Robbie McNaugher
London Borough of Haringey

By email:
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Our ref: NE/2016/124411/01-L01
Your ref: HGY/2016/0096

Date: 26 January 2016

Dear Robbie

Hale Wharf (Units 1a-1b) Ferry Lane, London, London Borough Of Haringey, N17 9NF

Request for a scoping opinion under the town and country planning Environmental Impact Assessment (EIA) regulations 2011.

Thank you for consulting us on this EIA scoping enquiry. Having reviewed the document we generally agree with the proposed scope but would like to make the following comments under the following headings:

Chapter 6 Noise and Vibration
Chapter 7 Ecology
Chapter 9 External lighting
Chapter 10 Daylight, Sunlight and Overshadowing
Chapter 12 Ground Conditions and Contaminated Land
Chapter 14 Surface Water and Flood Risk
Water Framework Directive Assessment

The Local authority should be aware that we have had pre-application discussions with the applicant for this site.

Chapter 6 Noise and Vibration
Should any in channel works be required to the flood defence, the impacts of vibration on the aquatic environment should be assessed as a receptor within this section. We are pleased to see that this has been identified as a potential impact during construction in table 7.3.

Chapter 7 Ecology
Sites that are being re-developed adjacent to rivers should give greater space for the river and its corridor and seek enhancements to the river banks and channel. Providing this space through redevelopment can help to protect and restore floodplains, provide additional capacity for flood storage and conveyance, create a valuable riverside corridor and habitat, and increase access to the watercourses and opportunities for recreation. It will also assist in delivering the actions of the Thames RBMP and the Water Framework Directive.

The scheme should be designed with a naturalised buffer zone of 8 metres from the river Lee to ensure access for flood defence maintenance. These buffers should be planted with native species to enhance the ecological value of the river corridor. The applicant should consider setting back the existing flood defences into the site and provide soft engineered alternative to the hard flood wall. This approach is in line with the requirements of the River Basin Management Plan and Water Framework Directive

The constraints of site are acknowledged, however robust justification for not being able to achieve an 8m buffer would be required, together with mitigation/compensation including (but not limited to):
 Incorporation of suitable mitigation and enhancement measures (i.e. provide supporting evidence that the mitigation and enhancement provided is an improvement on the existing baseline).
 Assessment of related environmental effects under the EIA regulations;
 Assessment of the proposed development on the provisions of Water Framework Directive.

Chapter 9 External Lighting
We are pleased to see that the impacts of lighting on the aquatic habitat during construction and operation have been identified in tables 9.1 and 9.2.

Chapter 10 Daylight, Sunlight and Overshadowing
Tall buildings in close proximity to a watercourse can have a detrimental impact on the ecology by shading of the watercourse and encroachment onto the river corridor. Our advice is that tall buildings are set-back to minimise this impact. If this is not possible any impacts from shading or encroachment would have to be mitigated for either on the site or elsewhere.

We are pleased to see that impacts of over-shadowing on aquatic habitats caused by building presence has been included in table 7.4.

Chapter 12 Ground Conditions and Contamination
We are pleased to see that groundwater and contamination has been scoped into the Environmental Statement (ES).

The site is located in a Source Protection Zone 2 which should be identified as a receptor in this chapter.

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our 'Groundwater protection: Principles and practice' document (commonly referred to as GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.

- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:
  - Groundwater Protection: Principles and Practice (August 2013)
  - Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
  - Use MCERTS accredited methods for testing contaminated soils at the site

- From the National Planning Practice Guidance:
  - Land affected by contamination

- British Standards when investigating potentially contaminated sites and groundwater:
  - BS 5930: 1999+A2:2010 Code of practice for site investigations
  - BS 10175:2011 Code of practice for investigation of potentially contaminated sites
  - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
  - BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Chapter 14 Surface Water and Flood Risk
The site is located within Flood Zone 2 which is classified as having a high risk of flooding. In order for the development to be considered appropriate in this location a Sequential Test should be undertaken as detailed within the Planning Practice Guidance: Flood Risk and Costal Change. The Local Authority has undertaken a sequential test for allocated sites in the Tottenham Area Action Plan, which is currently being reviewed by the Environment Agency. The Local Authority should be satisfied that the proposed use is in line with the allocation for the purposes of satisfying the sequential test.

We agree that a Flood Risk Assessment (FRA) should be submitted with the EIA. We expect the FRA to contain a detailed assessment of all forms of flooding. Please see attached guidance note for preparing an FRA for a site in Flood Zone 2 in respect of fluvial flood risk. The FRA should also consider the flood defences which enclose the site and demonstrate that the structural stability will be commensurate with the lifetime

of the development. The structural stability should also be included as a potential impact in table 14.2.

We disagree with the paragraph 14.2.8, which considers the site to be in FZ1. Applicants and their consultants/agents should note that it is incorrect to change a site's flood zone designation based on flood modelling that takes account of flood defences and climate change. The flood zones are intended as an indicative planning tool and are designated by the Environment Agency and the Local Planning Authority (in the case of Flood Zone 3b). The flood zones do not take the effects of climate change or flood defences into account.

While it is appropriate to carry out site specific assessments of the actual flood risk using the most detailed modelled information available, that does account for climate change and flood defences, the Flood Zone designations should not be changed based on this assessment. For instance, a site located within Flood Zone 3 will remain so, even if it has been shown not to be affected by the flooding during the 1 in 100 chance in any year flood event, taking the effects of climate change and flood defences into account.

Revised climate change allowances for peak river flow based on river basin districts are due to be published early 2016. These allowances will replace the current allowance for peak river flow which is 20%.The revised allowances are based on improved climate science and reflect the catchment characteristics within each river basin district. From the publication date we will be expecting applicants to factor the revised climate change allowances into their Flood Risk Assessments rather than the current 20% for peak river flow. If you have any further questions about this please contact us.

Water Framework Directive
Due to the nature of the proposed development and this sites proximity to the watercourse it is very likely that a WFD Assessment will be required. This should assess any potential impacts on the watercourses and demonstrate that the required enhancements will be delivered. Any development that has the potential to cause deterioration in classification under WFD or that precludes the recommended actions from being delivered in the future is likely to be considered unacceptable to us.

I hope that this is helpful but please feel free to contact me if you have any further queries.

Yours sincerely

Mrs Wioleta Osior
Planning Advisor

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