaptation strategy which are the same as recommended in LBTH's EIA Scoping Guidance, so this is also supported.

Review of Section 6.10: Alternatives Assessment

- 4.24. The EIA Scoping Report outlines the types of 'Alternatives' which will be considered in the ES, including a 'Do Nothing' scenario, and different development massing and design options. This is clearly described and broadly complies with the scoping guidance.

Review of Section 6.11: Demolition and Construction

- 4.25. The ES chapter will provide an overview of the works required during demolition and construction activities. As most of the site has been previously cleared, it is assumed that the bulk of the demolition activities have been completed but it would be helpful to confirm this in the ES.
- 4.26. LBTH has previously requested information regarding the treatment of the arches, and additional detail on this is still required (to be provided in the ES). Consideration should be given to including excavation works as a separate section, as the requirements for excavation across the site could be considerable.
- 4.27. Information will be provided on site access and egress, and any changes to these locations over the 12 years construction period should be highlighted. Working hours, HGV movements and estimates of demolition, excavation and construction waste will be provided, as will the quantities of materials to be used during construction.
- 4.28. An indicative construction programme will be provided, and will be broken down into a number of phases identifying the main activities. The overarching phases should be identified, including any overlap. This use of a solely indicative phasing strategy will need to be discussed further with LBTH and LBH, as it leaves a lot of uncertainty around what would be the likely significant effects. This is particularly pertinent with respect to the outline element.
- 4.29. Within the phases, time slices will be identified to allow the technical environmental assessments to assess the worst case scenario. A figure showing the site, the phasing and any changes in access and egress should be provided in the ES.
- 4.30. It is important that the receptors introduced during the demolition/ construction phase are appropriately assessed. It is therefore recommended that the time slices to be assessed are agreed prior to the submission of the ES to ensure that all parties are in agreement. URS has confirmed that the proposed time slices will be agreed prior to the submission of the planning application.
- 4.31. The chapter should also provide an indication of the typical plant to be used during the works, and whether the particular plant is required for a particular

phase.

- 4.32. The chapter will also provide a framework of the Construction Environmental Management Plan, Code of Construction Practice and Site Waste Management Plan. These will take into account best practice guidance. The ES should identify who will be responsible for preparing and implementing these documents.
- 4.33. When considering demolition and construction waste (paragraph 6.10.5) the Applicant should also indicate its intentions regarding re-use, recycling and disposal of the waste.

Network Rail

- 4.34. Network Rail is aware of this proposed application and is in dialogue with the developer. Network Rail has no further comment to make.

Review of Section 6.12: Waste and Recycling

- 4.35. This section of the EIA Scoping Report has been reviewed by LBTH's Waste Officer. Waste management needs to be considered in two phases - construction/ demolition phase and post construction/ operational phase. A detailed Site Waste Management Plan has been proposed in the EIA Scoping Report which covers all aspects of waste management during the first phase (construction/ demolition).
- 4.36. Post construction phase will be determined by the development itself. The EIA Scoping Report has proposed to carry out waste and recycling assessment which will consider all the potential impacts of the development and will identify all the mitigation measures for any adverse effects. Capacity and storage space for the development will be determined by the number of units proposed and other internal management arrangements. That will be assessed once full details of the development is presented.
- 4.37. The ES should identify who is responsible for the Site Waste Management Plan.
- 4.38. The ES chapter should identify the current capacity at waste disposal sites, and identify whether there is sufficient capacity for the development and cumulatively.
- 4.39. When estimating total waste arisings, the ES should include the proportion that will be re-used on site and whether such re-use requires some processing (for example, concrete crushing).
- 4.40. Where waste processing is to take place on site, the impacts of this, such as of noise and air quality, should be assessed.
- 4.41. The mode of waste transfer should be identified and where this is by road, the number of vehicle movements should be taken into account in the traffic impact assessment.
- 4.42. Sources of data relating to waste have been referenced using up to date data.

Local, Regional and National waste guidelines will be adhered to. The LBTH DPD is a primary reference document.

- 4.43. The assessment is based on an overview of how the developer will manage waste during and after construction. This is acceptable considering there will be a Site Waste Management Plan, although further consultation will be required when the plans are prepared.
- 4.44. With waste management, the major issues are location of bin stores in relation to collections and capacity. It is therefore difficult to identify the potential implications of the development in relation to waste management until it is known what method of waste storage will be used (underground or conventional bins), and how it will be collected – i.e. access to the site and whether or not the vehicle will be able to achieve turning circles etc.
- 4.45. An overview of the waste management strategy for each operational phase of the development should be provided.

Review of Section 6.13: Socio-Economics

- 4.46. The scope of the assessment is clearly defined and includes an assessment of the socio-economic effects of the development during demolition, construction and operation. The assessment will be in-line with LBTH's EIA Scoping Guidance and will include direct, indirect and induced employment effects during the construction phase of the development and once the development is operational, plus broader social and community effects of the development and the development's effects on climate and climatic factors. The potential effects of the development on socio-economics are clearly discussed, and as such the scope of the assessment is appropriate.
- 4.47. A review of the relevant policy at the local (LBH and LBTH), regional (Mayor of London, GLA) and national levels (in terms of urban regeneration and sustainable economic development) will be undertaken to identify the key issues of relevance to the development and to refine the scope of the assessment.
- 4.48. The child yield assessment should be based on LBTH's Planning Obligations SPD.
- 4.49. The Applicant should note that data from the 2011 census at a range of geographies including ward, lower super output area and postcode have now been published by the Office of National Statistics (ONS). LBTH would expect the Applicant to draw heavily on these data.
- 4.50. The ES chapter will include a baseline assessment providing a description of the existing socio-economic conditions on and around the site including: population and labour force, skills and unemployment, housing and the local economy. The baseline assessment will also provide a review of the community and social facilities including: schools, primary healthcare facilities, community facilities, open space and child play space. The baseline information should be informed not only through desk study, but in consultation with relevant stakeholders. To be in-line with the LBTH's EIA

Scoping Guidance, the socio-economic characteristics of the Borough as a whole and the London region should also be considered.

- 4.51. The assessment should appropriately assess the loss of the existing land uses, and where these will be relocated.
- 4.52. The assessment of new residential units should also specifically assess the provision of affordable housing, and how this correlates with the two Councils affordable housing target i.e. 35% (LBTH) and 50% (LBH). If these targets cannot be met on-site, but will instead be secured through financial contributions and/ or off-site locations, the ES should consider these effects.
- 4.53. Specific criteria for assessing the significance of effects on socio-economics have now been included. The EIA Scoping Report outlines how the significance of effects will be determined and how effects will be classified (e.g. negligible, minor, moderate, major).
- 4.54. No survey work is proposed. As previously mentioned in the review of the Draft EIA Scoping Report, this is acceptable providing existing data is up-to-date, otherwise additional work may be required.
- 4.55. LBTH and LBH are keen to understand how employment figures will be calculated, particularly for the outline element.

Health

- 4.56. This section of the EIA Scoping Report has been reviewed by LBTH's Public Health Strategist.
- 4.57. The proposed development is in the North West locality encompassing LAPs 1 and 2, and current list sizes are set out in Table 4.1.

Table 4.1 - Current List Sizes

| Practice | Lap | List Size | WE GP Total | Patients per WTE |
|--------------------------------------|-------|-----------|-------------|------------------|
| Bethnal Green Health Centre Practice | LAP 1 | 8271 | 5.00 | 1654 |
| Mission Practice | LAP 1 | 11556 | 7.25 | 1594 |
| Blithehale Medical Centre, The | LAP 1 | 8236 | 2.25 | 3660 |
| Globe Town Surgery | LAP 1 | 12310 | 5.50 | 2238 |
| Pollard Row Practice | LAP 1 | 4879 | 1.78 | 2741 |
| Strouts Place Medical Centre | LAP 1 | 4153 | 3.25 | 1278 |
| XX Place | LAP 2 | 7267 | 7.20 | 1009 |
| Albion Health Centre | LAP 2 | 9072 | 5.27 | 1721 |
| Spitalfields Practice | LAP 2 | 13006 | 5.00 | 2601 |
| Totals | | 78750 | 42.50 | 1853 |

Note: Health E1 which is a specialist practice for homeless patients has been excluded from the above list

- 4.58. As the LBTH population model is undergoing revision, it is suggested that the Greater London Authority (GLA) 2012 round ward projections (these incorporate census data) are used to estimate the locality population at anticipated time of occupation of the development.
- 4.59. The HUDU model can be used to estimate net additional population arising for the development if needed.
- 4.60. When calculating the effect of the proposed development on health facilities, the work time equivalent (WTE) of General Practitioners (GPs) plus existing list sizes should be used, not just the total number of GPs available from NHS England (London region). This is because many GPs in LBTH do not work full time, and therefore it is not appropriate just to use the number of GPs available at any one surgery. This information should be available from NHS England (London region).
- 4.61. A capacity analysis can then be undertaken for the locality using a GP to patient ratio of 1:1800.

Review of Section 6.14: Ground Conditions

- 4.62. This section of the EIA Scoping Report has been reviewed by LBTH's Contaminated Land Officer.
- 4.63. The approach outlined is generally acceptable, although reference should be made to current good practice guidance that will be adhered to in the assessment.
- 4.64. A comprehensive ground investigation of the site was completed by Concept in 2008. This was used by ARUP who completed a ground contamination risk assessment and produced an outline remediation strategy for the site. No further on-site investigation was considered necessary as an output of this process.
- 4.65. The previous site investigation report and remediation strategy will be used to inform the desk based impact assessment. These documents should be provided as technical appendices to the ES chapter.
- 4.66. The data used and the findings and conclusions of these reports should be reviewed, revised and updated to take account of current guidelines, standards and codes of good practice. Assessments based on out of date or superseded guidelines, standards and codes are not acceptable.

Review of Section 6.15: Traffic and Transport

- 4.67. LBTH and LBH Highways Officers have previously provided comments on the Draft EIA Scoping Report.
- 4.68. The ES chapter will assess the effects of the development on traffic and transport associated with the demolition, construction and operation of the development on the surrounding road networks. The ES chapter will be informed by the findings of the Transport Assessment (TA). The scope of the TA will be driven by the delivery of the potential effects to be assessed, which are largely consistent with the LBTH's EIA Scoping Guidance. The scope of the TA has been issued to officers of Transport for London (TfL), LBH as well as LBTH. It is anticipated that a pre-application meeting will take place soon to agree the scope of highway and transport works. This approach is considered appropriate, and should agree items such as the network/ peak hours to be assessed.
- 4.69. The scale and extent of the assessment will be defined in accordance with TfL's Transport Assessment Best Practice Guidance document (April 2010), National Planning Policy Framework (2012), the DfT Guidance on Transport Assessment document (March 2007), specific LBH and LBTH requirements and IEMA 1993 Guidelines for The Environmental Assessment of Road Traffic. This is appropriate for the assessment and is consistent with the LBTH Scoping Guidance. Guidance provided by the IEMA and Department for Transport (DfT) will be consulted in order to identify significance criteria applicable to the assessment. As raised during the review of the Draft EIA Scoping Report, the approach to assessing significance should be submitted to LBTH as part of the scoping process.

- 4.70. A number of traffic and pedestrian surveys will inform the traffic and transport baseline conditions. The EIA Scoping Report now identifies that the effect of the development on each mode of transport will also be assessed in detail, with mitigation measures being proposed, where appropriate. The effect of the development will be assessed with regard to; severance, delay, fear and intimidation, amenity, and accidents and safety, in accordance with IEMA guidance.
- 4.71. With regards to paragraph 6.15.12, although there is reference to cycling infrastructure there is no reference to cycling permeability through the site. LBTH has aspirations to open up the site and improve permeability to both pedestrians and cyclists. Whilst the EIA does mention the pedestrian routes through the sites in this paragraph, it doesn't mention cycling through the site.
- 4.72. The EIA Scoping Report states that a Construction Logistics Plan is to be prepared as a separate document for the planning application, which would detail likely construction traffic routes.
- 4.73. The impacts of trip generation movements on the road network should be shown as a percentage increase in trips over the baseline, and the impact on junction capacity.
- 4.74. The construction traffic assessment should consider both vehicles bringing material/ equipment to/ from the site, as well as construction staff movements i.e. the ES needs to consider how the workers will get to site (e.g. by car (parking on/ off site) and/ or via public transport) and the effects that this will have on the network capacity.
- 4.75. Likely construction traffic routes should be established, so that receptors can be appropriately assessed.
- 4.76. Consideration should also be given to LBTH's Local Plan i.e. with respect to acceptable parking levels.
- 4.77. The EIA Scoping Report does not include water transport as a mode. The ES should set out whether there is the potential for demolition/ construction material to be moved by water, and/ or for site users to utilise water transport to/ from the site. If water transport is not going to be utilised as a transport mode during either construction/ or operation, or the effects are not considered to be significant, this should be clearly set out in the ES.

Review of Section 6.16: Wind Microclimate

- 4.78. Wind tunnel testing will be undertaken for the development (as the heights of the buildings are over 10 storeys) with the following scenarios modelled; existing baseline (to quantify existing conditions in and around the site); interim construction scenario (to take account of 12 year programme); completed development with existing surroundings; and completed development with cumulative schemes. The wind conditions will then be assessed using the Lawson Comfort Criteria.
- 4.79. The assessment should include consideration of the effects on the wider

neighbouring area. It is unclear what is meant by *‘selected roof terraces and balconies will be tested’*. Consideration should also be given to the wind climate to be experienced on balconies and roof terraces accessible by residents.

- 4.80. The significance of the impacts prior to mitigation should be stated within the chapter. Due to the size and complexity of the development, it is recommended that a final wind tunnel test be undertaken with the completed development and mitigation measures to ensure these are sufficient to achieve the necessary wind conditions both on and off site.
- 4.81. It would be useful if the surrounding receptors were shown on a figure, and the types of receptor (thoroughfare, balcony, entrance etc.) clearly differentiated on the supporting figures.
- 4.82. The ES should identify the effects both pre and post mitigation. Landscaping should only be included pre mitigation if the landscaping plans are to be approved.
- 4.83. A full statistical breakdown of the wind microclimate should be provided. All data should be submitted in a form which can be independently verified and should include digital copies of any drawings, 3D models, calculation sheets, etc.

Review of Section 6.17: Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution

- 4.84. This section of the EIA Scoping Report has been reviewed by LBTH's Environmental Health Officer.
- 4.85. Paragraph 1.1.12 to 1.1.14. (Light Pollution) should demonstrate the Institute of Lighting Professionals (ILP) standard to be used and its impact on surrounding buildings as well as nuisance during post curfew periods.
- 4.86. Paragraph 1.1.51 and Figure 12 shows the surrounding residential receptors should be checked again to ensure that no properties are omitted including amenity areas.
- 4.87. For the avoidance of doubt the residential properties to be included in the assessment of the impacts of the development on daylight and sunlight levels at sensitive receptors should include residential components of schemes identified and agreed with LBTH and LBH for cumulative impacts assessment (paragraph 6.17.2).
- 4.88. An internal daylight and sunlight assessment must be included in the ES. This has been previously flagged by LBTH as its preferred approach to ensure all significant effects are addressed in one place. Although the method for determining significance may be different i.e. for the internal assessment you are not assessing against a baseline, but determining adequacy, this could be explained in the methodology.
- 4.89. Following discussions with Delva Patman Redler, LBTH and LBH's independent reviewer of daylight and sunlight assessments, the Applicant has

put forward an acceptable approach to the 'mirror image' assessment (paragraph 6.17.28).

- 4.90. A figure showing the neighbouring properties to be included in the analysis, as detailed in para 6.17.51, has been provided (Figure 12).
- 4.91. As previously discussed with URS, it is useful for the actual assessment criteria for Vertical Sky Component (VSC) and No Sky Limit (NSL) to be agreed at the EIA Scoping stage. The appropriate bands that should be used for VSC and NSL are:
- 0% to 19.9% - Negligible significance;
 - 20-29.9%reduction – Minor significance;
 - 30-39.9%reduction – Moderate significance; and
 - above 40% reduction – Major significance.
- 4.92. It is also helpful for 'pass/ fail' to be included for the daylight and sunlight tables.
- 4.93. Where low levels of daylight in the outline elements of the development are apparent from the VSC calculations, it would be helpful to provide Average Daylight Factor (ADF) values for notional window and room sizes for the worst affected areas so as to establish that it is possible to avoid the creation of rooms in residential properties that are so dark as to be effectively uninhabitable.
- 4.94. For sunlight, the Annual Probability of Sunlight Hours (APSH) in summer and winter should be assessed for windows that face within 90 degrees of due south.
- 4.95. Light Pollution should be assessed to meet ILP guidance for post curfew periods with appropriate contour lines especially on surrounding residential dwellings during sensitive hours of sleep/ rest in order to ascertain any likely light nuisance impact.
- 4.96. Data should be provided in the chapter as a table, showing the existing, proposed and cumulative situations. All data should be submitted in a form which can be independently verified and should include digital copies of any drawings, 3D models, calculation sheets, etc.
- 4.97. Mitigation methods should be provided where necessary.

Review of Section 6.18: Air Quality

- 4.98. The EIA Scoping Report has been reviewed by LBTH's Air Quality Officer. The approach to air quality assessment is generally acceptable.
- 4.99. The EIA Scoping Report does not illustrate the location of air quality receptors. The ES should include a figure(s) showing the location of identified air quality receptors.

- 4.100. The Applicant should clearly state in the ES whether the methodology for the outline and detailed elements of the development are the same.
- 4.101. While it is accepted that it may be necessary to undertake an assessment for more than one time slice corresponding to peak traffic, there may also be junctures within the development programme at which new receptors could have been introduced in the earlier phasing which would be located quite close to construction dust emissions from later phasing. These should also be considered as potential worst case scenarios.
- 4.102. The Applicant should set out the proposed approach to defining the future baseline for the “Opening Year – without development scenario”. Current thinking is that the anticipated improvement in background air quality resulting from vehicle emission controls is not now likely to occur. When predicting future air quality a conservative approach should be taken and agreed with LBTH’s air quality officer before proceeding. As no further information has been provided in the EIA Scoping Report, this will need to be agreed during the EIA process.
- 4.103. The diffusion tube locations should be shown on a figure in the ES, and confirmed as being appropriate with LBTH and LBH during the EIA process.
- 4.104. The ES should provide a transparent account of the modelling undertaken, all assumptions made and all input data (for example, traffic flows) used.
- 4.105. The assessment will include a prediction of the future baseline (i.e. the ‘without development’ scenario). The EIA Scoping Report does however, not indicate how it will be defined. It has long been assumed that background air quality will gradually improve in future years as a result of reductions in vehicle emissions. , The expected improvement over the last few years has however, not materialised. As a result, many air quality assessments now assume no future improvements in background air quality until the next round of vehicle emission reductions begins to take effect. This will need to be clearly set out in the ES.
- 4.106. When assessing the heating plant emissions, consideration should be given to the fuel type, thermal rating and location of the equipment.

Review of Section 6.19: Noise and Vibration

- 4.107. Baseline noise survey should be carried out in consultation with LBTH and LBH Environmental Health Officers (EHOs). As the split between long-term and short-term monitoring is not explicit in the EIA Scoping Report, further consultation with LBTH and LBH will be required through the EIA process to confirm the approach to be taken.
- 4.108. There are concerns regarding groundbourne vibration due to the rail lines. The assessment of ground-borne noise from trains should be included and compared with the LBTH criteria (para. 6.18.4). Therefore, as previously flagged, the baseline surveys should also include baseline measurements of vibration due to the railway. The vibration assessment should meet the BS6472 criteria.

- 4.109. Impacts from piling should also be considered.
- 4.110. Construction noise levels at receptors should be calculated according to BS5228 and compared with ambient noise levels and with the LBTH Code of Construction Practice (para. 6.18.7).
- 4.111. Construction noise and vibration mitigation measures should be clearly described and residual impacts identified. Similarly mitigation and residual impacts of noise and vibration from fixed plant, traffic and the railway should be described. The ES needs to be very clear about the mitigation to be employed for groundbourne vibration given the concerns as raised in 3.57.
- 4.112. Road traffic noise, rail noise from docklands light railway (DLR) and aircraft noise (e.g. travelling to/from London City Airport) needs to meet the requirements of the Managing Development Document DPD (see Appendix 2, Table A2) and to demonstrate that the required glazing specification can meet the 'good' standard of BS8233.
- 4.113. The requirement for any Control of Pollution Act Section 61 applications should be referred to in the ES.
- 4.114. Paragraph 6.19.6 references LBTH's Unitary Development Plan – this has now been superseded and therefore reference should be made to the Council's Local Plan.
- 4.115. Paragraph 6.19.8 refers to a 10 year construction program – this does not correlate with paragraph 2.1.4 which states that construction will be undertaken over 12 years.

Review of Section 6.20: Water Resources, Drainage and Flood Risk

- 4.116. LBTH's Flood Engineer has reviewed the EIA Scoping Report, and is satisfied that the LBTH FRA has been referenced in section 6.20.17. Reference should also be made to the LBH FRA 2010. There is however, no mention of SuDS. Whilst mitigation measures for surface water flooding are mentioned, SuDS should top of the list for this - if found to be "not feasible/ viable", only then should alternatives be considered.
- 4.117. Whilst not sited in a designated flood risk area, for river or surface water flooding, reference should still be made to the relevant documents such as the LBTH's SFRA and the Surface Water Management Plan (SWMP).
- 4.118. A Flood Risk Assessment will be required for the development, due to its size (> 1ha) although the site is located in Flood Zone 1 and is considered to be at low risk of fluvial or tidal flooding. The requirements of the FRA are appropriately set out in the EIA Scoping Report. The EIA Scoping Report notes that the site is in an area of potential risk from surface water flooding (identified in the LBTH Strategic Flood Risk Assessment) and should therefore refer to the LBTH Preliminary Flood Risk Assessment and Surface Water Management Plan for more detailed information on this risk. The FRA will feed into a Water Resources ES Chapter.
- 4.119. The EIA Scoping Report has identified potentially sensitive receptors and a list

of potential impacts. The approach to assessing significance has been set out and follows LBTH's Scoping Guidance and use of the Department of Transport's TAG Unit 3.3.11: The Water Environment Sub-Objective.

- 4.120. The list of potential impacts and the scope of the FRA and Water Resources chapter covers most of the issues to be considered as set out in LBTH's EIA Scoping Guidance, and will include an assessment of the potential water demand and wastewater generation of the development (which should include volume estimates), and consideration of remedial measures such as water efficient fixtures and fittings.
- 4.121. Section 6.20 does not explicitly refer to climate change, although this is considered in a previous section. The FRA and Water Resources chapter will need to take into account potential impacts of climate change in the assessment.
- 4.122. The ES should identify on a map, all water sensitive receptors and their current condition established. Should dewatering be required to facilitate the construction of any basements, this will need to be appropriately assessed.
- 4.123. Mitigation should also consider best practice guidance to reduce pollution incidents, for example the Environment Agency Pollution Prevention Guidelines.
- 4.124. The bullet points in paragraph 6.20.26 do not appear to be consistent with one another. For example, a major effect is considered to be '*a magnitude of change on a water resource of high quality/importance*' however, a minor effect is considered to be '*a limited, very short or highly localised impact (i.e. low magnitude of change) on a water resource of high or medium quality*'. It is therefore unclear what the effect is for impacts on a high quality receptor i.e. are all impacts on high quality receptors a major effect as implied by the third bullet point? The second bullet point refers to a 'large impact' however, this is not the terminology used earlier in the chapter – it is assumed that this should be 'high impact' as set out in paragraph 6.20.22.

Environment Agency

- 4.125. The Environment Agency has provided a consultation response to both LBTH and LBH, which are summarise below.
- 4.126. The Environment Agency confirms that the EIA Scoping Report correctly identifies the site to be within Flood Zone 1. As the site is greater than 1 hectare the planning application will need to be accompanied by a FRA.
- 4.127. The Environment Agency has attached its factsheet for advice on FRA requirements on sites greater than 1 hectare – see Appendix B of this EIA Scoping Opinion.

Canal and River Trust

- 4.128. The Canal and River Trust notes that this application falls outside the notified area for its application scale. It therefore returned the application as there is no requirement for LBTH to consult Canal and River Trust in its capacity as a

Statutory Consultee.

Marine Management Organisation

- 4.129. Please can you inform the applicant that they may require a licence under the Marine and Coastal Access Act (2009).
- 4.130. Therefore please can they submit a licence enquiry via the Marine Licensing web portal so we can inform them as to whether a marine licence is or not required.

Port of London Authority

- 4.131. The PLA has no comments to make.

Thames Water

- 4.132. Thames Water has been consulted on the scope of the EIA and has stated that the provision of water and waste water infrastructure is essential to any development.
- 4.133. While Thames Water accepts that paragraph 6.11 covers demolition and construction, paragraph 6.19 covers noise and vibration and paragraph 6.20 covers water resources, drainage and flood risk we would make the following observations.
- 4.134. It is unclear at this stage what the net increase in demand on our infrastructure will be as a result of the proposed development. Thames Water is concerned that the network in this area may be unable to support the demand anticipated from this development. The developer needs to consider the net increase in water and waste water demand to serve the development and also any impact the development may have off site further down the network, if no/ low water pressure and internal/external sewage flooding of property is to be avoided.
- 4.135. It is also unclear as to how the building will be constructed, Thames Water is concerned that water mains and sewers immediately adjacent to the site may be affected by vibration as a result of piling, possibly leading to water main bursts and or sewer collapses.
- 4.136. We would therefore recommend that any EIA report should be expanded to consider the following.
- the developments demand for water supply and network infrastructure both on and off site and can it be met;
 - the developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met;
 - the surface water drainage requirements and flood risk of the development both on and off site and can it be met; and

- any piling methodology and will it adversely affect neighbouring utility services.

4.137. Should the developer wish to obtain information on the above issues they should contact our Developer Services department.

London Fire and Emergency Planning Authority

4.138. The Fire Authority needs to consider Access and Water Supplies. It has been identified that unless brigade access and water supplies are considered at an early stage, it can make for serious problems at the latter stages of the development. The Fire Authority therefore strongly recommends that the said information is made available to the Fire Authority at the earliest opportunity.

Review of Section 6.21: Archaeology

4.139. LBTH does not employ a dedicated archaeology officer and therefore relies on the advices of English Heritage Archaeology - Greater London Archaeology Advisory Service (GLAAS) (see below).

4.140. No response has been received from the Council for British Archaeology (and London and Middlesex Archaeological Society (LAMAS)) or the Greater London Archaeology Advisory Service (GLAAS) to date.

4.141. The ES chapter will assess the potential effects of the development on below ground heritage assets during construction. The scope of the assessment is appropriate and consistent with the EIA Scoping Guidance.

4.142. The specialist assessment should conform to standards set by the Institute for Archaeologists and other professional guidance, along with LBTH's EIA Scoping Guidance. It is recommended however, that the assessment should also follow advice in the Practice Guide for Planning Policy Statement 5 (PPS 5): Planning for the Historic Environment (Note: PPS5 policy itself is now replaced by the National Planning Policy Framework). Consultation with the Greater London Archaeology Advisory Service, who provides archaeological advice to LBTH, should be undertaken and reference should be made to its guidance document 'Standards for Archaeological Work'.

4.143. The baseline conditions of the site are briefly described in the EIA Scoping Report with reference to the findings of previous work undertaken by the Museum of London Archaeology (MOLA). It is also noted that further survey work will be carried out by MOLA for the site. It is recommended that information is also obtained from English Heritage's National Monuments Record (NMR) in addition to the bodies identified in the EIA Scoping Report. Paragraph 6.21.8 states that the EIA will provide recommendations to offset adverse effects. It should be noted that it is not always possible to offset adverse archaeological effects, this option will only be applicable in certain circumstances.

4.144. The ES should clearly identify the effects both pre and post mitigation.

4.145. Should dewatering be required to facilitate the construction of any basements, this will need to be appropriately assessed, as this can significantly affect

archaeological assets.

English Heritage (GLAAS)

- 4.146. The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. GLAAS has provided a consultation response to both LBTH and LBH, which are summarised below.
- 4.147. The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where necessary undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision.
- 4.148. Appraisal of this proposal using the Greater London Historic Environment Record and information provided indicates a need for further information to reach an informed judgment of its impact on heritage assets of archaeological interest.
- 4.149. The site is located within the Hackney South Shoreditch Archaeological Priority Area which has a high potential to contain archaeological remains from the Roman, Medieval, and Post-Medieval periods. Previous investigations undertaken by MOLA on the northern half of the site have uncovered evidence from each period including evidence of agricultural uses and urbanisation. The application will also affect designated and undesignated heritage assets of railway archaeological interest forming part of the world's first operational passenger railways – The Eastern Counties Railway of c. 1840.
- 4.150. In addition to the assessments proposed in this scoping opinion, I recommend that the EIA considers other relevant forms of reduction of harm to the designated and undesignated heritage assets as potential mitigation strategies. The EIA should also explore the potential to enhance or make a positive contribution towards these assets through effective building design.
- 4.151. The nature and scope of assessment and evaluation should be agreed with GLAAS and carried out by a developer-appointed archaeological practice before any decision on the planning application is taken. The ensuing archaeological report will need to establish the significance of the site and the impact of the proposed development.
- 4.152. Once the archaeological impact of the proposal has been defined, GLAAS can discuss mitigation options and make recommendations to the local planning authority. The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ

or where that is not feasible, archaeological investigation prior to development.

4.153. Further information on archaeology and planning in Greater London is available at: <http://www.english-heritage.org.uk/professional/advice/our-planning-role/greaterlondon-archaeology-advisory-service/about-glaas/>

4.154. Please note that this advice relates solely to archaeological considerations and is without prejudice to the local authority's decision-making role. If necessary, English Heritage's Development Management or Historic Places teams should be consulted separately regarding statutory matters.

Review of Section 6.22: Built Heritage

4.155. LBTH Scoping Guidance for Cultural Heritage states that the assessment should consider the presence of designated areas of cultural heritage value at a national, regional or local level such as Conservation Areas, Listed Buildings (including the local list) Registered Historic Parks and Gardens (and Battlefields) and World Heritage Sites.

4.156. The EIA Scoping Report refers to listed structures/ buildings on the site; unlisted but historic structures within the site (including elements of the boundary wall that form part of the Fournier Street Conservation Area and the unlisted former chapel and weavers' houses on the south side of Sclater Street abutting the Goods Yard boundary) and heritage receptors beyond the site. The EIA Scoping Report now states that assets up to 500 m from the site will be considered within the assessment.

4.157. The EIA Scoping Report notes that there are a number of Conservation Areas in close proximity to the site, and now states how these will be assessed in para. 6.22.6. Reference should be made to LBTH Character Appraisals and Management Guidelines for relevant Conservation Areas.

4.158. The EIA Scoping Report notes that effect on the Tower of London WHS and protected views will also be considered. It should be noted that the LBTH EIA Scoping Guidance requires that impacts upon the World Heritage Site should include how the proposal would impact on the Outstanding Universal Value of this Heritage Asset, with reference to the Tower of London World Heritage Site Management Plan, the London World Heritage Sites SPG on Setting, Circular 07/09 on the Protection of World Heritage Sites and the accompanying English Heritage guidance to Circular 07/09 on The Protection and Management of World Heritage Sites in England.

4.159. The EIA Scoping Report notes that LBTH, LBH and English Heritage will be consulted on the list of assets to be included in the assessment. This is welcomed.

4.160. The method of assessment proposed is set out (i.e. how the sensitivity of the receptor will be judged, how the magnitude of change will be recorded and that these will be combined to provide a measure of significance). It will be important to consult with the Conservation and Design Officers at LBTH, LBH and English Heritage regarding the proposed method to ensure all parties are

happy with the method of assessment.

- 4.161. The Applicant should refer to any current guidance on assessment of heritage assets (e.g. the PPS 5 Practice Guide which remains valid pending the final outcome of the review of guidance supporting the NPPF <http://www.english-heritage.org.uk/publications/pps-practice-guide/pps5practiceguide.pdf>) and English Heritage's guidance on 'The Setting of Heritage Assets', 'Seeing the History in the View' And 'Conservation Principles, Policy and Guidance (2008).
- 4.162. English Heritage has previously advised that there should also be no distinction drawn between grade I and II* buildings and grade II buildings. The degree of protection afforded to listed buildings by the legislation does not distinguish between grades and as a national designation all grades should be regarded as 'high' importance.
- 4.163. English Heritage has also previously advised that there should be no distinction in sensitivity between Conservation Areas - as a national designation they should be historic assets of 'high' importance. If a distinction is then to be drawn in townscape terms between those of consistent architectural or townscape character that should be reflected in the magnitude of change and not in their importance. Table 1 will therefore need to be updated accordingly.
- 4.164. A clear analysis of the heritage significance of each affected heritage asset, including the contribution of its setting to heritage significance, should be provided. All judgements on the significance and direction of effects on heritage assets (including the World Heritage Site) need to be fully explained and justified.

English Heritage

- 4.165. On the basis of the current submission, English Heritage has no comments to make to LBTH in regards to the submitted EIA Scoping Report.
- 4.166. It is noted that English Heritage are still actively engaged in pre-application discussions regarding the proposals on the site and their impact on the historic environment.

Review of Section 6.23: Ecology

- 4.167. LBTH's Biodiversity Officer has confirmed satisfaction with the proposed scope of the ecology assessment. LBH has also confirmed satisfaction with the scope of the assessment.
- 4.168. The scope of the ecology assessment proposed within the ES is clearly defined and is largely considered appropriate, incorporating reference to suitable policy documents, and consultees. It also proposes an appropriate range of survey types and potential ecological impacts requiring assessment, to build on an initial walkover and Phase I habitat survey, and some bird surveys.
- 4.169. The scope of the ecology assessment proposed covers all of the topics

expected, including assessment of statutory and non-statutory sites, bats, birds (including black redstart), reptiles, and invertebrates. The relevant policy documents referenced, including the NPFF, the London Biodiversity Action Plan (BAP), and the Tower Hamlets BAP are also considered appropriate.

- 4.170. The survey work and methods proposed are largely considered adequate and appropriate. Any assessment should be based upon adequate survey information, undertaken at the appropriate time of year and in accordance with best practice guidance. No information is however, provided on how the significance of potential impacts will be assessed. This should be provided.
- 4.171. The range of consultation proposed, including with Natural England, the Environment Agency, Greenspace Information for Greater London, the London Bat Group and the National Biodiversity Network, is considered appropriate.
- 4.172. Under Habitats (paragraph 6.22.6), reference is made to the London and Tower Hamlets BAPs with regard to the brownfield habitat. As requested in our previous review, it is now stated that consideration will be given to whether any or all of the site meets the JNCC definition for the UK priority habitat “Open Mosaic Habitats on Previously Developed Land”.
- 4.173. Paragraph 6.23.13 refers to common reptiles. It is worth letting the developer know that we have a 2013 record of a slow worm from very near the site, which will not yet be with GiGL and hence will not show up on the data search.
- 4.174. Paragraph 6.23.15 refers to black redstart and outlines survey methods used for this species. As suggested in the previous review of the Draft EIA Scoping Report, standard bird surveys often miss black redstarts, and the methodology described in best practice guidance (Gilbert et al (1998) and on <http://www.blackredstarts.org.uk>) has been used.
- 4.175. Paragraph 6.23 appears to be incomplete, and therefore it is unclear what point this sentence is trying to make.
- 4.176. The Council is keen to understand the mitigation/ enhancement measures to be employed for the site. These should be discussed in detail with the Council’s Biodiversity Officer.

Natural England

- 4.177. Case law and guidance has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Appendix A to Natural England’s letter provides advice on the scope of the Environmental Impact Assessment (EIA) for this development – see Appendix B of this EIA Scoping Opinion.
- 4.178. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be re- consulted.

Review of Section 6.23: TV and Radio (Electronic) Interference

- 4.179. The EIA Scoping Report highlights that the chapter will assess the likely effects of the development on television and gives clear rationale for the need of this assessment. It also states that any potentially adverse effects to existing mobile telephone systems, wireless networks, emergency services, DLR and maritime communications will be assessed. Whilst the scope is generally acceptable, the report has not referred to effects on electromagnetic interference and the effects of providing telecommunication infrastructure to the development, which are recommended assessment topics as per the LBTH Scoping Guidance. It has however, effectively explained why the assessment of effects on radio have been 'scoped' out of the assessment.
- 4.180. The assessment methodology for assessing the effects on television will be undertaken with reference to calculations of how far the terrestrial TV shadow will fall and what properties will be at risk of losing television reception. A site visit will also identify and generate an estimate of numbers of properties potentially adversely affected which will inform the baseline conditions. As in the Draft EIA Scoping Report, the current EIA Scoping Report does not, however, detail the proposed methodology for assessing the effects on mobile telephone systems, wireless networks, emergency services, DLR and maritime communications which are proposed for inclusion in the assessment.
- 4.181. It is recommended that a thorough desk survey is also undertaken to expand on the survey findings, and consultation should be undertaken with key stakeholders including Office of Communications (OfCom) and the Maritime and Coastguard Agency to identify likely effects. Where effects on telecommunications have been predicted reference should be made to the Supporting Guidance to PPG8 Telecommunications (2001), contained in the Appendix to the PPG. The methodology used to calculate effects should be appropriate to the effects predicted, and the receptors affected (for example, particular blocks of flats etc.) should be identified.
- 4.182. Paragraph 6.24.2 states '*The only relevant interference mechanism affecting TV signals is attenuation due to buildings physically blocking (and absorbing) the signals*'. No reference has been made to the introduction of equipment that could disrupt transmissions. This should be considered as appropriate.

Review of Section 6.24: ES Volume II – Townscape, Conservation and Visual Impact Assessment

- 4.183. This section of the EIA Scoping Report has been reviewed by both LBTH and LBH's Conservation and Design Officers, who have provided an analysis of the previously submitted views document which should be referred to in undertaking the assessment.
- 4.184. Currently the EIA Scoping Report has a sub-heading of 'townscape' under the baseline section and 'views' under the potential impacts section. As stated in our review of the Draft EIA Scoping Report, both will be required in both sections.
- 4.185. This section of the ES should comprise two components: assessment of

landscape/ townscape effects (effects on landscape/ townscape as a resource in its own right); and assessment of visual effects (effects on specific views and on the general visual amenity experienced by people) ref Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013 paras 2.21 and 2.22.

4.186. The applicant has clarified how this chapter will sit with the ‘built heritage’ chapter proposed for the ES at para. 6.25.18. Some guidance on links to cultural heritage assessments is provided at paras 5.7-5.11 of GLVIA 3.

4.187. It would have been helpful for the EIA Scoping Report to set out how the effects are going to be determined (as advised in the Guidelines for Landscape and Visual Impact Assessment, 2013).

4.188. The townscape and visual impact assessment should assess:

- impacts of the development on the physical characteristics of the site (including vegetation loss) and its surroundings and on landscape and townscape character – this should be separate to the visual impact assessment. We note that the applicant plans to divide the study area into townscape areas. Reference should be made to the townscape classifications contained in LBTH’s Core Evidence Base: Character Area Assessments (2006) and LBTH’s Urban Structure and Characterisation Study (September 2009) to set this assessment in context. London’s Natural Signatures: The London Landscape Framework, Prepared for Natural England (January 2011) should also be used to set the landscape character context; and
- assessment of visual effects – the viewpoints for assessment have been agreed with LBH and LBTH. The assessment of visual effects should include effects on specific views and on the general visual amenity experienced by people and be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013. It will be important to record the receptors which will be affected by these changes.

4.189. The assessment will require different methodologies for each assessment (townscape character and visual). Currently, as in the Draft EIA Scoping Report, the EIA Scoping Report sets out one method for both assessments.

4.190. Cumulative effects should also be considered and it is noted that the list of relevant proposed schemes included in Table 1 will be agreed with LBTH. The following guidance should also be utilised:

- ‘Guidance on Tall Buildings’ (CABE/EH, 2007);
- ‘Seeing History in the View’ (EH, 2011);
- ‘The Setting of Heritage Assets’ (EH, 2012); and
- London View Management Framework SPG (GLA, 2012)

4.191. With respect to paragraph 6.4.2, the ‘likely worst case scenario’ shown will

only be in terms of scale and massing, not in terms of visual impact as a whole.

- 4.192. With respect to paragraph 6.4.3, it may be appropriate to define what a 'significant' difference is between maximum and minimum building envelopes. Presumably where there is no significant difference it is only the maximum that will be considered – this is not stated explicitly.
- 4.193. With respect to paragraphs 6.25.10 to 6.25.14, the explanation of the proposed methodology is somewhat limited. The EIA is expected to contain a more detailed explanation, which draws on the advice in the guidance documents mentioned above.
- 4.194. With respect to paragraph 6.25.14, the assessment of whether the effects are beneficial, adverse or neutral should be fully justified. This is particularly important if effects are assessed as beneficial. It will not be sufficient to make unsupported claims such as 'the scheme will be of a high quality design'. Specific details of why the scheme is considered high quality and why it is considered to be beneficial to the view will be required.
- 4.195. The 'net-equation' should only take into account positive and negative visual effects. Other positive and negative effects arising from the development as a whole will form part of the overall planning balance for the scheme.
- 4.196. With respect to paragraph 6.25.14, the EIA should contain a detailed methodology, which demonstrates that the views can be relied on as a fair representation of the impacts of the proposed development.
- 4.197. All judgements on the significance of effects on townscape character and views should be fully explained and justified and be based on judgements of the potential effects identified, their magnitude and the sensitivity of the receptor affected.

Visual Assessment

- 4.198. The City of London have requested that regard should be had to the impact of the development on the backdrop of St Paul's Cathedral, particularly from viewing points on the South Bank (LVMF view 16B), Waterloo Bridge and Hungerford Bridge.
- 4.199. We note that a number of LVMF viewpoints have been included in the list of viewpoints for assessment. It will be important to ensure that there is clarity about how these views are assessed in the Built Heritage chapter and in this chapter. In one of these chapters the impact on the reasons for designation of these views should be clearly set out, with an assessment of how the proposal relates to the visual management guidance set out in the LVMF. Some viewpoints have been selected to illustrate effects on built heritage features which will be referenced from the Built Heritage chapter.
- 4.200. It is noted that visualisations will be provided, either as fully rendered images or wireline outlines. The views to be illustrated and the type of visualisations for each viewpoint produced should be agreed with LBTH and LBH.

- 4.201. Images should be prepared in accordance with the Landscape Institute's Advice Note 01/11 'Photography and photomontage in landscape and visual impact assessment' and guidance contained in the LVMF SPG for LVMF viewpoints.
- 4.202. The viewpoints should assess the worst case scenario i.e. winter views. The EIA Scoping Report references both rendered and wireline images.

Townscape Assessment

- 4.203. As in the Draft EIA Scoping Report, we note that the Applicant's report states that these Guidelines are better suited to assessing landscape than townscape, and so they can form only a general guide to the method to be used. It should however, be noted that the European Landscape Convention definition of landscape includes seascapes and townscapes (see GLVIA Chapter 2 'Definitions, scope and context'). There is further guidance on townscape assessment at para 5.5 of the GLVIA 3. These guidelines have been specifically drafted to take account of the wider definition landscape, as set out by the European Landscape Convention, and it provides specific guidance on the assessment of townscape impacts.
- 4.204. It would be useful to agree the townscape areas (including their descriptions and sensitivities) before the submission of the EIA.
- 4.205. An assessment of townscape character should be provided, with information regarding the location and sensitivity of the townscape character area in which the proposal lies, and of any other affected character areas (with reference to the characterisation documents cited in the LBTH's EIA Scoping Guidance).

Crossrail

- 4.206. Crossrail Limited do not wish to make any comments on this application as submitted.

Historic Royal Palaces

- 4.207. The Historic Royal Palaces state that given the heritage sensitivity of the site (it is surrounded by four conservation areas, part of the site falls within the scope of the London View Management Framework SPD, there are some 272 listed buildings in the vicinity of the site, as well as two Grade II listed structures on the site, and archaeological remains of interest are likely to exist below ground), rigorous assessment of the impact (both physical and visual) of the proposed development on the historic environment will be essential. Since the substantial quantum of development proposed includes several residential 'towers' of up to 46 storeys high, on a 2-storey podium, the impact on the setting of the Tower of London World Heritage Site (WHS), which lies 1500m directly south of the development site, and on views from the Tower itself, looking north, will need to be considered carefully.
- 4.208. We note that the Tower WHS is identified as a 'potential environmental sensitive receptor' (para 3.1.1, p8) and that views generally will be considered

in detail in a technical assessment chapter on the ‘Townscape, Conservation and Visual’ impacts of the development (para 6.1.2, p14). The intention specifically to assess the effect on the Tower of London is stated (para 6.22.7, p55) and 5 proposed assessment viewpoints shown on Figure 14: Viewpoint Location Map (63). These appear to be the 3 aspects of LVMF View 25, plus 2 oblique views from Tower Bridge looking north. We would ask that at least one more view should be added, looking north towards the development site from the North Wall Walk of the Tower, which is now accessible to the public. It will be important for the residential towers not to appear in the distance above the general level of the buildings immediately surrounding the Tower.

4.209. We would also ask that Historic Royal Palaces should be added to the list of bodies to be consulted through the EIA and design process, as identified in para 4.1.3.

5. ASSESSMENTS SCOPED OUT OF THE EIA

- 5.1. Sections 6.26 and 6.27 of the EIA Scoping Report sets out those ‘non-significant issues’ which the applicant is proposing to exclude from the assessment. The issues proposed to be scoped out of the ES include:
- a) Health and Wellbeing; and
 - b) Aviation.
- 5.2. The justifications for excluding these topics from assessment in the ES are discussed below.
- 5.3. It would have been helpful to collate the other assessments being scoped out in this section of the EIA Scoping Report for clarity e.g. radio and archaeology (operational).

Health and Wellbeing

- 5.4. The EIA Scoping Report suggests that health and wellbeing issues are to be addressed through the socio-economic, wind micro-climate, daylight/ sunlight, noise and air quality chapters, as well as within various other documents and assessments submitted in support of the planning application (to which the ES should refer as appropriate). The justification provided for this decision is considered to be acceptable. The quality of environment and related health and well-being benefits to the new residents of the development will be assessed through the application of the Code for Sustainable Homes, with the development aspiring to meet Level 4 of the Code. As stated in the LBTH EIA Scoping Guidance, the cumulative effects of the development on topics related to health and well-being should be covered through the relevant chapters.

Aviation

- 5.5. The EIA Scoping Report proposes that aviation should not be included in the EIA. The reason given for this is that the maximum height of the development will be significantly below the 1000 ft zone within which the Civil Aviation Authority would object to a planning application.
- 5.6. The EIA Scoping Report confirms that the CAA and London City Airport will, however, be consulted about the development. The LBTH Scoping Guidance highlights the importance of considering the use of tall structures such as cranes and lighting during the construction process. As such, as raised in our review of the Draft EIA Scoping Report, the applicant should provide more information on how these potential aviation effects arising from the construction phase will be addressed in the ES.

London City Airport

- 5.7. LCY would encourage the developer of this site to engage with our safeguarding team during the pre-application phase as mentioned within the report.

6. PROPOSED STRUCTURE OF THE ENVIRONMENTAL STATEMENT

- 6.1. With respect to the proposed 'Residual Impact Assessment and Conclusions' chapter, LBTH agrees that it is helpful to provide a summary of the effects identified within the ES. It is requested that the effects both pre- and post-mitigation are shown for clarity i.e. not just residual effects.
- 6.2. In respect to the planning application documentation, it is unclear why a separate Townscape Assessment and Heritage Statement are required in addition to the ES. It is also unclear which documents are to be approved and which are for information purposes only.

7. **REFERENCES**

British Standards Institute (1999) *BS8233 Sound insulation and noise reduction for buildings. Code of practice*

Building Research Establishment (2011) *Site layout planning for daylight and sunlight: A Guide to Good Practice*

Carroll and Turpin (2009) *Environmental Assessment Handbook*

Communities and Local Government (2012) *National Planning Policy Framework*

English Heritage (2011) *Seeing the History in the View*

Landscape Institute (2011) *Advice Note 01/11 Photography and photomontage in landscape and visual impact assessment*

London Borough of Tower Hamlets (2003) *Air Quality Action Plan*

London Borough of Tower Hamlets (2006) *Core Evidence Base: Character Area Assessments*

London Borough of Tower Hamlets (2009) *Urban Structure and Characterisation Study*

London Borough of Tower Hamlets (2010) *Tower Hamlets Core Strategy*

London Borough of Tower Hamlets (2012) *EIA Scoping Guidance*

London Borough of Tower Hamlets (2013) *Managing Development Document*

London Borough of Tower Hamlets (undated) *Code of Construction Practise*

URS (2014) *EIA Scoping Report*

APPENDIX A: LBTH CONSULTATION LIST

- 1 LBTH consulted both internal and external consultees on the EIA Scoping Report (URS, 2014) requesting their views on the scope of the EIA for the proposed development.
- 2 A list of the internal consultees consulted is provided in Table A.1, and external consultees in Table A.2. The responses received from external consultees are also provided at Appendix C.
- 3 Internal LBTH consultees can be contacted via the relevant department at London Borough of Tower Hamlets through the main switchboard on 020 7364 5000 or through the EIA Officer.

Table A.1: LBTH Internal Consultees

| Technical Specialist within LBTH | Response received? |
|---|---------------------------|
| Biodiversity Officer | Y |
| EIA Officer | Y |
| Air Quality Officer | Y |
| Contaminated Land Officer | Y |
| Environmental Health Officer | Y |
| Flood Engineer | Y |
| Heritage and Design Officer | Y |
| Highways Officer | Y |
| Public Health Strategist | Y |
| Waste Officer | Y |

Table A.2: LBTH External Consultees

| Organisation | Response received? |
|--|--|
| BBC | N |
| British Gas | N |
| BT | N |
| Canal and River Trust | Y |
| Council for British Archaeology | N |
| Crossrail Safeguarding | Y |
| City of London Corporation | Y |
| English Heritage (GLAAS) | Y |
| English Heritage (Built Heritage) | Y |
| Environment Agency | Y |
| Greater London Authority | N |
| Historic Royal Palaces | Y |
| London Borough of Greenwich | Y |
| London Borough of Hackney | Y (inherent in this EIA Scoping Opinion) |
| London Borough of Lewisham | N |
| London Borough of Newham | N |
| London Borough of Southwark | Y |
| London City Airport | Y |
| London Fire and Emergency Planning Authority | Y |
| Marine Management Organisation | Y |
| NATS | N |
| National Grid | N |
| Natural England | Y |
| Port of London Authority | Y |
| Thames Water | Y |
| Transport for London | N |

APPENDIX B: LBH CONSULTATION LIST

- 1 LBH consulted both internal and external consultees on the EIA Scoping Report (URS, 2014) requesting their views on the scope of the EIA for the proposed development.
- 2 A list of the internal consultees consulted is provided in Table B.1, and external consultees in Table B.2. The responses received from external consultees are also provided at Appendix D.

Table B.1: LBH Internal Consultees

| Technical Specialist within LBH | Response received? |
|---|---------------------------|
| Pollution Land and Air | N |
| Pollution Noise | N |
| Traffic and Transportation | N |
| Waste management | N |
| Conservation, Urban Design and Sustainability | N |
| Planning Policy and Strategy | N |

Table B.2: LBH External Consultees

| Organisation | Response received? |
|-----------------------------------|---------------------------|
| English Heritage (GLAAS) | Y |
| English Heritage (Built Heritage) | N |
| Environment Agency | Y |
| City of London Corporation | N |
| Greater London Authority | N |
| Network Rail | Y |
| Thames Water | N |
| Transport for London | N |

APPENDIX C: RESPONSES FROM LBTH EXTERNAL CONSULTEES

Harriet Peacock
London Borough of Tower Hamlets
Building & Technical Services
5, Mulberry Place Clove Crescent
London
E14 2BG

Our ref: NE/2014/119660/01-L01

Your ref: PA/14/00107

Date: 11 February 2014

By email:

harriet.peacock@towerhamlets.gov.uk

Dear Harriet

Bishopsgate Goods Yard, Shoreditch High Street, London.

Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment in support of an application for the redevelopment of these sites.

Thank you for your consultation on the above. The EIA scoping report correctly identifies the site to be within Flood Zone 1. As the site is greater than 1 hectare the planning application will need to be accompanied by a Flood Risk Assessment. I have attached our factsheet for advice on FRA requirements on sites greater than 1 hectare.

Please contact me with any further queries relating to the above.

Yours sincerely

**Mrs Eleri Randall
Planning Advisor**

Direct dial 020 3263 8055

Direct e-mail northlondonplanning@environment-agency.gov.uk



Sites over 1 hectare factsheet

North East Thames area

Produced October 2013 v.1

This factsheet provides information on the requirements for Flood Risk Assessments (FRA) on sites over 1 hectare within North East Thames area, to assist you with producing a satisfactory FRA for your development. It should be read alongside the National Planning Policy Framework and the Environment Agency's general FRA advice (FRA Guidance note 1).

It covers matters relating to flood risk assessments only, and does not outline other considerations we may take into account, (e.g. proximity to a watercourse, contaminated land, biodiversity requirements).

The Environment Agency will assess Flood Risk Assessments for all planning applications over a hectare in size. A local exception to this is when the actual development footprint is 250 square metres or less, when we will pass the assessment over to the Local Planning Authority (LPA).

A surface water strategy should be carried out to demonstrate that the proposed development will not create an increased risk of flooding from surface water. It should be carried out in accordance with the National Planning Policy Framework and the Practice Guide, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer. Guidance on the preparation of surface water strategies can be found in the Defra/Environment Agency R&D Technical Report W5-074/A/TR/1 Revision E "Preliminary rainfall runoff management for developments".

We recommend that the FRA demonstrates the following (1-4) as a minimum:

1. Runoff rates

Peak discharge rates from site will not increase as a result of the proposed development, up to a 1 in 100 chance in any year including an allowance for climate change storm event. We encourage all applicants to strive to achieve greenfield runoff rates to reduce the impact of the development on the surface water drainage infrastructure, unless it is demonstrated that this is not practicable

2. Storage volumes

Storage volumes for all events up to a 1 in 100 chance in any year including an allowance for climate change storm event can be provided on site.

The site will not flood from surface water up to a 1 in 100 year chance in any year including an allowance for climate change event, OR surface water flooding will be safely contained on site up to this event, ensuring that surface water runoff will not increase flood risk to the development or third parties.


3. Sustainable drainage techniques

Sustainable Drainage Systems (SuDS) such as green roofs, ponds, swales and permeable pavements will be used.

SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge and biodiversity benefits, as well as improving water quality and amenity value.

The SuDS hierarchy should be followed as you design the site. The methods at the top of the hierarchy are preferred because they are beneficial in terms of sustainability and biodiversity. The hierarchy should be used in descending order, with any obstacles to the use of SuDS methods clearly justified.

SuDS Hierarchy

| | SuDS technique | Flood reduction | Pollution reduction | Landscape and wildlife benefit |
|--|--------------------------------------|-----------------|---------------------|--------------------------------|
| Most Sustainable  Least sustainable | Living roofs and walls | ✓ | ✓ | ✓ |
| | Basins and ponds | ✓ | ✓ | ✓ |
| | Filter strips and swales | ✓ | ✓ | ✓ |
| | Infiltration devices | ✓ | ✓ | ✓ |
| | Permeable surfaces and filter drains | ✓ | ✓ | |
| | Tanked and piped systems | ✓ | | |

A site's drainage design can be made up of a range of SUDS techniques. The variety of SuDS techniques available means that any development should be able to include a scheme based around these principles. These should be explored early on in the design of any development, to ensure they are an integral part of the site layout. Further information on SuDS can be found in:

- CIRIA C522 Sustainable Drainage Systems – design manual for England and Wales
- CIRIA C697 SuDS manual
- CIRIA C609 SuDS management train
- The Interim Code of Practice for Sustainable Drainage Systems.

4. Residual Risk

The residual risk of flooding can be managed and contained safely on site should any drainage features fail (e.g. pumps or hydrobrakes) OR during an extreme storm event. The location and depth and flow routes of any overground flooding should be clearly shown on a plan.

5. Climate change allowances

Guidance on climate change allowances can be found within the National Planning Policy Framework Technical Guidance.

6. Infiltration rates

Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study could be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site.

Local policies and recommendations

You should, as part of the surface water strategy, demonstrate to the LPA that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.

Further Information

We cannot prepare or provide FRAs. Our Customers and Engagement Team can provide any relevant flooding information that we have available for you to use. There may be a charge for this information. Please email: NETenquiries@environment-agency.gov.uk, or telephone 03708 506 506 and ask for the North East Thames Customers and Engagement team. For further information on our flood map products please visit our website at: www.environment-agency.gov.uk/research/planning/93498.aspx



ENGLISH HERITAGE
LONDON OFFICE

Mrs Harriet Peacock
Tower Hamlets Council
Town Hall Mulberry Place
5 Clove Crescent
E14 2BG

Direct Dial: 0207 973 3777
Direct Fax: 0207 973 3792

Our ref: W: PA00277349

12 March 2014

Dear Mrs Peacock

Request for Pre-application Advice: Scoping Opinion

BISHOPSGATE GOODS YARD, SHOREDITCH HIGH STREET, LONDON

Thank you for your consultation of 24 January 2014 seeking our pre-application advice on plans for the above site. On the basis of the information provided, detailed below, it appears that the plans are likely to lead to an application for which English Heritage would be a statutory consultee. On the basis of the current submission, we have no comments to make in regards to the submitted scoping opinion documents. Please note that we are still actively engaged in pre-application discussions regarding the proposals on the site and their impact on the historic environment.

It is important that the local planning authority is invited to give pre-application advice. Relevant amenity societies may also be able to assist and we recommend that you approach them. If there are material changes to the Scoping Opinion documents in respect to the impact on the historic environment, please consult us again. Meanwhile, please contact me if you would like to discuss any matter further.

Yours sincerely

Claire Brady
Inspector of Historic Buildings and Areas
E-mail: claire.brady@english-heritage.org.uk

LBTH: RECEIVED

17 MAR 2014

Development Control

| | | |
|--|--|--|
| | 1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST Telephone 020 7973 3000 Facsimile 020 7973 3001 www.english-heritage.org.uk | |
| <p><i>English Heritage is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All Information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.</i></p> <p><i>English Heritage will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.</i></p> | | |

LONDON OFFICE

BISHOPSGATE GOODS YARD, SHOREDITCH HIGH STREET, LONDON
Request for Pre-Application Advice

Information Provided
EIA Scoping Opinion report



1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001
www.english-heritage.org.uk

English Heritage is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

English Heritage will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.

Date: 06 February 2014
Our ref: 110599
Your ref: PA/14/00107



Harriet Peacock
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BY EMAIL ONLY

T 0300 060 3900

Dear Ms Peacock,

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Proposal: Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment in support of an application for the redevelopment of these sites.

Location: Bishopsgate Goods Yard, Shoreditch High Street, London

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 01 January 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Appendix A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Sally Harries on 0300 060 2933. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours Sincerely

Sally Harries
Land Use Services

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Institute of Ecology and Environmental Management (IEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are

identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of borough or metropolitan importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, invertebrates and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.3 Habitats and Species of Principal Importance

The applicant's Scoping report provided appears to have identified the species to survey; we welcome the inclusion of the Black Redstart, a London BAP species. Details of the [London BAP](#) include priority habitats as well as species, which could be created or enhanced in this site.

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;

- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character and significant views using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

The site is included in the All London Green Grid Area Framework 12 and attention should be paid to suggested connections to Allen Gardens for example.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

In this type of development living roofs and walls, rain gardens and SUDs can make a major contribution both to the quality and sustainability of a place for people as well as potentially providing habitat and foraging areas to support biodiversity.

7. Contribution to local environmental initiatives and priorities

As mentioned above this site is included with The All London Green Grid Area Framework 12 and could deliver well designed, high quality green infrastructure connecting into the wider network. The economic benefits of green infrastructure should not be underestimated and provides health and well-being benefits as well as wider contribution to ecosystem services. The study, '[Green Infrastructure's contribution to economic growth: a review](#)', shows how investment in GI encourages inward investment and can attract increased visitor spending at a local level. It can also aid national economic growth by reducing flood risk, improving air quality and providing health benefits.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have

been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. on-going activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Harriet Peacock

Subject: FW: PA/14/00107 : Bishopsgate Goods Yard, Shoreditch High Street, London

Dear Harriet,

Please can you inform the applicant that they may require a licence under the Marine and Coastal Access Act (2009).

Therefore please can they submit a licence enquiry via the Marine Licensing web portal below so we can inform them to whether a marine licence is required or not. The licence enquiry link is on the left hand side of the webpage.

https://marinelicensing.marinemanagement.org.uk/mmo/fox/live/MMO_LOGIN/login

Kind Regards,

Usman Majid
Marine Licensing Support
Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle Upon Tyne
NE4 7YH

Harriet Peacock

From: Emma Worby <Emma.Worby@londoncityairport.com>
Sent: 29 January 2014 16:36
To: Harriet Peacock
Subject: PA/14/00107

Dear Harriet,

Thank you for consulting London City Airport (LCY) on the scoping opinion application PA/14/00103.

After looking at the scoping report, LCY would encourage the developer of this site to engage with our safeguarding team during the pre-application phase as mentioned within the report.

Kind regards

Emma

Emma Worby
Technical Operations Coordinator

Phone: 0203 203 2523

Mobile: 0784 186 5334

Email: Emma.Worby@londoncityairport.com

Website: www.londoncityairport.com



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Harriet Peacock

Subject: FW: PA/14/00107 : Bishopsgate Goods Yard, Shoreditch High Street, London

Dear Sirs

Ref. PA/14/00107: Bishopsgate Goods Yard, Shoreditch High Street, London

Thank you for notifying Historic Royal Palaces of this request for a Scoping Opinion relating to an Environmental Impact Assessment (EIA) being prepared in support of a hybrid application (part outline and part detailed) for the redevelopment of this site.

Given the heritage sensitivity of the site (it is surrounded by four conservation areas, part of the site falls within the scope of the London View Management Framework SPD, there are some 272 listed buildings in the vicinity of the site, as well as two grade II listed structures on the site, and archaeological remains of interest are likely to exist below ground), rigorous assessment of the impact (both physical and visual) of the proposed development on the historic environment will be essential. Since the substantial quantum of development proposed includes several residential 'towers' of up to 46 storeys high, on a 2-storey podium, the impact on the setting of the Tower of London World Heritage Site (WHS), which lies 1500m directly south of the development site, and on views from the Tower itself, looking north, will need to be considered carefully.

We note that the Tower WHS is identified as a 'potential environmental sensitive receptor' (para 3.1.1, p8) and that views generally will be considered in detail in a technical assessment chapter on the 'Townscape, Conservation and Visual' impacts of the development (para 6.1.2, p14). The intention specifically to assess the effect on the Tower of London is stated (para 6.22.7, p55) and 5 proposed assessment viewpoints shown on Figure 14: Viewpoint Location Map (63). These appear to be the 3 aspects of LVMF View 25, plus 2 oblique views from Tower Bridge looking north. We would ask that at least one more view should be added, looking north towards the development site from the north Wall Walk of the Tower, which is now accessible to the public. It will be important for the residential towers not to appear in the distance above the general level of the buildings immediately surrounding the Tower.

We would also ask that Historic Royal Palaces should be added to the list of bodies to be consulted through the EIA and design process, as identified in para 4.1.3.

I am copying this response to Mike Dunn at English Heritage, for information.

Regards

Anna McPherson
For Historic Royal Palaces.

Anna McPherson DipArch RIBA IHBC FRSA
Partner
Drury McPherson Partnership
114 Shacklegate Lane
Teddington
TW11 8SH
tel: 020 8977 8980
fax: 020 8977 8990

www.dmpartnership.com

TJ

Jacob Jaarsma

020 8921 5438

020 8921 5442

jacob.jaarsma@royalgreenwich.gov.uk



Ms Harriet Peacock
Tower Hamlets Council
Development & Renewal
Town Hall, Mulberry Place
5th Floor, Anchorage House
PO Box 55739, 5 Clove Crescent, London
E14 9YQ

**Directorate of Regeneration,
Enterprise & Skills**
Woolwich Centre, 5th Floor
35 Wellington Street
London, SE18 6HQ

14/0186/K

26 February 2014

DECISION NOTICE - RAISE NO OBJECTION

Dear Ms Peacock,

**Town & Country Planning Act 1990 (As Amended)
Town & Country Planning (General Permitted Development) Order 1995 (As Amended)**

Site: Bishopsgate Goods Yard, Shoreditch High Street, London
Applicant: Bishopsgate Goods Yard Regeneration Limited
Proposal: Scoping Opinion for the redevelopment of these sites.
Drawing No's: Cover Letter and email dated 23.1.2014.

I refer to your letter dated 23 January 2014 enclosing details in respect of the above.

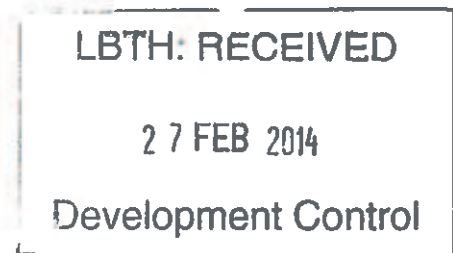
The Royal Borough has now formally considered the matter and raises no objections.

Although the Council raises no objection to the information contained in the initial Scoping Opinion, the Royal Borough of Greenwich would like to be formally notified of any future planning application to develop the site.

Thank you for consulting me on this matter.

Yours faithfully

Assistant Director





ENGLISH HERITAGE

Ms Harriet Peacock
London Borough of Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
E14 2BG

Your Ref: PA/14/00107

Our Ref: CLO12980
LAG 30/662

Contact: Julie Patenaude
Direct Dial: 020 7973 3726
Email: Julie.patenaude@english-heritage.org.uk

13 February 2014

Dear Ms Peacock,

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) NATIONAL PLANNING POLICY FRAMEWORK 2012

Bishopsgate Goods Yard, Shoreditch High Street

Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment in support of an application for the redevelopment of these sites.

Recommend archaeological assessment to be contained within an Environmental Impact Assessment

Thank you for your consultation received on 23 January 2014.

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where necessary undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. This information should be supplied to inform the planning decision.

Appraisal of this proposal using the Greater London Historic Environment Record and information provided indicates a need for further information to reach an informed judgment of its impact on heritage assets of archaeological interest.

1 WATERHOUSE SQUARE, 138 – 142 HOLBORN, LONDON, EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001
www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available



The site is located within the Hackney South Shoreditch Archaeological Priority Area which has a high potential to contain archaeological remains from the Roman, Medieval, and Post-Medieval periods. Previous investigations undertaken by MOLA on the northern half of the site have uncovered evidence from each period including evidence of agricultural uses and urbanisation. The application will also affect designated and undesignated heritage assets of railway archaeological interest forming part of the world's first operational passenger railways – The Eastern Counties Railway of c. 1840.

In addition to the assessments proposed in this scoping opinion, I recommend that the Environmental Impact Assessment (EIA) considers other relevant forms of reduction of harm to the designated and undesignated heritage assets as potential mitigation strategies. The EIA should also explore the potential to enhance or make a positive contribution towards these assets through effective building design.

The nature and scope of assessment and evaluation should be agreed with GLAAS and carried out by a developer-appointed archaeological practice before any decision on the planning application is taken. The ensuing archaeological report will need to establish the significance of the site and the impact of the proposed development.

Once the archaeological impact of the proposal has been defined, GLAAS can discuss mitigation options and make recommendations to the local planning authority. The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

Further information on archaeology and planning in Greater London is available at: <http://www.english-heritage.org.uk/professional/advice/our-planning-role/greater-london-archaeology-advisory-service/about-glaas/>

Please note that this advice relates solely to archaeological considerations and is without prejudice to the local authority's decision-making role. If necessary, English Heritage's Development Management or Historic Places teams should be consulted separately regarding statutory matters.

Yours sincerely



Julie Patenaude
Archaeology Advisor
Greater London Archaeological Advisory Service
National Planning and Conservation: London

1 WATERHOUSE SQUARE, 138 – 142 HOLBORN, LONDON, EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

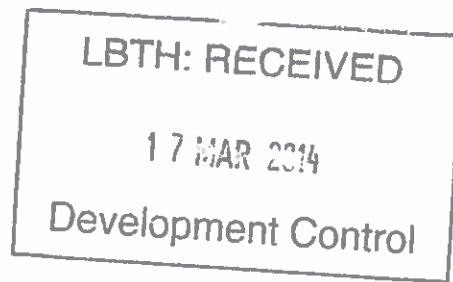
Please note that English Heritage operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available





Harriet Peacock
Development and Renewal,
Planning Department
Mulberry Place (AH)
Clove Crescent
London
E14 2BG



London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 14 March 2014
Our Ref 05/003642/BA
Your Ref PA/14/00107

Dear Ms. Peacock

FIRE AUTHORITY CONSULTATION

Premises: Bishopsgate Goods Yard, Shoreditch High Street, London

With reference to your email dated **23 January 2014**, requesting observations on the above stated development, the Fire Authority wish to respond as follows.

With regards to Town & Country Planning, the Fire Authority needs to consider Access and Water Supplies, which is covered by Approved Document B (B5, Section 15, 16 & 17) and British Standard 9990. The Town & Country Portal has been researched, and no information directly related to Fire Service Access & Water Supplies has been provided. As such I am unable to make meaningful observations.

It has been my experience that with developments of this size, unless brigade access and water supplies are considered at an early stage, it can make for serious problems at the latter stages of the development. This being the case the Fire Authority strongly recommends that the said information is made available to the Fire Authority at the earliest opportunity.

If there any specific fire safety matters about which you are concerned or have any queries regarding this letter, please contact the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours sincerely,

for Assistant Commissioner (Fire Safety Regulation)
Deputy Commissioner's Directorate
FSRNorth@london-fire.gov.uk

Reply to Tracey Beardall
Direct T 0208 555 1200 Ext.56950

Harriet Peacock

From: Will Orlik <WillOrlik@crossrail.co.uk> on behalf of Safeguarding <Safeguarding@crossrail.co.uk>
Sent: 23 January 2014 12:20
To: Harriet Peacock
Subject: PA/14/00107 Bishopsgate Goods Yard, Shoreditch High Street, London

Crossrail Ref: CRL-00-115790

Dear Harriet Peacock,

PA/14/00107 : Bishopsgate Goods Yard, Shoreditch High Street, London

Thank you for your letter dated 23 January 2014 and the accompanying planning application documents relating to the above site, requesting the views of Crossrail Limited on the above application.

Crossrail is a proposed new railway that will link Heathrow and Maidenhead in the west to Shenfield and Abbey Wood in the east using existing Network Rail tracks and new tunnels under Central London.

The Crossrail Bill which was introduced into Parliament by the Secretary of State for Transport in February 2005 was enacted as the Crossrail Act on the 22nd July 2008. The first stage of Crossrail preparatory construction works began in early 2009. Main construction works have started with works to the central tunnel section to finish in 2018, to be followed by a phased opening of services.

Crossrail Limited administers a Direction issued by the Department for Transport on 24th January 2008 for the safeguarding of the proposed alignment of Crossrail.

The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction.

The implications of the Crossrail proposals for the application have been considered and I write to inform you that Crossrail Limited do not wish to make any comments on this application as submitted.

You may inspect and/or purchase copies of Plans, Sections, Environmental Statements, Explanatory Notes and Non-Technical Summaries pertaining to the Crossrail proposals at specified Libraries, Local Authority Offices or directly from Crossrail Limited at "28th Floor, 25 Canada Square, Canary Wharf, London E14 5LQ".

In addition, the latest project developments can be found on the Crossrail website www.crossrail.co.uk/safeguarding, which is updated on a regular basis.

I hope this information is helpful, but if you require any further assistance then please feel free to contact a member of the Safeguarding Team on 0345 602 3813, or by email to safeguarding@crossrail.co.uk

Yours sincerely,

Will Orlik | Safeguarding Coordinator

Crossrail Limited | 25 Canada Square | London | E14 5LQ
Tel: 020 3229 9100 | Helpdesk (24hr) 0345 602 3813

Desk Location CS28/B5/04

T 020 3229 9207

willorlik@crossrail.co.uk

www.crossrail.co.uk

MOVING LONDON FORWARD

Department of the Built Environment

Philip Everett, BSc, CEng, MICE
Director of the Built Environment

Harriet Peacock
London Borough of Tower Hamlets
Planning and Building Control
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 2BG



Telephone 020 7332 1756
Fax 020 7332 1806
Email michael.blamires@cityoflondon.gov.uk
www.cityoflondon.gov.uk

Your ref PA/14/00103
Our ref TH0301

Case Officer
Michael Blamires

Date 13 February 2014

Dear Madam,

Bishopsgate Goods Yard, Shoreditch High Street, London.

Request for scoping opinion as to the information to be contained within an Environmental Impact Assessment in support of an application for the redevelopment of the site.

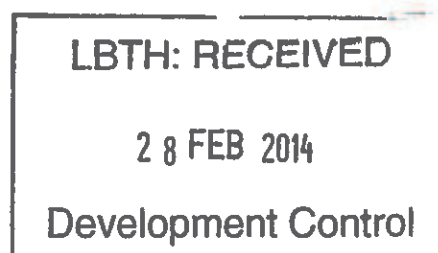
I refer to your email dated 23 January 2014 regarding the above proposal.

The EIA scoping report for Bishopsgate Goods Yard includes assessment of the range of issues expected for this type of development.

Section 6.25 *ES volume II – Townscape, Conservation and Visual Impact Assessment* does not include reference to the St Paul's Heights policy which aims to protect and enhance local views of St Paul's Cathedral and its setting and backdrop. Paragraph 6.25.5 should include reference to the City of London's St Paul's Heights policy. Regard should be had to the impact of the development on the backdrop of St Paul's Cathedral particularly from viewing points on the South Bank (LVMF view 16B), Waterloo Bridge and Hungerford Bridge. Further details of this policy can be found in the City of London Protected Views Supplementary Planning Document:

<http://www.cityoflondon.gov.uk/services/environment-and-planning/planning/heritage-and-design/Documents/protected-views-spd-january-2012.pdf>

Table 1 and Figure 7 give details of the locations of other development schemes which could contribute to cumulative impacts in conjunction with the Bishopsgate Goods Yard Scheme. This table and figure do not fully represent the number of schemes in the City that we would expect to be included in the assessment of cumulative impacts. The following sites should be added to table 1 and be represented on figure 7 and included in the assessment of cumulative effects:



| | | | |
|-----------------|---|--|---------|
| 10/00371/FULMAJ | Mitre Square, International House, Duke's Place, 11 Mitre Street & 1 Mitre Square, London, EC3 | Permitted Not Commenced - Demolished | 2016/17 |
| 11/00297/OUTL | Tenter House, 45 Moorfields, London , EC2Y 9AE | Permitted Not Commenced - Occupied | 2019/20 |
| 11/00773/FULEIA | 101 Moorgate, London, EC1 | Under Construction | 2017/18 |
| 12/00309/FULL | 15 Bishopsgate, London , EC2N 3NW | Permitted Not Commenced - Occupied | 2019/20 |
| 12/00431/FULL | Broadgate Circle & 3 Broadgate, London , EC2M 2QS | Permitted Not Commenced - Demolished | 2016/17 |

The proposed buildings would be tall enough to be prominent new landmarks in the areas east of and within the eastern parts of the City and may also be of sufficient height to feature in other well-known views. The EIA should demonstrate the impact on local views.

I would be grateful if the above information could be included in the Scoping Opinion.

Yours faithfully

WPH
Mrs Annie Hampson
Planning Services Development Director

Harriet Peacock

From: Owen, Lucy <lucy.owen@pla.co.uk>
Sent: 28 January 2014 09:15
To: Harriet Peacock
Subject: PA/14/00107 - Bishopsgate Goods Yard

Harriet

Thank you for your email received on 23 January 2014 concerning the above request for a scoping opinion. The PLA has no comments to make.

Regards

Lucy

Lucy Owen
Planning Officer
Port of London Authority

London River House, Royal Pier Road
Gravesend, Kent, DA12 2BG
Tel: 01474 562384
Mob: 07738 028540
www.pla.co.uk

website: www.pla.co.uk

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Any views or opinions presented are those of the author and do not necessarily represent those of PLA.

Harriet Peacock

Subject: FW: PA/14/00107 : Bishopsgate Goods Yard, Shoreditch High Street, London

Dear Harriet Peacock

In 2011 British Waterways advised Local Planning Authorities of changes to the notified area applicable to consultations with us, in our capacity as a Statutory Consultee. British Waterways introduced a notified area for household and minor scale development and a notified area for EIA and major scale development. The British Waterways Board (Transfer of Functions) Order 2012 has substituted references to British Waterways in the Town and Country Planning (Development Management Procedure) (England) Order 2010 to the Canal & River Trust. As such, local planning authorities are now required to consult the Canal & River Trust on applications for planning permission in the same way as British Waterways were previously consulted.

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the new notified areas if you would like the Canal & River Trusts comments in specific cases, but this would be outside the statutory consultation regime and this must be made clear to us in any notification letter you send. The document Development Management and British Waterways, issued to all LPAs with the changes to the notified areas, highlights some areas where specific cases may occur. This and further information on Planning and the Canal & River Trust can be found at: www.canalrivertrust.org.uk Should you require any further information regarding the changes to the notified areas or have a query in relation to consultation or notification of the Canal & River Trust on planning applications, please email us at planning@canalrivertrust.org.uk

Regards,

Wendy Rowland
Planning Database Administrator
Canal & River Trust Peels Wharf Lichfield St Fazeley Tamworth Staffs B78 3QZ
Tel: 01827 252057 (Ext 3357)

e-mail: wendy.rowland@canalrivertrust.org.uk

London Borough of Tower Hamlets
Development and Renewal Town Planning
Mulberry Place (AH) Anchorage House
PO Box 55739
5 Clove Crescent
E14 1BY

Chief executive's department
Planning division
Development management (5th floor - hub 2)
PO Box 64529
LONDON SE1P 5LX

Your Ref:

Our Ref: 14/OB/0004

Contact: Michael Glasgow

Telephone: 020 7525 1249

E-Mail: planning.applications@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Date: 14/02/2014

Dear Development Control Manager

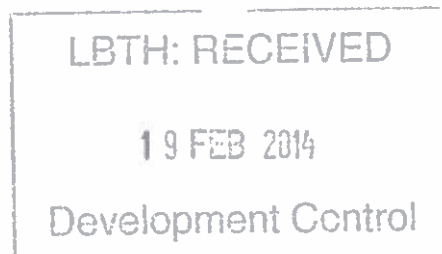
**TOWN & COUNTRY PLANNING ACT 1990 (as amended)
REQUEST FOR FORMAL OBSERVATIONS ON A PROPOSAL**

Re: BISHOPSGATE GOODS YARD, SHOREDITCH HIGH STREET, LONDON

I refer to the above development proposal on which you have sought the Council's observations. The attached notice sets out the Council's formal response.

Yours sincerely

Gary Rice
Head of Development Management



SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

FORMAL COMMENTS TO ADJOINING BOROUGH

Applicant London Borough of Tower Hamlets
Date of Issue of this decision 14/02/2014

LBS Registered Number 14/OB/0004

With reference to your consultation on the following development:

Request for Scoping Opinion as to the information to be contained within an Environmental Impact assessment in support of an application for the redevelopment of these sites.

At: BISHOPSGATE GOODS YARD, SHOREDITCH HIGH STREET, LONDON

In accordance with your letter received on 23/01/2014 Your Ref. No.:

and Applicant's Drawing Nos. Bishopsgate Goods Yard EIA Scoping Report (URS, Jan 2014)

The Council's formal response is

No formal objection is raised to the proposed development but the Council wishes to make the following comment[s]:

1. Given the location of the site within a designated Strategic View, we would request that a full views impact assessment be undertaken, including fully rendered views, to identify and analyse any impacts on the protected view

Signed *Gary Rice*

Head of Development Management

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Head of Development Management, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

UPRN:

TP/2014/OBS/TOW

Harriet Peacock

From: Sonya Baird <Sonya.Baird@thameswater.co.uk>
Sent: 03 February 2014 16:52
To: Harriet Peacock
Cc: Devcon Team
Subject: Tower Hamlets - Bishopsgate Goods Yard

Dear Harriet

Thank you for giving Thames Water the opportunity to comment on the above document. The provision of water and waste water infrastructure is essential to any development.

While Thames Water accepts that paragraph 6.11 covers demolition and construction, paragraph 6.19 covers noise and vibration and paragraph 6.20 covers water resources, drainage and flood risk we would make the following observations.

It is unclear at this stage what the net increase in demand on our infrastructure will be as a result of the proposed development. Thames Water is concerned that the network in this area may be unable to support the demand anticipated from this development. The developer needs to consider the net increase in water and waste water demand to serve the development and also any impact the development may have off site further down the network, if no/low water pressure and internal/external sewage flooding of property is to be avoided.

It is also unclear as to how the building will be constructed, Thames Water is concerned that water mains and sewers immediately adjacent to the site may be affected by vibration as a result of piling, possibly leading to water main bursts and or sewer collapses.

We would therefore recommend that any EIA report should be expanded to consider the following.

- The developments demand for water supply and network infrastructure both on and off site and can it be met
- The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met
- The surface water drainage requirements and flood risk of the development both on and off site and can it be met
- Any piling methodology and will it adversely affect neighbouring utility services.

Should the developer wish to obtain information on the above issues they should contact our Developer Services department on 0845 850 2777

Yours Sincerely

Sonya Baird
Development Planner
Development Planning

Thames Water Utilities Ltd,
Maple Lodge, Denham Way
Rickmansworth, WD3 9SQ

Tel ext: 020 3577 8072
Internal ext: 88072

http://corporate/dts/Pn_DevPlan/DevPlanDetails.asp?selDevPlan=3186

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APPENDIX D: RESPONSES FROM LBH EXTERNAL CONSULTEES



ENGLISH HERITAGE

Mr Russell Smith
London Borough of Hackney
2 Hillman Street
London
E8 1FB

Your Ref: 2014/0249

Our Ref: CLO12980
LAG 30/662

Contact: Julie Patenaude
Direct Dial: 020 7973 3726
Email: Julie.patenaude@english-heritage.org.uk

18 March 2014

Dear Mr Smith,

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) NATIONAL PLANNING POLICY FRAMEWORK 2012

Land at Bishopsgate Goods Yard, Bethnal Green Road, London E1 6GY

Request for Scoping Opinion regarding the scope of the Environmental Impact Assessment to be undertaken in relation to the mixed use redevelopment of the site.

Recommend archaeological assessment to be contained within an Environmental Impact Assessment

Thank you for your consultation received on 21 February 2014.

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where necessary undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. This information should be supplied to inform the planning decision.

Appraisal of this proposal using the Greater London Historic Environment Record and information provided indicates a need for further information to reach an informed judgment of its impact on heritage assets of archaeological interest.

1 WATERHOUSE SQUARE, 138 – 142 HOLBORN, LONDON, EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available



The site is located within the Hackney South Shoreditch Archaeological Priority Area which has a high potential to contain archaeological remains from the Roman, Medieval, and Post-Medieval periods. Previous investigations undertaken by MOLA on the northern half of the site have uncovered evidence from each period including evidence of agricultural uses and urbanisation. The application will also affect designated and undesignated heritage assets of railway archaeological interest forming part of the world's first operational passenger railways – The Eastern Counties Railway of c. 1840.

In addition to the assessments proposed in this scoping opinion, I recommend that the Environmental Impact Assessment (EIA) considers other relevant forms of reduction of harm to the designated and undesignated heritage assets as potential mitigation strategies. The EIA should also explore the potential to enhance or make a positive contribution towards these assets through effective building design.

The nature and scope of assessment and evaluation should be agreed with GLAAS and carried out by a developer-appointed archaeological practice before any decision on the planning application is taken. The ensuing archaeological report will need to establish the significance of the site and the impact of the proposed development.

Once the archaeological impact of the proposal has been defined, GLAAS can discuss mitigation options and make recommendations to the local planning authority. The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

Further information on archaeology and planning in Greater London is available at: <http://www.english-heritage.org.uk/professional/advice/our-planning-role/greater-london-archaeology-advisory-service/about-glaas/>

Please note that this advice relates solely to archaeological considerations and is without prejudice to the local authority's decision-making role. If necessary, English Heritage's Development Management or Historic Places teams should be consulted separately regarding statutory matters.

Yours sincerely



Julie Patenaude

Archaeology Advisor
Greater London Archaeological Advisory Service
National Planning and Conservation: London

1 WATERHOUSE SQUARE, 138 – 142 HOLBORN, LONDON, EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

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Mr Russell Smith
London Borough of Hackney

Our ref: NE/2014/119942/01-L01
Your ref: 2014/0249

Russell.smith@hackney.gov.uk

Date: 7 March 2014

Dear Mr Smith

Request for scoping opinion regarding the scope of the Environmental Impact Assessment to be undertaken in relation to the mixed use redevelopment of the site.

Bishopsgate Goods Yard, Shoreditch High Street, London.

Thank you for your consultation on the above. The EIA scoping report correctly identifies the site to be within Flood Zone 1 and as the site is greater than 1 hectare the planning application will need to be accompanied by a Flood Risk Assessment (FRA). I have attached our factsheet for advice on FRA requirements on sites greater than 1 hectare.

Please contact me with any further queries relating to the above.

Yours sincerely

Mr Andy Goymer
Planning Advisor

Telephone: 020 3263 8054

E-mail: northlondonplanning@environment-agency.gov.uk

Address: Environment Agency, Ergon House, Horseferry Road, London SW1P 2AL

End



Sites over 1 hectare factsheet

North East Thames area

Produced October 2013 v.1

This factsheet provides information on the requirements for Flood Risk Assessments (FRA) on sites over 1 hectare within North East Thames area, to assist you with producing a satisfactory FRA for your development. It should be read alongside the National Planning Policy Framework and the Environment Agency's general FRA advice (FRA Guidance note 1).

It covers matters relating to flood risk assessments only, and does not outline other considerations we may take into account, (e.g. proximity to a watercourse, contaminated land, biodiversity requirements).

The Environment Agency will assess Flood Risk Assessments for all planning applications over a hectare in size. A local exception to this is when the actual development footprint is 250 square metres or less, when we will pass the assessment over to the Local Planning Authority (LPA).

A surface water strategy should be carried out to demonstrate that the proposed development will not create an increased risk of flooding from surface water. It should be carried out in accordance with the National Planning Policy Framework and the Practice Guide, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer. Guidance on the preparation of surface water strategies can be found in the Defra/Environment Agency R&D Technical Report W5-074/A/TR/1 Revision E "Preliminary rainfall runoff management for developments".

We recommend that the FRA demonstrates the following (1-4) as a minimum:

1. Runoff rates

Peak discharge rates from site will not increase as a result of the proposed development, up to a 1 in 100 chance in any year including an allowance for climate change storm event. We encourage all applicants to strive to achieve greenfield runoff rates to reduce the impact of the development on the surface water drainage infrastructure, unless it is demonstrated that this is not practicable

2. Storage volumes

Storage volumes for all events up to a 1 in 100 chance in any year including an allowance for climate change storm event can be provided on site.

The site will not flood from surface water up to a 1 in 100 year chance in any year including an allowance for climate change event, OR surface water flooding will be safely contained on site up to this event, ensuring that surface water runoff will not increase flood risk to the development or third parties.


3. Sustainable drainage techniques

Sustainable Drainage Systems (SuDS) such as green roofs, ponds, swales and permeable pavements will be used.

SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge and biodiversity benefits, as well as improving water quality and amenity value.

The SuDS hierarchy should be followed as you design the site. The methods at the top of the hierarchy are preferred because they are beneficial in terms of sustainability and biodiversity. The hierarchy should be used in descending order, with any obstacles to the use of SuDS methods clearly justified.

SuDS Hierarchy

| | SuDS technique | Flood reduction | Pollution reduction | Landscape and wildlife benefit |
|--|--------------------------------------|-----------------|---------------------|--------------------------------|
| Most Sustainable  Least sustainable | Living roofs and walls | ✓ | ✓ | ✓ |
| | Basins and ponds | ✓ | ✓ | ✓ |
| | Filter strips and swales | ✓ | ✓ | ✓ |
| | Infiltration devices | ✓ | ✓ | ✓ |
| | Permeable surfaces and filter drains | ✓ | ✓ | |
| | Tanked and piped systems | ✓ | | |

A site's drainage design can be made up of a range of SUDS techniques. The variety of SuDS techniques available means that any development should be able to include a scheme based around these principles. These should be explored early on in the design of any development, to ensure they are an integral part of the site layout. Further information on SuDS can be found in:

- CIRIA C522 Sustainable Drainage Systems – design manual for England and Wales
- CIRIA C697 SuDS manual
- CIRIA C609 SuDS management train
- The Interim Code of Practice for Sustainable Drainage Systems.

4. Residual Risk

The residual risk of flooding can be managed and contained safely on site should any drainage features fail (e.g. pumps or hydrobrakes) OR during an extreme storm event. The location and depth and flow routes of any overground flooding should be clearly shown on a plan.

5. Climate change allowances

Guidance on climate change allowances can be found within the National Planning Policy Framework Technical Guidance.

6. Infiltration rates

Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study could be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site.

Local policies and recommendations

You should, as part of the surface water strategy, demonstrate to the LPA that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.

Further Information

We cannot prepare or provide FRAs. Our Customers and Engagement Team can provide any relevant flooding information that we have available for you to use. There may be a charge for this information. Please email: NETenquiries@environment-agency.gov.uk, or telephone 03708 506 506 and ask for the North East Thames Customers and Engagement team. For further information on our flood map products please visit our website at: www.environment-agency.gov.uk/research/planning/93498.aspx

Harriet Peacock

From: Lucy Clifton <Lucy.Clifton@Hackney.gov.uk> on behalf of Planning Enquiries <planning@hackney.gov.uk>
Sent: 18 March 2014 17:26
To: Russell Smith
Subject: FW: Network Rail Consultation - 2014/0249 - Land at Bishopsgate Goods Yard Bethnal Green Road London E1 6GY

FYI

Kind regards

Lucy Clifton
Pre-application Co-ordinator

Development Management
Planning and Regulatory Services Division
Legal, HR & Regulatory Services Directorate
London Borough of Hackney
2 Hillman Street
London E8 1FB

Email: lucy.clifton@hackney.gov.uk

www.hackney.gov.uk

Disclaimer: Any views or opinions expressed in this e-mail are those of the sender, and while given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.

-----Original Message-----

From: Stamp Elliot [<mailto:Elliot.Stamp@networkrail.co.uk>] **On Behalf Of** Town Planning SE

Sent: 14 March 2014 14:00

To: Planning Enquiries

Subject: Network Rail Consultation - 2014/0249 - Land at Bishopsgate Goods Yard Bethnal Green Road London E1 6GY

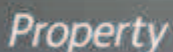
Dear Sir / Madam,

Thank you very much for consulting with Network Rail in regards to the Scoping Opinion request 2014/0249 - Land at Bishopsgate Goods Yard Bethnal Green Road London E1 6GY .

Network Rail is aware of this proposed application and is in dialogue with the developer. Network Rail has no further comment to make.

Thank you.

Kind Regards

The Network Rail logo consists of the words "NetworkRail" in a bold, blue, sans-serif font. To the right of the text is a stylized graphic of a red and white train engine moving towards the right, with a red and white striped pattern.The word "Property" is written in a white, serif font on a dark grey, rectangular background that tapers to the right.

Elliot Stamp

Town Planning Technician

1 Eversholt Street

London, NW1 2DN

T 0207 9047247

M 07740 224772

E Elliot.Stamp@networkrail.co.uk

Please send all Notifications and Consultations to TownPlanningSE@networkrail.co.uk or by post to Network Rail, Town Planning, 5th Floor, 1 Eversholt Street, London, NW1 2DN

-----Original Message-----

From: Christopher Last [<mailto:Christopher.Last@Hackney.gov.uk>]

Sent: 21 February 2014 15:04

To: Town Planning SE

Subject: Consultee letter for PlanningApplication Application: 2014/0249

Please find attached Consultee letter for PlanningApplication application 2014/0249

<http://idox.hackney.gov.uk/WAM/showCaseFile.do?appNumber=2014/0249>

Please send your comments to <mailto:planning@hackney.gov.uk>.

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Appendix 2
London Borough of Tower Hamlets Consultation Response
Scoping Opinion Review Request
Bishopsgate Goods Yard

Your ref: D&P1200c&d

8 April, 2019

Paul Roberts
Greater London Authority
City Hall
The Queens Walk
Southwark
London
SE1 2AA

Place Directorate
Development Management
Town Hall, Mulberry Place
5 Clove Crescent
London
E14 2BG
www.towerhamlets.gov.uk

Enquiries to: Clare Richmond
Tel: 0207 364 3620
Email: Clare.Richmond@towerhamlets.gov.uk

Application Number: PA/19/00525

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

OBSERVATIONS TO A NEIGHBOURING PLANNING AUTHORITY

LBTH Reference: PA/19/00525
Location: Land formally known as Bishopsgate Goods Yard, Shoreditch High Street, London
Description: In respect of the above applications, the applicant is shortly to submit an amended proposal to the Greater London Authority, acting as local planning authority for determining the applications, which will be accompanied by an Environmental Statement addendum following on from that originally submitted to the two Boroughs in 2014 (and updated in 2015). In advance of the above [and given the extended period between the original Scoping Opinion and now], a request has been received from Bishopsgate Goods Yard Regeneration Ltd (the applicant) for a review of the existing Scoping Opinion as to the information to be provided in the Environmental Statement Addendum. As you are a consultation body as defined in the EIA Regulations above, or were consulted as part of previous EIA scoping exercises undertaken in relation to this application, I am seeking your view on any relevant matters which you would wish to draw to the Greater London Authority's attention prior to its issuing an Opinion on the Scoping Review.

Thank you for your letter requesting the observations of the London Borough Tower Hamlets on the above application. I would be grateful if you would take the following observations set out below into consideration:-

1. INTRODUCTION

1.1 Context

London Borough of Tower Hamlets (LBTH) were consulted upon the Environmental Impact Assessment (EIA) Scoping Report for the Proposed Development on 7th March 2019, for which the Greater London Authority (GLA) is continuing to act as the local planning authority following mayoral call in on the 15th September 2015. Please accept this letter and its contents as the Council's formal consultation response to the EIA Scoping Report which relates to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (referred to as the 'EIA Regulations' from this point onwards). GLA requested consultation responses are provided by 27th March; however LBTH has agreed with the GLA that LBTH's Scoping Observation Response can be provided by 4th April 2019.

Please note, this letter relates only to the EIA Scoping Report and does not prejudice the Council from providing any subsequent comments, representations and/or decisions of the Council on the Proposed Development.

It should be noted that the EIA Regulations 2017 have been amended by Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018, which came into force on the 1st October 2018, which has not been referenced in the Scoping Report.

The EIA Regulations require that for certain planning applications, an EIA is undertaken, and an Environmental Statement (ES) produced. EIA is a procedure which serves to provide information about the likely effects of a proposed project on the environment, so as to inform the process of decision making as to whether the project should be allowed to proceed, and if so on what terms.

Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location. Where a Proposed Development is determined to be an 'EIA development' the Applicant can ask the relevant planning authority for advice on the scope and content of the EIA (an EIA Scoping Opinion).

Paragraph 1.1.12 states that the Scoping Report has been prepared in accordance with the 2011 EIA Regulations; however LBTH note that Paragraph 1.1.13 states that requirements of the EIA Regulations (2017) have been incorporated into the Scoping Report. It should be noted that Regulations 76 (Revocation and transitional provisions) of the EIA Regulations (2017) do not allow for Scoping Opinions to be issued or requested under the 2011 Regulations where a Scoping Opinion is requested after the commencement of the EIA Regulations (2017) which was 16th May 2017. Therefore any such Scoping Opinion must be issued in accordance with the EIA Regulations (2017).

In this same light, the Scoping Report is titled 'Scoping Opinion Review Request'. The EIA Regulations do not allow for 'partial' Scoping Opinions, therefore any issued Scoping Opinion must be for the entire EIA application which is proposed to be made. Accordingly, LBTH has prepared this Scoping Observation in relation to the entire Proposed Development.

Regulation 15 (1) states that '*A person who is minded to make an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (a "scoping opinion").*' Therefore, the applicant or GLA cannot use the existing application as justification for continuation of the

2011 EIA Regulations in accordance with Regulation 76 of the EIA Regulations (2017) because an ES has been submitted, and Scoping Opinions can only be requested where 'a person is minded to make an EIA application' therefore confirming that Scoping Opinions cannot be requested for existing EIA applications.

It should be noted that the EIA Regulations require the ES to "be based on the most recent Scoping Opinion or Direction issued (so far as the Proposed Development remains materially the same as the Proposed Development which was subject to that opinion or direction)". The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development as described in the Scoping Report.

This document constitutes LBTH's EIA Scoping Observation Response, and includes consideration of the Proposed Development as detailed in Paragraph 1.2.9 of the Scoping Report.

1.2 Planning History

The application site has been subject to a number of planning applications for the redevelopment of the site, the latest of which was submitted in July 2014 (PA/14/02011, and PA/14/02096) (Planning Application for LBH is 2014/2424). The applications submitted to both LBTH and LBH were called in by the GLA on 23rd September 2015, who will now act as the local planning authority for these applications. However, these applications did not progress to a decision or hearing.

These applications (PA/14/02011, and PA/14/02096) comprised the demolition and redevelopment to provide a mixed use development comprising in summary 12 buildings with a range of height, with a maximum height of 177.6 m Above Ordnance Datum (AOD) (46 storeys), providing 1,356 residential units, up to 65,859 sqm business use, up to 17,499 sqm commercial use, up to 22,642 sqm public open space. Including the restoration and repair of the existing Grade II listed Braithwaite Viaduct and adjoining structures.

It should be noted that Proposed Development as considered in this Scoping Observation is not consistent with the previous applications (PA/14/02011, and PA/14/02096), and the current Proposed Development is described in section 2.1 of this Scoping Observation.

1.3 EIA Scoping Observation

This EIA Scoping Observation outlines LBTH's opinion on the proposed scope of the EIA (based on the information provided), and identifies any amendments and/or concerns.

In addition to the information provided by the Applicant within the Scoping Report, this EIA Scoping Observation has had reference to the following:

- National Planning Policy Framework (NPPF) 2019 and associated Planning Practice Guidance (PPG);
- LBTH's Local Plan – made up of the Core Strategy (LBTH, 2010) and Managing Development Document (MDD) (LBTH, 2013);
- Planning Obligations Supplementary Planning Document (LBTH, 2016) – this sets out LBTH's proposed policy for securing planning obligations in respect of new developments that require planning permission;
- EIA Scoping Guidance (LBTH, 2012);

- Consultation with internal LBTH consultees;
- Relevant site history, including the previous planning applications and permissions for the site; and
- LBTH's Interactive map.

The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government for Examination in Public on 28 February 2018. This followed a six-week period of statutory public consultation on the regulation 19 version of the Local Plan, which ran from 2 October to 13 November 2017. The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Local Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As Local Plans progress through formal stages prior to adoption they accrue weight for the purposes of determining planning applications (see National Planning Policy Framework 2018, paragraph 48). The emerging Local Plan has now completed the examination hearings stage and the planning inspector has put forward a series of modifications (known as "main modifications") as part of the examination process in order to make it sound and legally compliant. These modifications are expected to be submitted to further consultation in early 2019.

Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of this planning application. However, the emerging policies do not all carry equal weight as some of the policies still have unresolved objections.

The applicant is also advised to adhere to the emerging area action plan for Shoreditch 'Future Shoreditch'.

The issuing of this EIA Scoping Observation does not prevent LBTH from recommending that "further information" is required at a later stage under Regulation 25 of the EIA Regulations.

It is recommended that the Applicant uses a table to demonstrate within the ES, how the ES has been based on the Scoping Opinion and this Scoping Observation.

1.4 Report Structure

The contents of the remainder of this EIA Scoping Observation are set out below:

- Section 2 details LBTH's understanding of the Proposed Development including construction and phasing;
- Section 3 reviews the request for an EIA Scoping Opinion in accordance with the EIA Regulations and LBTH requirements;
- Section 4 reviews the overall approach to the EIA in the context of prevailing EIA legislation and guidance;
- Section 5 provides a review of the proposed scope and approach to each of the technical assessments; and
- Section 6 considers those assessments proposed to be scoped out of the EIA.

1.5 Consultation

LBTH has consulted internal consultees as part of the preparation of this EIA Scoping Observation. The internal responses that have been received are integrated into the main text as appropriate. Should further discussion be required with internal consultees, these can be contacted via the EIA Officer Clare Richmond on 020 7364 3620 or email Clare.Richmond@towerhamlets.gov.uk.

2. THE PROPOSED DEVELOPMENT

2.1 The Proposed Development

The application site is understood to be approximately 4.7 hectares (ha), as per Appendix 1 of the Scoping Review Report, however this should be clarified in the ES.

The nature of the area surrounding the application site is also only provided in Appendix 1 however, it is bound by Bethnal Green Road, and Sclater Street to the north, Brick Lane to the east, Quaker Street to the south, a rail line (serving Liverpool Street Station) to the south and Shoreditch High Street to the west. Braithwaite Street runs through the site connecting Bethnal Green Road to Commercial Street.

The Proposed Development as considered in this Scoping Observation is understood to comprise the demolition and redevelopment of the application site with the provision of up to 130,000 m² Gross External Area (GEA) of Commercial (B1 use); up to 20,000 m² GEA of Retail (A1 to A5 use); up to 500 residential homes (C1 use); up to 150 hotel rooms; other assorted uses of D1; and up to 1ha of public realm. The Proposed Development is proposed to be provided within 9 buildings / development plots with a maximum height of AOD plus 139m. It is understood that the application for the Proposed Development will seek outline planning permission for the majority of the Proposed Development, but it will seek full planning permission for Building / Plot 7 and 2 as stated in Paragraph 1.2.10, as well as listed building consent for works to arches and other listed structures on the application site.

2.2 General Points

There are some uncertainties in the project description in the Scoping Report that should be addressed in the ES, as follows:

- It is noted that the quantum of use classes are currently approximate. The ES should clearly state the quantity and location of all use classes within the Proposed Development, with reference to clear figures for ease of understanding.
- The description of the Proposed Development as provided in Paragraph 1.2.9-11, is referred to as the Proposed Amendments. It is therefore unclear if this encompasses the totality of the Proposed Development or if elements of a previous proposal are to be considered part of the overall development proposed. Clarity should be provided in this regard.
- It is understood that the application for the Proposed Development will seek outline planning permission for the majority of the Proposed Development, but it will seek full planning permission for Building / Plot 7 and 2 as stated in Paragraph 1.2.10. Where appropriate, the ES must assess the maximum parameters of the Proposed Development in accordance with the Rochdale envelope, and these parameters should be clearly set out.

- Paragraph 1.21.17 states that the maximum building height will be AOD plus 139m. This should be further clarified within the ES and include further detail regarding the range of building height, the location and number of buildings to be provided.
- The total area of the application site has not been provided within the Scoping Report and has only been referenced in an appendix. The area of the application site should be clearly stated in the ES.
- The 'Limited Development Scenario' states that subject to permission being granted, the applicant may only bring forward the elements of the Proposed Development that lie within LBTH, which would include building / plots 4-10. The effects of both scenarios should be assessed and clearly stated in the ES, noting that the Limited Development Scenario is an essentially an active alternative to the Proposed Development.

Where different measurements are used e.g. Gross External Area (GEA), Gross Internal Area (GIA) and Net Internal Area (NIA), the ES should clearly identify how these have been calculated, based on which drawings and how the figures relate to one another.

The ES should demonstrate that the plant rooms included within the Proposed Development, are of a suitable size for a development of this scale e.g. to house the required mechanical ventilations, water supply etc.

Any landscaping should include considerable amounts of soft landscaping (rather than just hard landscaping), which should also provide other purposes e.g. biodiversity benefits, flood attenuation/Sustainable Drainage Systems (SuDS).

The way in which the development is to be serviced should be clearly diagrammatised.

2.2 Demolition and Construction

The Scoping Report includes no detailed information on demolition and construction. However, it is stated that demolition and construction will be assessed in the ES, and it is expected that the construction period is expected to last for approximately 12 years, commencing in Q4 of 2020, subject to obtaining planning approval and listed building consent.

The ES should clearly set out what the demolition and construction assessment has been based on, including the timescales, overlap of activities, equipment to be used, and methodology of works such as piling. This should be provided to allow the reader to interrogate the data, and ensure that the worst case scenario has been assessed. The ES should ensure the location any construction compounds is assessed, and the location of such construction compounds is detailed, supported by a figure, it should be clear if all construction compounds are proposed to be within the application site.

The ES should provide an indication of the typical plant to be used during the construction works. Information should also be provided on site access and egress, and any changes to these locations over the construction period should be highlighted.

Reference should be made to LBTH's Code of Construction Practice (CoCP), which includes information on standard hours of working etc., which should inform the EIA.

2.3 Phasing

The Scoping Report outlines that the overall phasing of the Proposed Development is anticipated to take place in 7 distinct phases, with a total construction period of 12 years as stated in Paragraph 1.5.13 of the Scoping Report. It is not known how many phases are proposed and if any of the proposed phases would overlap, however, Paragraph 1.5.16 states that peak construction will be assessed to represent a worst case scenario. It may be that more than one phasing scenario needs to be considered to determine which is the worst case scenario, and clearly understand the likely significant effects. The phasing assessed in the EIA will need to be fixed should the planning application receive consent e.g. through a planning condition.

The phasing of the development is imperative to the EIA, as it can alter the predicted significance of effects. This must consider the effects on any receptors that remain on site during construction, as well as any new receptors introduced, whilst construction is ongoing such as through operation of the Proposed Development as per Paragraph 1.5.13-16.

3. REQUEST FOR AN EIA SCOPING OPINION REGULATORY AND LBTH EIA REQUIREMENTS

Table 3.1 below assesses whether the Request for an EIA Scoping Opinion meets the requirements set out in the EIA Regulations (Regulation 15), whilst Table 3.2 assesses whether it meets the requirements set out in LBTH's EIA Scoping Guidance.

Table 3.1: Review of the request for an EIA Scoping Opinion in respect to the EIA Regulations

| EIA Regulation Requirement | Requirement met in request for an EIA Scoping Opinion? |
|---|---|
| A plan sufficient to identify the land | Figure 1.5.1 within the Scoping Report. |
| A brief description of the nature and purpose of the development, including its location and technical capacity | A description of the Proposed Development and its location (albeit brief) is provided in Section 1 of the Scoping Report. |
| An explanation of the likely significant effects of the development on the environment | An explanation of the potential significant effects associated with the Proposed Development is provided in Section 1.6-20 of the Scoping Report. |
| Such other information or representations as the person making the request may wish to provide or make | As appropriate. |

Table 3.2: Review of the request for an EIA Scoping Opinion in respect to LBTH's EIA Scoping Guidance

| LBTH Scoping Guidance Requirement | Requirement met in request for an EIA Scoping Opinion? |
|-----------------------------------|--|
|-----------------------------------|--|

| LBTH Scoping Guidance Requirement | Requirement met in request for an EIA Scoping Opinion? |
|--|---|
| Description of the development | Yes, briefly within Paragraph 1.2.9 of the Scoping Report. |
| Conditions present on site and surrounding area | The Scoping Report has identified that the Proposed Development sits within London Borough of Hackney and LBTH, and each aspect section describes the relevant conditions, but no overall description of the site / surrounding area is provided. |
| How alternatives will be considered | Yes, briefly within Paragraph 1.5.49 of the Scoping Report. |
| Initial assessment of micro-climate implications | No initial assessment has been provided, as required by Section 2.11 of the LBTH Scoping Guidance. |
| List of cumulative developments | Yes, a list of cumulative developments provided in Table 1.5.4 of the Scoping Report. |
| Overall methodology for the ES | The Scoping Report identifies to how significance will be defined in Section 1, which includes Table 1.5.3 Effect Significance Matrix. |
| Organisations consulted as part of Scoping | Section 1.4 of the Scoping Report outlines the general consultation that has already been undertaken for the previously Proposed Development, and outlines the key consultees. |
| Initial topic-by-topic assessment | Section 1.6-20 of the Scoping Report. |
| Details of any supporting material to be submitted | As appropriate. |
| Proposed contents of the ES | The proposed structure of the ES has been provided in Section 1.22 of the Scoping Report. |

4. REVIEW OF METHODOLOGY AND SCOPE OF THE EIA

This section comments on the overarching approach to the EIA, as described in the request for an EIA Scoping Opinion.

4.1 General

Paragraph 1.2.15 of the Scoping Report, states that an ES addendum will be submitted and will provide a complete revision of relevant aspect chapters. However, Table 1.1.1 of the Scoping Report seems to indicate that all aspect chapters are proposed to be updated and revised, accordingly LBTH considers that an entire ES should be submitted, which in accordance with the EIA Regulations is to be based on the most recently issued Scoping Opinion (in so far that the Proposed Development remains materially the same). As stated above, the applicant is

reminded that the EIA Regulations do not allow for 'partial' Scoping Opinions, therefore any issued Scoping Opinion must be for the entire EIA application which is proposed to be made.

LBTH considers that the submission of an entire ES, as opposed to an ES addendum whereby some parts of the previous ES are superseded and some parts are considered to remain relevant, will support public access and interpretation of the environmental information and support the objective of the Aarhus Convention.

The study area for each aspect chapter should be clearly stated in the ES and fully justified. This should be supported by a figure for ease of understanding. It is noted that study area for the matters assessed within each aspect chapter may differ, and where this applies it should be clearly stated.

To support quality and completeness in the EIA process Regulation 18(5) requires the developer to ensure that it is undertaken by competent experts. The ES should be accompanied by a statement that outlines the qualifications and relevant experience of the technical experts that have contributed to the ES, including the EIA project manager.

In accordance with Schedule 4(3) of the EIA Regulations, each technical assessment within the ES should consider how the environmental baseline is likely to evolve should the Proposed Development not proceed i.e. the future baseline.

The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant.

The ES must clearly state which documents/figures/drawings have been relied upon for the ES, and where these are located, this will allow the reader to understand and refer to the documents that have been relied upon. It is also important for the ES to stipulate whether the information relied upon is for approval (e.g. planning drawing), or if it is for information purposes only (e.g. Design and Access Statement (DAS)). This is important so that the reader is aware what is secured through the planning application, and what would need to be secured through a planning condition or financial contribution. The Applicant is advised to ensure the parameters assessed within the ES correlate to the planning drawings and parameters of the Proposed Development for which permission is sought, as there are often discrepancies which may result in LBTH recommending the requirement for clarification / Regulation 25 request during the ES review process.

For example, ESs sometimes refer to inherent mitigation in the form of landscaping, but the landscaping is only indicative and subject to change, so therefore cannot be considered to be 'inherent' or 'embedded' unless these measures are tied to the decision. For this to occur, it must be clear to the reader that these measures are not for approval, and would require further planning conditions or financial contributions to secure.

It is important that all aspect chapters of the EIA assess the various elements of the Proposed Development consistently. For example, it is not correct to rely on the benefits of the external open/play space in the socio-economic assessment, but then the suitability of these spaces not be considered as part of the wind assessment (unless it could be confirmed significant effects were not likely). It is acknowledged that in some instances the worst case scenario may differ between aspect chapters, however this should be clearly stated and justified within the ES.

EIAs should consider the effects of a Proposed Development on both the existing and new

receptors, where significant effects are likely.

The ES should ensure that local effects consider both London Borough of Hackney and LBTH as the Proposed Development is situated within both boroughs.

The ES should include details of difficulties and any limitations encountered compiling the required information and the main uncertainties involved, such as technical deficiencies, lack of knowledge, or unavailability of data.

A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

4.2 Significance Criteria

Section 1.5 of the Scoping Report provides a generic effect significance matrix (Table 1.5.3) to determine the significance of effects, and states that specific methodology within aspect chapters may differ. The matrix includes the classification that impacts of moderate magnitude on receptors of a moderate sensitivity, will result in a moderate-minor effect. LBTH considers that this classification underplays the effects and that this classification should result in moderate and therefore significant effects. The final matrix for determining significance of effects should be refined to ensure that the assessment of effects is representative and does not understate adverse or overstate beneficial effects.

Paragraph 1.5.28 states that effects will be classified as beneficial, adverse or neutral, however the use of neutral effects may result in effects being classified as moderate neutral, and therefore considered to be significant. This is considered to be inappropriate as a neutral effect essentially translates to there being no meaningful change to a receptor, so to imply that such an effect is significant seems counter to the normal use of this word both in general usage and EIA practice. The applicant is advised to review their criteria, and the use of neutral within the EIA.

Paragraph 1.5.24 defines how temporary or permanent effects will be classified, giving the example of demolition and construction for temporary effects. However the ES should have regard for the duration of the construction period estimated to be 12 years, which would equate to a medium term effect, albeit temporary and / or intermittent.

The ES should clearly state how sensitivity of receptors and magnitude of impact have been classified within each aspect chapter of the ES e.g. resource value of each heritage asset. In addition, it should be clearly stated in the ES where professional judgement has been applied and the justification for such judgement. It is essential that the pre mitigation impact is reported in addition to the resulting effect, to ensure the effectiveness of any proposed mitigation can be understood.

The ES should clearly illustrate the effects identified. For example, highlighting the effect in bold can assist the reader in identifying the effects of the Proposed Development quickly and easily e.g. **minor adverse**. As provided within the Scoping Report (Paragraph 1.5.30), the ES should clearly state which effects are 'significant' and 'non-significant' for the purposes of the EIA. The Applicant is reminded that the NTS must also state the effects which are considered to be significant (i.e. minor in accordance with the Scoping Report), and ensure all likely significant effects are stated.

It is helpful if, at the end of each aspect chapter, a table summarising the impacts, mitigation measures and residual effects (i.e. results of pre and post mitigation assessments).

4.3 Alternatives Assessment

Paragraph 1.5.49 of Scoping Report states that the ES will consider the main alternatives considered such as location, land uses and layouts. LBTH considered that the 'do nothing' scenario and alternative designs are to be considered within the alternatives assessment.

LBTH expects the alternatives assessment to include an explanation of how the proposals have developed in response to initial EIA findings. With reference to Schedule 4(2) of the EIA Regulations, this should include a comparison of the predicted environmental effects of each of the alternatives that have been studied and then rejected.

4.4 Mitigation / Monitoring

Mitigation and/or monitoring measures are normally identified and relied upon in the ES, but often with limited information on how these will be secured. The Proposed Development should not only mitigate adverse effects, but also seek to enhance the site and the surrounding area (as required under LBTH policy).

The ES should make clear that what measures are required, and whether these are inherent to the design of the application (e.g. identified on documents for approval) or if they need to be secured by LBTH (e.g. through a planning condition or through the Section 106 agreement). This is important to ascertain the reliance that can be placed on the residual effects identified, and the extent to which mitigation measures will be effective.

4.5 Plans and drawings

Plans and drawings submitted with the planning application are very important in helping the reader quickly and easily understand the Proposed Development and its effects. Any drawings that are referred to should be clearly cross-referenced, so that they are easy to locate within the submission.

Plans and drawings that are commonly referred to in the ES include:

- technical drawings submitted with the application for approval, including the masterplan layout – these should be referenced as appropriate;
- illustrative diagrams submitted with the application e.g. those within the DAS – it should be made clear that these drawings are not for approval, and therefore cannot be relied upon in the EIA; and
- diagrams within the ES to assist with the understanding of the assessment – these can be within the aspect chapter (often easier for the reader) or with a separate figures/appendix volume.

On the last point, it is considered helpful if each aspect chapter includes (where appropriate):

- a plan showing the location of the sensitive receptors (clearly labelled) relevant to that discipline e.g. those properties surrounding the site whose daylight and sunlight could be affected by the Proposed Development;
- a plan showing the location of any monitoring undertaken e.g. noise and vibration monitoring. This can be combined with the first bullet point, so long as the information remains clear and legible;

- a plan of the construction phasing, and how this relates to the specific discipline;
- a plan of the operational Proposed Development (internal and external, as needed) showing those elements relevant/relied upon (specific to each discipline) e.g. location of entrances, amenity spaces, thoroughfares etc. for the wind assessment, or flue location or the air quality assessment; and
- a plan showing the positioning/location of any necessary mitigation e.g. noise barriers.

5. REVIEW OF POTENTIAL ENVIRONMENTAL EFFECTS BY TOPIC

LBTH have the following comments on the scope of the EIA.

5.1 Waste and Recycling

The Scoping Report states that the Waste and Recycling aspect chapter of the ES will consider effects arising from the generation and management of waste as a result of the Proposed Development on demolition and construction site workers; End-users; Neighbouring users/occupiers; and Waste management infrastructure facilities.

As stated in section 4.1 of this Scoping Observation the EIA Regulations require an estimate, by type and quantity, of waste produced during demolition /construction and operation, which should be provided in the Waste and Recycling aspect chapter of the ES.

As stated in 1.7.8 of the Scoping Report a Site Waste Management Plan (SWMP) should be implemented during demolition / construction of the Proposed Development, despite this no longer being a formal requirement. The principle of Waste Hierarchy should be practiced through waste minimization, reuse and recycling.

The inclusion of appropriate waste storage and recycling facilities is required, in accordance with LBTH Managing Development Document (DPD) 2013 and Policy SP05 of the Core Strategy Development Plan Document 2025. This is the guiding principle which will assist in calculating waste volumes, storage and capacity once the site is occupied.

5.2 Socio-Economics

5.2.1 Proposed Approach

The Scoping Report states that the Socio-Economics aspect chapter of the ES will consider employment generation during demolition / construction (including local employment and training) and operation (including loss of jobs from existing uses), additional expenditure during operation, additional housing provision, additional demand for services and facilities (including the provision of additional publically accessible space, community and recreational facilities), and the effect on crime and safety.

5.2.2 General Comments

LBTH consider that additional expenditure should be assessed during demolition / construction as well as the operational phase.

Paragraph 1.8.8 of the Scoping Report states the ES will provide the socio-economic baseline for Greater London which is agreed, however it is unclear why the socio-economic baseline will not be provided for England as a whole in addition. LBTH consider this should be provided.

The ES should clearly identify the receptors and study area in relation to socio-economics surrounding and within the site, and their sensitivity to potential construction and operation works. This should include a map and appropriate descriptors.

The ES should provide consideration of the local economies that are likely to be affected as a result of the Proposed Development, and identify local centres where effects are anticipated to arise.

The ES should clearly set out how all figures have been calculated (e.g. employment generation) and justified as appropriate, with reference to other relevant documents/aspect chapters where appropriate, and ensure this represents the worst case scenario.

The loss of the existing land uses should be assessed as part of the construction assessment, and also taken into account when calculating the new operational effects e.g. on-site employment as stated in Paragraph 1.8.3 of the Scoping Report, this should set out the amount and type of floorspace/jobs etc. lost.

The data sources are to be fully referenced with relevant comments regarding the reliability of such data and any other limitations.

Paragraph 1.8.7 of the Scoping Report states that 2011 census data will be used to establish the baseline conditions. Given the age of the 2011 census, the Applicant should consider and confirm the reliability and validity of this data, whether there is more recent data that should be utilised.

In accordance with LBTH's scoping guidance, the ES should summarise any consultation activities that has been undertaken with appropriate organisations.

5.2.3 Demolition / Construction

LBTH has an above average unemployment level within Greater London. LBTH will seek to ensure that jobs are provided for local people, both in the construction phase of development and by the end-users, where appropriate.

When calculating employment figures using the Homes and Community Agency's (HCA) Employment Densities Guide. Where there are a range of 'area per Full Time Equivalents (FTE)', information should be provided on why a specific figure has been used e.g. B1.

It should be noted that the HCA document references both GIA and NIA, and therefore the EIA should ensure that the correct figures are used for the correct land uses.

5.2.4 Operation

Refer to the text above on employment calculations.

The assessment should ensure that the new site users have access to sufficient levels of social and leisure infrastructure, such as health, and recreation / open space etc.

5.3 Ground Conditions

5.3.1 Proposed Approach

The Scoping Report states that the Ground Conditions aspect chapter of the ES will consider effects during demolition / construction and operation.

5.3.2 General Comments

The Scoping Report does not state the effects proposed to be considered and assessed within the ES, LBTH considers this should include consideration of effects on contaminated soils and groundwater, Unexploded Ordnance (UXO) and ground gas on workers and off-site users during demolition / construction, and effects to future site users, buildings, soft landscaping, and underground infrastructure during operation.

The ES should clearly identify the study area and receptors in relation to contamination surrounding and within the site, and their sensitivity to potential construction and operational works. The ES should provide clear justification for the study area and confirm if impacts related to ground conditions are considered likely to occur beyond this distance. LBTH consider that human receptors should be considered as high sensitivity receptors.

Paragraph 1.9.4 of the Scoping Report states that a review of previous ground conditions investigations / assessments was undertaken in 2013. Although it is noted that the Scoping Report proposes to review and update the investigations / assessment as necessary, LBTH expects all reports, assessment and data should be evaluated against up to date assessment criteria, review the baseline conditions and review potential receptors, which is particularly relevant given the time elapsed since the original assessments were undertaken.

The ES should clearly state any limitations associated with the available data, and provide justification that no further investigation works e.g. Phase 2 Site investigations are required to inform the ES. LBTH expects all documentation relied upon in the ES to be submitted as an appendix to the ES.

The guidance documents used to inform the assessment are to be clearly stated in the ES, and should include reference to relevant policies.

5.3.3 Demolition / Construction

The ES should clearly state the mitigation measures that have been relied upon when undertaking the assessment, and how such mitigation measures will be secured. For example the Construction Environmental Management Plan (CEMP), should be submitted to support the ES, if it is being used as a delivery mechanism for mitigation measures.

Other mitigation measures to consider are protection against ingress of ground gas and remedial measures for contaminated land which could pose a risk to future site users.

5.3.4 Operation

The effects to buildings from ground gas should be assessed, which has the potential to create a risk of explosions, and therefore resulting effects on other receptors such as buildings, future site users and off-site users.

The operational assessment should include consideration of future site users, and maintenance works from contaminated soils e.g. public space including any soft landscaping, sports pitches, etc.

5.4 Traffic and Transport

5.4.1 Proposed Approach

The Scoping Report states that the Traffic and Transport aspect chapter of the ES will consider

pedestrians and cyclists: impacts to their safety and amenity or severance and delay of routes; road users: vulnerable to road network delay and potential changes to safety; and public transport patronage and parking capacity changes.

5.4.2 General Comments

The Scoping Report states a Transport Assessment (TA) will be undertaken to inform the Traffic and Transport aspect chapter. However it is not stated which guidance the TA or Traffic and Transport aspect chapter will utilise, which is to be detailed in the ES.

The TA should be produced in line with Transport for London's (TfL) Transport Assessment Best Practice Guidance. The Applicant should be aware that as part of TfL's ongoing work embedding Healthy Streets in London's planning system, TfL are providing new guidance and resources for planning Applicants at the TfL website, including Vision Zero and Road Safety Audit recommendations, a new Healthy Streets TA template and advice on when and how Healthy Street tools and guidance documents apply to planning applications and policy.

Paragraph 1.10.10 and Paragraph 1.10.17 of the Scoping Report briefly states the effects to be considered in the ES, LBTH expects that severance, delay, amenity, fear and intimidation, and accidents and safety, should be assessed within the ES in relation to traffic, pedestrian and cyclists.

Paragraph 1.10.12 of the Scoping Report states that there is potential for temporary road closures during construction as well as operation. Any proposed closures should be clarified within the ES and consequential effects assessed such as severance and access to community facilities. If any roads or paths are to be closed a figure should be provided which clearly shows any road or path closures proposed as part of the Proposed Development.

The ES should clearly identify the study area and receptors in relation to traffic and transport surrounding and within the site, and their sensitivity to potential construction/operation works supported by mapping. The ES should make use of site visits and traffic counts.

The detailed assessment methodology for this aspect chapter should be agreed in consultation with transportation officers at LBTH, LBH, GLA and TfL as confirmed in Paragraph 1.10.12 of the Scoping Report. Details of the consultation undertaken should be set out in the ES. The Applicant is advised to agree the trip generation and modelling scope with LBTH. LBH and TfL prior to submitting the application.

The ES needs to provide details and justification of the traffic scenarios and assumptions that will be used to undertake the assessment. The ES should provide a transparent account of the modelling undertaken, all assumptions made and all input data used.

LBTH expects that all mitigation measures relied upon in the ES are clearly stated, it is not sufficient for mitigation measures to be only detailed within the TA, in addition, the relevant documents which secures such mitigation measures e.g. a draft Delivery and Servicing Plan should be submitted as part of the planning application. All servicing will be expected to take place within the boundaries of the site, minimising the effect on the public highway.

5.4.3 Demolition / Construction

The assessment of construction routes and traffic should be stipulated and assessed, including effects from noise and air quality. Cumulative impacts will be an important consideration.

An outline Construction Logistics Plan (CLP) should be submitted as part of the planning application and should be prepared in accordance with TfL guidance, which is available at: <http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>. The CLP should assess the impact of development traffic in relation to other developments and infrastructure projects that are within close proximity of the site.

5.4.4 Operation

LBTH has increasing concerns regarding the servicing of buildings and deliveries once operational and the impact this has on the road network, and seek proposals which consolidates servicing, off site if practical. The assessment should therefore make clear how this element has been assessed, and how these figures can be relied upon as realistic and robust.

The ES and TA should contain a multi-modal impact assessment including baseline and future car, bus, Crossrail London Underground / Overground, and pedestrian and cycle trips and the overall mode share.

A Pedestrian Environment Review System (PERS) audit and Cycling Level of Service (CLOs) assessment should both be submitted and should recommend funded improvements to the local walking/cycling environment as stated in Paragraph 1.10.18, the scope of these can be agreed with LBTH, LBH and TfL. Given the Mayoral focus on Healthy Streets, it would be useful to clearly integrate the Healthy Streets principles within the EIA and TA. Improvement measures where identified should be fully funded.

A draft Delivery and Servicing Plan (DSP) should be submitted as part of the planning application, and DSP should reflect the need for robust safety standards from freight operators, and encourage the consolidation of deliveries to minimise impact on the highway network. Measures to reduce peak-time freight trips would be most welcome.

Any site-specific measures related to LBTH and TfL infrastructure and services must be secured with the s106 agreement.

5.5 Wind Microclimate

5.5.1 Proposed Approach

The Scoping Report states that the Wind Microclimate aspect chapter of the ES will consider effects on local wind conditions during demolition / construction, effects on local wind conditions on amenity space to be provided as part of the Proposed Development and within the application site once operational, and effects on local wind conditions within the surrounding areas.

5.5.2 General Comments

The surrounding receptors should be shown on a figure, and the types of receptor (thoroughfare, balcony, entrance etc.) clearly differentiated. Receptors should be clearly specified and include sensitive uses such as entrances, waiting areas (e.g. bus stops), active frontages within the site and within the surrounding area.

The assessment should assess the wind microclimate to be experienced on balconies, open space and roof terraces as appropriate, including those provided within the Proposed Development.

As stated in Paragraph 1.11.7-8 of the Scoping Report is it agreed that wind tunnel testing should be undertaken.

5.5.3 Demolition / Construction

Paragraph 1.11.11 of the Scoping Report confirms that changes to the local wind environment during demolition / construction will be assessed within the ES. The assessment should utilise the worst case scenario, such as with cranes in situ.

5.5.4 Operation

The assessment should be based on the Lawson criteria, and the following plans should be included in the ES:

- The intended uses of the site (e.g. the open spaces, thoroughfares, entrances);
- What conditions are being targeted (e.g. open space should be “long term sitting”); and
- The mitigation measures relied upon – differentiating between what has been tested and what has not.

This allows the reader to understand the basis of the assessment and provides the opportunity to contest the uses and anticipated wind categories.

Any proposed spaces as part of the Proposed Development that are relied upon by the Applicant to provide amenity (e.g. in the socio-economic aspect chapter), should have wind conditions suitable for this use. LBTH generally seeks wind conditions suitable for sitting in areas for private, communal, open space, and play space. Where there are locations identified for cafes/outdoor seating, these too will require wind conditions suitable for sitting.

If mitigation measures are required to ensure wind conditions are suitable for their intended use, wind tunnel testing of these measures should be considered and any results provided in the ES as required. The ES should be very clear on what elements are for approval, and which are illustrative. The ES should also set out exactly what measures are required for mitigation and how these will be secured.

Illustrative elements of the Proposed Development can be assessed, if their implementation can be secured through a planning condition/s106 agreement. Where there is no certainty that a particular measure can be included in the design of the Proposed Development, then this should not be included as mitigation. Design elements should not be referred to as “inherent” unless they are included as part of the scheme to be approved i.e. this does not include illustrative landscaping.

The location of strong winds should be clearly annotated on a plan.

All data used to inform the wind microclimate assessment should be provided, and should be submitted in a form which can be independently verified and should include digital copies of any drawings, 3D models, calculation sheets, etc.

5.6 Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution

5.6.1 Proposed Approach

The Scoping Report states that the Daylight, Sunlight, Overshadowing, Solar Glare and Light

Pollution aspect chapter of the ES will consider effects of changes to daylight, sunlight and overshadowing to existing residential receptors, effects of overshadowing to existing public amenity spaces, effects of light pollution (partly) and solar glare (partly) from the Proposed Development.

5.6.2 General Comments

Paragraph 1.12.18 of Scoping Report states that no detailed assessment for internal daylight adequacy will be undertaken at this stage, although a daylight design guide will be appended to the Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution aspect chapter. However, LBTH consider this to be wholly inappropriate, that assessment is required in this regard to support the planning application; however it is acceptable to communicate the results of this assessment in a separate standalone report and referred to within the ES.

The ES should identify the sensitive receptors for each matter to be assessed within the Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution aspect chapter, the study area and individual properties assessed should be clearly stated and justified within the ES, and shown on a figure for ease of understanding. LBTH should be consulted with regards to sensitive receptors to ensure all relevant surrounding properties are included as sensitive receptors, noting that these should not be limited to neighbouring properties but all properties where an effect is likely.

Paragraph 1.12.10 of the Scoping Report states that solar glare and light pollution will not be assessed as part of the ES in relation to buildings for which outline permission is sought. This is considered to be wholly inappropriate; all effects which are identifiable at the time submission are required to be assessed in the ES. It is not acceptable to only assess such effects at the subsequent application stage (reserved matters) although it is noted that such assessments may need to be revised and updated at the subsequent application stage. Where details such as façade are not 'fixed', a worst case scenario should be assessed in the ES, such as assuming a mirror façade. With more recent developments, it can be seen that solar glare can affect a much greater area than sometimes assessed. The assessment of solar glare should cover a suitable area, given the scale of the development.

5.6.3 Demolition / Construction

It is considered that assessment of effects during construction should be provided within the ES and consider effects from construction equipment such as cranes in situ.

5.6.4 Operation

It is useful for the actual assessment criteria for Vertical Sky Component (VSC) and No Sky Limit (NSL) to be agreed at the EIA Scoping stage. The appropriate bands that should be used for VSC and NSL are:

- 0% to 20% - Negligible significance;
- 20.1% to 30% reduction – Minor significance;
- 30.1 to 40% reduction – Moderate significance; and
- Above 40% reduction – Major significance.

A 'pass/ fail' column must be included for the daylight and sunlight tables.

For sunlight, the Annual Probability of Sunlight Hours (APSH) in summer and winter should be assessed for windows that face within 90 degrees of due south, as stated in the Scoping Report.

With respect to the assessment, a scenario is to be tested showing the existing scenario with cumulative schemes but without the Proposed Development. This will help LBTH understand more clearly what the effects are, i.e. whether the effects are from the Proposed Development itself, or the cumulative developments already coming forward. Therefore an additional scenario should be added to those stated in Paragraph 1.12.16 of the Scoping Report to include The Proposed Development vs Cumulative.

The assessment should assess the change in daylight/sunlight provision, but also whether the conditions that remain are suitable.

Changes to the amount of overshadowing of amenity areas surrounding the application site should be clearly stated and include existing spaces, those proposed and any as part of the cumulative developments. Shadowing diagrams should be provided for all open space provided as part of the Proposed Development, and position of any amenity space should be carefully considered in relation to daylight and sunlight and assessed accordingly.

Data should be provided as part of the ES showing the existing, proposed and cumulative situations. All data should be submitted in a form which can be independently verified and should include digital copies of any drawings, 3D models, calculation sheets, etc.

The Applicant should also to provide a summary table for sunlight, and for daylight, which includes the following and an example is shown:

- The receptor (i.e. each building);
- The number of rooms in the receptor tested;
- The number of rooms which meet the BRE criteria;
- The number of rooms which do not meet the BRE criteria, split by minor, moderate and major significance, as per the criteria outlined above;
- The number of dwellings affected;
- Commentary on minor, moderate and major sunlight and daylight losses.

LBTH can provide an example summary table on request.

5.7 Air Quality

5.7.1 Proposed Approach

The Scoping Report states that the Air Quality aspect chapter of the ES will consider dust emissions from demolition / construction, and road traffic emissions during demolition / construction and operation.

5.7.2 General Comments

As stated in the Scoping Report, the whole of the LBTH has been designated as an Air Quality Management Area (AQMA). This means that even small increases in emissions can lead to

significant effects. It is therefore not considered appropriate for an increase in emissions, however small, to be categorised as negligible.

Paragraph 1.13.4-5 of the Scoping Report states that the ES will provide assessment of NO₂, PM₁₀ and PM_{2.5} emissions from traffic during demolition / construction and operation. In addition, PM₁₀ will be assessed in relation to other demolition / construction activities. In addition emissions from any energy plant during operation of the Proposed Development should be considered and assessed within the ES.

The ES is to ensure that realistic background air quality concentrations are used in the assessment, and a robust model verification exercise is undertaken, Any limitations should be clearly stated. The ES needs to provide further details and justification of the traffic scenarios that will be used to undertake the assessment. The ES should provide a transparent account of the modelling undertaken, all assumptions made and all input data used.

The ES should clearly identify and justify the receptors and study area in relation to air quality surrounding and within the site, their use type (e.g. school, residential) and their sensitivity to poor air quality/changes in air quality. The study area for the operation phase should be clearly stated and justified within the ES. The ES should include a figure(s) showing the location of identified air quality receptors, as well as the background monitoring stations utilised in the assessment.

The Applicant should have regard to the developing London Plan with particular reference to Policy SI 1 2, the London Mayor's Environment Strategy with particular reference to Policy 4.3.3a, with regards to new developments being 'air quality positive', and the air quality recommendations in the emerging Local Plan in particular policy ES2 - improving air quality.

LBTH expects that should the air quality assessment identify levels of air pollution above the National Air Quality Objective levels, mitigation is to be provided, noting that the use of filtered inlet air is not normally considered to be acceptable.

5.7.3 Demolition / Construction

The ES should identify adherence to the Control of Dust and Emissions SPG as a mitigation measure to be secured within any given planning permission.

It is likely that a pre-commencement dust survey will be required to establish a baseline so that impacts from construction can be assessed against, and subsequent air quality monitoring will be required during the construction works should the Proposed Development be granted planning permission.

5.7.4 Operation

When assessing the energy plant emissions consideration should be given to the size and type of the energy centre, fuel type, thermal rating, location of the equipment, and location and height of any flues. Various flue heights and locations should be considered to avoid and minimise negative effects on surrounding receptors, and it is considered that any flues associated with the Proposed Development shall terminate at a high level to ensure no nuisance impact on either the development or surrounding properties.

The public open space as part of the Proposed Development should be considered in the ES in relation to air quality and assessed accordingly. A site suitability assessment is required to determine the levels of pollution for the future occupants.

The ES should include consideration of potential effects of smoke and odour that may arise as a result of any A3 land use that comes forward as part of the Proposed Development, on the surrounding properties particularly residential properties. Any A3 uses will be required to have suitable and sufficient odour control, with a preference for a high level discharge. The Applicant should have regard to 'Guidance on the control of odour and noise from commercial kitchen exhaust' available at <https://www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust> or to Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by EMAQ.

Given the height of the Proposed Development, the Air Quality aspect chapter will need to assess the effects at various heights and identify at which levels mitigation is required. Also, if mechanical ventilation is required the ES should specify at what level/location air of a suitable quality can be utilised.

5.8 Noise and Vibration

5.8.1 Proposed Approach

The Scoping Report states that the Noise and Vibration aspect chapter of the ES will consider noise and vibration effects during demolition / construction as a result of the proposed works and as a result of a change in traffic flows, and noise generated from the operation of the Proposed Development as a result of a change in traffic flows, and noise from mechanical plant. The operational assessment is also stated to consider ground borne noise and vibration from existing site sources (e.g. rail); and ambient noise levels.

5.8.2 General Comments

The ES should clearly identify the receptors and study area in relation to noise and vibration surrounding and the site, and their sensitivity to potential construction and operation of the Proposed Development. A map should be provided to support this and appropriate descriptors.

Paragraph 1.14.6 of the Scoping Report states that baseline noise monitoring will be undertaken in accordance with British Standard (BS) BS 7445:1991, however it is noted that this guidance has been superseded by BS 7445-1:2003 which should be used to inform any noise monitoring. The Noise and Vibration aspect chapter should demonstrate compliance with the following BSs: BS4142, BS5228, BS8233, and BS6274.

Sufficient details of the noise monitoring and surveys should be provided within the ES to enable the reader to understand the conditions during the monitoring / surveys and whether this may have affected the results. In addition, the ES should further identify the specific locations where monitoring has been undertaken, explain how these locations were selected, confirm when this monitoring was undertaken and the time period covered, and it should be ensured that noise and vibration emissions from Shoreditch High Street Station are recorded as part of the baseline monitoring.

Noise monitoring and sensitive receptors should be agreed with LBTH's Environmental Health Officer a map of noise monitoring and sensitive receptors should be provided to support this discussion. It is noted that noise and vibration monitoring has previously been undertaken for a continuous period of 7 days (Paragraph 1.14.5 of the Scoping Report), however not further details are provided and it is unclear whether this monitoring is still representative of the current conditions on and surround the application site. It is agreed that noise monitoring should be undertaken for a minimum of 7 days and nights.

LBTH expects the Applicant to ensure the assessment is undertaken with reference to NPPF (2019) the Noise Policy Statement for England (NPSE) (2010), relevant BSs, and LBTH policy and guidance.

No reference is made to the Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL). The LOAEL and SOAEL should be defined for all of the construction and operational noise and vibration matters assessed (e.g. airborne noise, groundborne vibration etc.) and these thresholds should be used to determine the significance of absolute noise levels. LBTHs noise team require that the lowest L_{A90} is used as the baseline on which to determine the Sound Pressure Level at the nearest noise-sensitive receptor, as opposed to the representative L_{A90} .

5.8.3 Demolition / Construction

Reference must be made to LBTH's Code of Construction Practice (CoCP), which includes information on hours of working etc. that will inform the EIA, and consideration should be given to the Considerate Contractors scheme.

5.8.4 Operation

World Health Organisation (WHO) guidelines for internal noise levels and for communal outdoor amenity spaces should be considered within the ES. The positioning of any amenity space associated with the Proposed Development should be carefully considered in relation to noise and assessed accordingly.

The ES should demonstrate suitable target levels for internal noise levels are met in properties during operation of the Proposed Development with reference to BS 8233:2014 for target levels, LBTH considers that the 'good' criteria within BS 8233:2014 should be met by the Proposed Development. In addition the planning application should be supported by a vibration suitability assessment.

In the control of noise from fixed building services plant, that plant that may be introduced as part of the Development should be designed to a level 10 dB below the lowest existing background noise level at a position 1 m from the façade of the nearest sensitive receptors (i.e. Plant $L_{Aeq,T} = -10$ dB $L_{A90,T}$).

5.9 Water Resources and Flood Risk

5.9.1 Proposed Approach

The Scoping Report confirms that the Proposed Development has the potential to generate significant effects on the water environment during demolition / construction and operation. It is proposed that the Water Resources and Flood Risk aspect Chapter of the ES will assess the potential effects of the Proposed Development on the surrounding water environment and the potential effects of the water environment on the Proposed Development. This will include an assessment of the potential effects on flood risk (both surface water and groundwater), water quality (both surface water and ground water), water demand and wastewater generation.

5.9.2 General Comments

The ES should clearly identify the receptors and study area in relation to water resources/flood risk/drainage surrounding and within the site, and their sensitivity to construction and operation of the Proposed Development. This should include a map and appropriate descriptors.

The drainage strategy and Flood Risk Assessment (FRA) should be submitted as part of the planning application with clear cross-referencing provided within the ES, in addition, the mitigation measures secured as part of these documents should be clearly stated in the ES, and the reliance and efficacy of all identified mitigation measures must be understood.

It is noted that Paragraph 1.20.12 of the Scoping Report identifies a number of adaptation measures that will be considered to mitigate the effects of and on the water environment, and that future impacts of climate on drainage and flooding will be considered within the FRA. For clarity it is considered that assessment of such effects and any identified mitigation should be set out in the Water Resources and Flood Risk aspect chapter. LBTH considers that habitat creation incorporating Sustainable Drainage Systems (SuDS) within the Proposed Development to be a mandatory requirement. It should be clearly stated in the ES, how any embedded mitigation within the design of the Proposed Development has avoided potential effects e.g. from surface water runoff.

The updated Environment Agency climate change allowances (2019) should be considered as part of the assessment and modelling undertaken. It should be demonstrated that the site passes the Flood Risk Sequential Test, and it is advised that consultation is undertaken with the Environment Agency regarding FRA requirements and the need to ensure the Proposed Development provides safe access in the event of a flood. LBTH consider that the drainage strategy should be designed to accommodate the 1 in 100 year event + 40% climate change.

5.9.3 Construction

There is no reference to piling within the Scoping Report as an anticipated construction activity, the ES should confirm any piling methodology proposed to facilitate the Proposed Development e.g. depth and type of piling, whether piling is likely to result in a significant effect on neighbouring utility services.

5.9.4 Operation

The ES should assess whether the demand for water supply and sewage treatment of the Proposed Development can be met and that there is sufficient capacity in the utility networks to meet the predicted demand both on and offsite before occupation of the Proposed Development. Consultation with Thames Water on clean and waste water capacity should be undertaken prior to the submission of the application, to determine what measures are required to mitigate a development of this scale (including cumulatively). Details of the water consumption rate and sewerage discharge rate should be provided within the ES.

LBTH's Strategic Flood Risk Assessment (SFRA) highlights that cumulative developments of this nature could have an adverse effect on local hydrogeology. Currently the measures employed by developers to reduce groundwater flooding includes dewatering and waterproofing, however there are wider sustainability issues as a result of the scale of development in this locality. The cumulative effects of this should be modelled and assessed as part of the EIA.

5.10 Archaeology

5.10.1 Proposed Approach

The Scoping Report states that the Archaeology aspect chapter of the ES will consider effects to buried heritage assets, palaeoenvironmental deposits, and landscapes of heritage interest, including the physical context of heritage assets (buried remains which contribute to the

understanding, appreciation and significance of a heritage asset) during construction of the Proposed Development.

5.10.2 General Comments

Paragraph 1.16.1 of the Scoping Report states that part of the application site lies within Hackney South Shoreditch Archaeological Priority Area (APA); the Scoping Report does not however identify that the majority of the application site, (i.e. the area of the application site situated within LBTH) lies within Spitalfields and Brick Lane Tier 2 APA. The ES should provide reference to Spitalfields and Brick Lane Tier 2, and provide assessment accordingly.

The ES should clearly identify the receptors and study area in relation to archaeological resources, and their sensitivity to potential construction works. The Historic Environment Record search radius must be at least 250 m.

The ES should be supported by an up to date archaeological desk based assessment and a geoarchaeological model of the site and its immediate surroundings, which is to be created from available geotechnical and geoarchaeological data as referenced in Paragraph 1.16.9 of the Scoping Report, and an assessment of the Proposed Development based on the model. Any other data obtained during ongoing ground investigation should inform the assessment.

This study should additionally include a deposit model of the site, created from available geotechnical and geoarchaeological data (as referenced in Paragraph 1.16.9 of the Scoping Report) and zoning the site in terms of relative potential. This model should then be used to assess the impact of the development. It

As stated in the Scoping Report, the investigations listed in Paragraph 1.16.10 should be consulted and updated and should be used to inform baseline and assessment of effects on archaeology.

Where the possibility of remains surviving in situ or important social factors be established, consideration should be given to future excavation, conservation, preservation in situ, display in a local museum and publication of findings, as mitigation measures. In addition, the community consultation and involvement should be sought.

5.10.3 Demolition / Construction

The ES should confirm the piling methodology required to facilitate the Proposed Development e.g. depth of piles, type of piles, piling area. If piling is to be undertaken as part of the Proposed Development the piling methodology and the potential effects on archaeology should be clearly presented within the ES, as well as any assumptions made when assessing effects as a result of piling. Reference should be made to Historic England's Piling and Archaeology Guidelines and Best Practice guidance (2015).

5.10.4 Operation

Paragraph 1.16.6 of the Scoping Report states that operational effects on archaeology are unlikely, as additional ground disturbance during operation of the Proposed Development is not anticipated. However no further justification for scoping out effects on archaeology during operation is provided, and LBTH consider that the assessment should, where appropriate, consider the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

5.11 Townscape Visual Impact Assessment

5.11.1 Proposed Approach

The Scoping Report states that the Townscape, Visual and Impact Assessment (TVIA) aspect chapter will consider effects on townscape and views as a result of the Proposed Development.

5.11.2 General Comments

The ES should clearly identify the receptors and study area in relation to the TVIA surrounding and the site, and their sensitivity to demolition / construction and operation of the Proposed Development. This should be supported by a clear map outlining the receptors and study area. The study area should be informed by a Zone of Visual Influence (ZVI) and Zone of Theoretical Visibility (ZTV).

No receptors have been identified in Section 1.17 of the Scoping Report, so LBTH is unable to provide detailed comment in this regard, however viewpoints have been proposed in the Scoping Report as shown within Table 1.16.1 and Figure 1.16.1-2. It is considered that the viewpoints for assessment are to be agreed with LBTHs Urban Design Officer prior to the TVIA being undertaken. To enable LBTHs Urban Designer to agree the viewpoints an accurate figure of the viewpoints (to include direction of viewpoints) and a model envelope of the Proposed Development are to be provided. The massing model of Proposed Development is required to be provided in the following format:

- Simplified in the *.fbx format and geolocated by either Ordnance Survey (OS) Grid Coordinates (preferred) or Latitude /Longitude.
- Material details on identified layers and structural information should be omitted.
- The original software which generated the model (SketchUp, AutoCAD, Rhino, Revit, 3DMax) should be clearly stated and units of measures applied (m, cm, mm) should be stated.
- Detailed information about requirements can be found here:
<https://vu.city/knowledge-base/importing-a-model/>.

It should be noted that whilst townscape, built heritage and views are interrelated, each matter should be clearly defined and dealt with appropriately in order to comply with the current guidelines e.g. its own methodology, and effects identified. Some guidance on links to cultural heritage assessments is provided at paragraphs 5.7-5.11 of Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA 3). The TVIA should be informed by the built heritage assessment, especially in relation to sensitivity and value of heritage assets, and provide clear cross-reference as appropriate.

An assessment of townscape character should have regard to the location and sensitivity of the townscape character area in which the proposal lies, and of any other affected character areas (with reference to the characterisation documents cited in LBTH's EIA Scoping Guidance).

Paragraph 1.17.16-28 states that effects will be classified as beneficial, adverse or neutral, however the use of neutral effects may result in effects being classified as moderate neutral, and therefore considered to be significant. This is considered to be inappropriate as a neutral effect essentially translates to there being no meaningful change to a receptor, so to imply that such an effect is significant seems counter to the normal use of this word both in general usage and EIA practice. The applicant is advised to review their criteria, and the use of neutral within

the EIA.

The EIA should contain a detailed methodology, which demonstrates that the views can be relied on as a fair representation of the impacts of the Proposed Development. The assessment should not focus on only the beneficial effects of the Proposed Development.

No information has been provided on which views are to be wirelines and which are to be rendered. This should be discussed and agreed with LBTH's Urban Designer. It is helpful if photos or wirelines can be provided in the first instance to inform the identification of rendered views. Images should be prepared in accordance with the Landscape Institute's Advice Note 01/11 'Photography and photomontage in landscape and visual impact assessment'.

5.11.3 Demolition / Construction

The ES should confirm details of any construction compounds and provide assessment within the TVIA as required.

5.11.4 Operation

The ES should assess winter views so that vegetation is not screening the Proposed Development. In views where there is no vegetation, summer visualisations may be used.

5.12 Built Heritage

5.12.1 Proposed Approach

The Scoping Report confirms that the Proposed Development has the potential to generate significant effects on the surrounding heritage assets including designated and non-designated heritage assets, and Conservation Areas during both the construction and operational phases, and will therefore be included in the scope of the EIA.

5.12.2 General Comments

The Scoping Report identifies the Zone of Visual Influence (ZVI) has not yet been defined, and LBTH expects that the study area of the Built Heritage aspect chapter should be informed by a ZVI and Zone of Theoretical Visibility (ZTV) which is considered to be best practice. In this same light the ES should confirm whether any Scheduled Monument or World Heritage Sites could potentially be significantly affected by the Proposed Development, in addition to those referenced in Paragraph 1.18.9.

The ES should be supported by a figure which outlines the study area and receptors to be assessed within the Built Heritage aspect chapter. It is considered that non-designated features of historic, architectural, archaeological or artistic interest should also be identified as receptors for assessment, in addition to designated heritage assets. Since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place.

The ES should clearly state the individual heritage assets to be assessed, the sensitivity and value of all these assets, and their distance from the application site. It is considered that locally listed buildings and any other assets considered to be of value in terms of built heritage should be assessed within the ES. A clear analysis of the heritage significance of each affected heritage asset, including the contribution of its setting to heritage significance, should be provided. All judgements on the significance and direction of effects on heritage assets need to

be fully explained and justified. It is noted that heritage assets will be assessed as high, medium or low sensitivity depending on the importance, value and quality of the receptor and its setting, however LBTH consider that all designated heritage assets are of high importance.

The Scoping Report provides no reference to the guidance that will inform the assessment. The ES assessment should be undertaken in accordance with Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd Edition) (2017) and Ministry of Housing, Communities and Local Government (MHCLG) guidance: Conserving and enhancing the historic environment (2018). Reference should be made to LBTH Character Appraisals and Management Guidelines for relevant CAs, as described in Table 1.18.1.

The assessment should also take account of the potential impact which associated activities, such as construction, servicing and maintenance, and associated traffic, might have upon perceptions, understanding and appreciation of the heritage assets in the ZVI/ZTV. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to *in situ* decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

5.12.3 Demolition / Construction

LBTH has no specific comments to make on this element of the assessment at this time.

5.12.4 Operation

LBTH has no specific comments to make on this element of the assessment at this time.

5.13 Ecology

The Scoping Report states that the Ecology aspect chapter of the ES will consider effects on ecological features and attributes as a result of the Proposed Development.

5.13.1 General Comments

LBTH consider that effects on ecological receptors should be undertaken for demolition / construction and operation, and include consideration of disturbance to protected species and the effects on habitat and ecological value of the application site e.g. Open Mosaic Habitat on Previously Developed Land and surrounding receptors e.g. Sites of Importance for Nature Conservation (SINCs) as a result of the Proposed Development. The effects of public pressure on SINCs should also be considered.

The study areas and zone of influence for ecological receptors should be clearly stated and justified within the ES.

The ES should provide an assessment of the future baseline of the application site in relation to all ecological receptors, should the Proposed Development not go forward. In addition the construction assessment should consider the loss of habitat before being re-provided upon operation of the Proposed Development, and therefore a potential loss for 12 years.

The ES should also include assessment of impacts pre-mitigation, to ensure the efficacy of any proposed mitigation measures can be understood.

LBTH consider that Black Redstart is a nationally important species and therefore should be considered as such in the ES.

Paragraph 1.19.2 of the Scoping Report notes the surveys that have been undertaken to date. It is not clear when or whether a phase 1 habitat survey has been undertaken since the original ES, it is also not known when invertebrate surveys referred to were undertaken.

LBTH expects that all surveys should be up to date upon determination of the Proposed Development and undertaken in accordance with best practice guidance with regards to the optimum survey seasons, to include the phase 1 habitat survey, invertebrate survey/s, bird / breeding bird surveys/s and bat surveys. Noting that guidelines for bat surveys, state that data should be from the last survey season before submission i.e. 1-year validity. However, it is considered that updated reptile surveys are unlikely to be required. It should be noted that all surveys that have been undertaken and relied upon in the ES will need to be submitted as part of the ES.

The Proposed Development has the potential to enhance biodiversity through biodiverse roofs and other biodiversity enhancements, which will be required in accordance with relevant planning policy. It is considered that the existing habitats and final proposed habitats as part of the Proposed Development, should be assessed using the latest iteration of the Department for Environment, Food and Rural Affairs (DEFRA) metric, noting mandatory Biodiversity Net Gain is forthcoming.

The Ecology aspect chapter, should be undertaken in accordance with Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal (2018) produced by Chartered Institute of Ecology and Environmental Management (CIEEM), as stated in Paragraph 1.19.4 of the Scoping Report. It is noted that beneficial effects should also be assessed within the ES.

5.14 Climate Change Mitigation and Adaption

5.14.1 Proposed Approach

It is considered that greenhouse gas emissions (GHG) should be assessed within the ES, and the assessment should not be limited to consideration of carbon dioxide emissions only.

The Applicant should assess GHG emissions quantitatively; any use of professional judgement to assess significance should be fully justified.

Reference in the ES should be made to whether the national, regional and local policy requirements in relation to energy and GHG are satisfied by the Proposed Development.

Paragraph 1.20.6-9 of the Scoping Report provides reference to how the climate change aspect chapter will address climate change adaption within the ES. LBTH consider that this assessment should provide sufficient reference to other relevant aspect chapters, such as Water Resources and Flood Risk aspect chapter, and it should be clear where the relevant assessments have been undertaken.

Paragraph 1.20.20 of the Scoping report states that *'Since GHG emissions have global impacts, there will be localised cumulative effects'*. This statement is contradictory and the extent of any effects should be clearly stated in the ES

5.15 Cumulative Effects

5.15.1 Proposed Approach

The Scoping Report indicates that the ES will assess potential cumulative effects from the Proposed Development interacting with other developments ("inter-project cumulative effects" or "Type 2 effects"). A provisional list of cumulative developments is provided in Appendix A of the Scoping Report, and shown on Figure 3.

It is understood that the intra-project assessment ("Type 1 effects") will be provided to consider the potential for significant effects to be generated as a result of the interaction of two or more predicted effects on a receptor/resource. The intra-project assessment is proposed to form a separate aspect chapter.

5.15.2 General Comments

The ES should clearly state the methodology for assessment of intra-project effects, whilst the Scoping Report states this would be undertaken, no further details have been provided. LBTH considers that the combination of demolition / construction and operational effects can result in significant effects and for the avoidance of doubt is to be assessed in the ES.

The intra-project cumulative effects assessment should conclude whether effects on receptors are considered to be significant and this should be clearly stated within the ES. The assessment should not be limited to stating the range of effect on each receptor as reported within each aspect chapter as, for example, several minor effects on a receptor may result in a moderate i.e. significant effect which would not be identified if only a range of effects is presented. Residual significant cumulative effects should be clearly stated in the NTS.

The inter-project assessment should be quantitative, where possible, utilising the relevant data from the corresponding planning applications. It is not appropriate to undertake a qualitative assessment where data is publically available. It is recommended that the list of cumulative developments is reviewed regularly throughout the EIA process to ensure that all relevant developments are captured consideration and assessment within the resulting ES. Cumulative effects will be an important consideration when determining the planning application. The EIA will need to carefully assess the effect that the Proposed Development has both on, from and with, cumulative developments.

The Scoping Report states that major developments have been identified which are likely to generate significant inter-project effects. The applicant must ensure that approved / existing proposed developments that may give rise to significant cumulative effects in combination with the Proposed Development are assessed within the ES, not just major developments. Noting that approved projects at the time of determination should be assessed, therefore it may be appropriate to include projects which are likely to be approved prior to the determination of the Proposed Development.

In addition, Figure 1.15.1 shows a 1km site buffer so it is assumed this is the proposed study area for the inter-project effects assessment although this is not clearly stated nor justified. Justification should be provided for utilising a 1km study area, particularly as the study areas for the majority of matters and aspects chapters of the ES were not proposed in the Scoping Report and therefore are not currently known. As a result it is unclear if a 1km study area is appropriate.

The Applicant should provide a clear figure within the ES of cumulative schemes scoped in or out of the assessment and the study area/s such as that provided as Figure 1.5.1 of the Scoping Report.

LBTH have reviewed the draft list of cumulative schemes provided in Table 1.5.4 of the Scoping

Report and has identified the following schemes for inclusion / consideration in the cumulative effects assessment:

- Land bounded by 2-10 Bethnal Green road, 1-5 Chance Street (Huntingdon Industrial Estate) and 28-32 Redchurch Street (PA/19/00294). EIA Scoping Opinion issued 7th March 2019, could be determined before the Proposed Development.
- 281-285 Bethnal Green Road, London, E2 6AH (PA/17/00299/A1). Planning Permission Granted 16th June 2017.
- 9 2-3 Finsbury Avenue London EC2M 2PA (16/00149/FULEIA) (City of London). Planning Permission Granted 29th March 2018.
- Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1 (PA/14/03548). Granted Planning Permission 3rd May 2016.
- Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920). Awaiting appeal decision. Likely to be determined before the Proposed Development.
- Site Bound by Raven Row, Stepney Way Sidney Street, London E1 (PA/15/01789). Granted Planning Permission 6th January 2017.
- Site Bound by Raven Row, Stepney Way Sidney Street, London E1 (PA/18/00917). Likely to be determined before the Proposed Development.
- 100-136 Cavell Street, London (PA/16/00784). Likely to be determined before the Proposed Development.
- South East block Of Goodman's Fields, 74 Alie Street, London (PA/14/02817). Planning Permission Granted 26th March 2015.
- Former Beagle House Now Known As Maersk House, Braham Street, London (PA/18/00971). Planning Permission Granted 29th March 2019
- Land bounded by King John Street, Holywell Lane, New Inn Yard, ELL Viaducts (2013/3567). Planning Permission Granted 17th September 2014.
- Land bounded by Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street (2012/3871). Granted Planning Permission 7th October 2014.
- 49-51 Paul Street Hackney London EC2A 4LJ (2018/2104). Likely to be determined before the Proposed Development.
- Development House 56-64 Leonard Street LONDON EC2A 4LT (2017/4694). Likely to be determined before the Proposed Development.
- Enterprise House, 21 Buckle Street, London, E1 8NN (PA/16/03552). Granted Planning Permission at appeal 17th December 2018.
- Land Adjacent To 20 Bury Street London EC3A 5AX (18/01213/FULEIA). Likely to be determined before the Proposed Development.
- 1-2 Broadgate London EC2M 2QS (18/01065/FULEIA). Likely to be determined before the Proposed Development.

LBTH has identified a number of discrepancies with the cumulative developments listed in Table 1.5.4, LBTH considers that all details should be reviewed to ensure these are correct and identified the most recent application. LBTH has identified the following discrepancies:

- In relation to map reference 6, LBTH understands that the most recent reference is 17/00330/FULMAJ. Planning Permission Granted 22nd November 2018.
- In relation to map reference 19, LBTH understands that the most recent reference is 2018/4549. Planning Permission Granted 29th March 2019.
- In relation to map reference 20, LBTH understands that the correct reference is 2017/0343. Planning Permission Granted 3rd March 2017.
- In relation to map reference 22, LBTH understands that the most recent reference is 17/00276/FULL. Planning Permission Granted 5th June 2017.

The Applicant must provide sufficient justification, to scope out any of the schemes identified above, in relation to likely significant effects.

The Applicant should consider the Planning Inspectorate's Advice Note 17 which provides a best practice approach to Cumulative Effect Assessment.

5.15.3 Demolition / Construction

Standard, generic mitigation measures (normally included within a CEMP) do not always provide adequate and sufficient mitigation. The ES will therefore need to identify site-specific but achievable measures with reference to how these can be secured and implemented.

It is requested that an outline Construction Logistic Plan (CLP) is submitted as part of the ES, which should make reference from TfL's CLP Guidance (2017).

Importantly, this states that that, *"Where there is a concentration of construction activity, it is good practice to set up a construction working group, with representatives from all interested parties, including TfL and the Local Planning Authority. The working group should share the results of the CLPs, broken down so that people can see the impact for each individual development phase and the numbers and types of vehicles in use. There is an expectation that the contractor will participate and work together with others in the area to minimise impacts"*.

5.15.4 Operation

LBTH has no specific comments on this element if the assessment at this time.

6. REVIEW OF ASPECT CHAPTERS PROPOSED TO BE SCOPED OUT OF THE ES

It is noted that the Applicant is seeking to scope the following aspect chapters out of the EIA because they are unlikely to generate any significant environmental effects:

- Aviation;
- Electronic Interference;
- Population and Human Health; and
- Major Accidents and / or Natural Disasters.

LBTH's position on each of these aspect chapters proposed to be scoped out of the ES is provided below.

6.1 Aviation

Section 1.21 of the Scoping Report proposes to scope out assessment aviation. If it is determined through the EIA process in consultation with London City Airport, the Civil Aviation Authority, and NATS that significant effects are not likely, LBTH would be satisfied to scope the assessment out of the ES if justification and evidence can be provided to support this.

6.2 Electronic Interference

Section 1.21 of the Scoping Report proposes to scope out assessment of electronic interference from the ES, as the maximum building height of AOD plus 139m and anticipated building density of the Proposed Development is unlikely to give rise to significant effects on electromagnetic waves.

In addition, paragraph 1.21.20 identifies mitigation measures to avoid adverse effects on terrestrial aeriels, based on the assessment of a previous version of the Proposed Development. These mitigation measures should be outlined in the ES and secured within any given consent.

Sufficient detail regarding the density of the Proposed Development has not been provided at this stage, and it cannot be relied upon that the building density will be sufficient to avoid significant effects. The ES should confirm that the building density and height of the Proposed Development is sufficient to avoid significant effects on Electronic Interference supported by a figure of the building locations. Should the density of the Proposed Development upon submission of the planning application be such that significant effects on electronic interference are likely, then assessment should be provided within the ES.

6.3 Population and Human Health

It is agreed that population and human health does not need to be included in the EIA as a standalone aspect chapter, but can be incorporated into the relevant aspect chapters to avoid repetition, as appropriate. For clarity, the introductory section of the ES should contain a table which provides a clear cross-reference to where the relevant information on population and human health is located in the ES as proposed in the Scoping Report, which is expected to include the aspects and matters detailed in Paragraph 1.21.27.

Paragraph 1.21.29 states that a rapid Health Impact Assessment (HIA) will be undertaken to support the application. It is unclear why a rapid HIA is to be provided, and why consultation with the surrounding stakeholders is not proposed. In accordance with emerging LBTH policy D.SG3, developments of a scale referable to the Greater London Authority (as set out in legislation) are required to complete and submit a **detailed** HIA as part of the planning application. Any likely significant effects identified within the HIA should be further assessed as part of the EIA.

The applicant is advised to refer to the following guidance: IEMA (2017), Health in Environmental Impact Assessment.

LBTH therefore consider that population and human health should be assessed within the ES within appropriate aspect chapters, but can be scoped out as a standalone aspect chapter.

6.4 Major Accidents and / or Natural Disasters

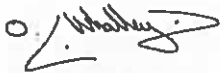
Section 1.21 of the Scoping Report proposes to scope out assessment of major accidents and / or natural disasters. However, it is stated in paragraph 1.21.35-36 that a flood risk assessment will be undertaken, which is considered by LBTH to provide assessment relevant to major accidents and / or disasters within the ES, and that the ES will include reference to where potential accidents and disasters have been addressed.

It is considered that the ES should include a description and assessment of the potential vulnerability of the Proposed Development to risks of major accidents and / or disasters, including vulnerability to climate change, which are relevant to the Proposed Development. Measures to prevent or mitigate significant adverse effects of such events should be provided in the ES where relevant. It is important that the introductory section(s) of the ES sign-post to where accidents and hazards have been assessed in the ES, such as flood risk, construction and contaminated land as stated in paragraph 1.21.36.

For clarity, LBTH does not agree to scope out major accidents and / or natural disasters from the ES and that relevant major accidents and / or natural disasters should be assessed within the relevant aspect chapters of the ES.

If you require any further information please contact the officer named at the top of this letter.

Yours sincerely,



Owen Whalley, Divisional Director - Planning and Building Control