



Our ref: HGY/2023/3141

Contact: Samuel Uff

Date: 14/05/2024

Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

Location: Eade Road, New River

Proposal: Town & country planning (environmental impact assessment) regulations 2017 (as amended) - regulation 6 - request for a screening opinion for Eade Road, New River Leakage Repairs.

Thank you for the screening opinion request in relation to the development above, which was received on 25/01/2023 by the Council.

Officers consider there is sufficient information provided for the Local Planning Authority to adopt an opinion and a Screening Opinion in relation to the proposed development is attached below. Pursuant to Regulation 5(5) and having regard to the information submitted, the Local Planning Authority has adopted the screening opinion that the proposal is not EIA development as described in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Yours sincerely

**Robbie McNaugher
Head of Development Management and Planning Enforcement
Planning Service**

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

Location of Development

Eade Road, New River

Description of Development

The proposal consists of proposed works to a section of New River along Eade Road, between Green Lanes and Seven Sisters Road.

The works would consist of installation of additional sheet piling along the 800m length of this section of the New River. The proposed works will install new sheet piles beyond the existing sheet piles through which leaks have arisen and small areas of concrete lining where sheet piling is not possible. These would sit approximately 700m away from existing sheet piling, with the purpose of avoiding seepage. The sheet piling would not project above the ground level and would be re-landscaped over when installed.

Temporary works include provision of hardstanding, lay-down areas for materials and provision of welfare facilities together with a ramp to provide access to the New River from Eade Road. In the areas of concrete lining there will be silt removal and over pumping facilities. Some temporary alterations to the highway on Eade Road will be required to facilitate the works and will be discussed and agreed with the Highway Authority. The rest of the temporary works will take place on Thames Waters operational land including the New River and land adjoining the New River.

Upon the completion of the works all temporary buildings, hardstanding areas and works will be removed from the site and the land reinstated.

The Council's Formal Screening Opinion

This screening opinion has been considered in the context of the Environmental Impact Assessment Regulations 2017 as a whole. The Local Planning Authority has considered the potential environmental impact of the above development in accordance with the above Regulations, having regard to the selection criteria for screening specified in Schedule 3 of the Regulations and the guidance to these Regulations set out in the National Planning Practice Guidance (NPPG).

The Council hereby determines that **the proposed development is not likely** to have a significant effect on the environment and that an Environmental Impact Assessment is therefore **not required** and that an Environmental Statement does not need to accompany a submitted planning application. However, it must be noted that this response is specific to this development proposal. Any material alterations to this proposal would require a further EIA screening.

Screening of the Proposed Development

The proposed development can be described as development falling under Schedule 2 in the context of paragraph 13(b) as a change or extension to a long distance aqueduct falling under paragraph 10(l) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development as changed or extended may have significant adverse effects on the environment or could also be considered as an area of works exceeding 1 hectare.

The site does not fall within a Sensitive Area as defined by the EIA Regulations.

Site and Surrounding Area

The north side of the New River between Green Lanes and Seven Sisters Road is raised above the surrounding ground levels with a grass embankment sloping towards Eade Road. On the south side of the New River the ground levels are flat and avoid issues with leakage from the embankment. A permissive footpath (accessible but not public) runs along the south of the New River.

The site (New River) is designated as an ecological corridor and a Site of Metropolitan Importance for Nature Conservation (SINC).

Planning History

None relevant to this section of New River.

Consultation Responses:

- **LBH Flood & Water Management:**
The application will require calculations of runoff, rainfall, detail of critical storms, overland flows, SuDS and an agreed point of discharge (Officer response: These would constitute scoping requests, but the application is for screening only. The works will be undertaken by the applicant in line with their own Code of practice, which has been outlined as covering such issues. The applicant has responded to say that there will not be significant run-of and that there is an existing toe drain for discharge).
- **Greater London Archaeology Advisory Service (GLAAS):** The site is within the New River Archaeological Priority Areas in Hackney and Haringey. The New River is an unusually early example of water management in London's metropolitan development. The 2001 an English Heritage thematic review of the Water and Sewage Industries assessed that 70% of the original New River channel survive in some form, and states that the channel and associated structures are assessed as of outstanding national and international importance as a unique, multi-period ensemble in the history of the water industry. Some nineteen sites along the New River were identified as suitable candidates for scheduling during this report, and the remainder of the river was considered appropriate for management through designation as a Conservation Area, as has been done here. The proposals therefore involve substantial works to the key defining feature of the conservation area and archaeological priority areas. The site requires a Desk Based Assessment which considers the character of the New River in this specific stretch and how that relates to its entirety, and how the proposed works may affect the setting and interpretation of this heritage asset. This should include a review of the historic mapping, previous archaeological interventions along the river and any available deposit modelling of the area. The specialist consultant should have appropriate expertise in historic industry/water management, and we request an early stage walkover with them and the scheme promoters to focus their work to best effect.

Additional correspondence stated that if there no requirement for an EIA on heritage grounds, that the applicant liaises with GLAAS to manage the progress of the works in a sensitive way, although as this will be outside the planning system this will incur a charge through our Enhanced Advisory Service.

Comments received on 30/04 state that following a meeting on site, the parties concurred that there are no heritage issues large enough to justify an EIA but that an Archaeological Desk Based Assessment would be valuable to assess the character and setting of the area at present, so that efforts to return to this state after the works are as well informed as possible. All parties are happy to engage with this process outside the usual planning systems, as it conforms to the principles of the previously mentioned Codes of Conduct.

(Officer response: The site appears to be outside of the Priority Area. Regardless, these would constitute scoping requests, but the application is for screening only. The works will be undertaken by the applicant in line with their own Code of practice, which has been outlined as covering such issues).

Public Consultation:

There is no statutory requirement for public consultation for EIA Screening and no comments have been received.

Context

The proposed development is considered to be a “change or extension of a long distance aqueduct” subject paragraph 13(b) and paragraph 10(l)” under the first column of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Assessment – Screening Schedule 2 Projects

The National Planning Practice Guidance (NPPG) states: “... it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”

When screening Schedule 2 projects, the Local Planning Authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way. Indicative criteria and thresholds are also contained within the NPPG.

An assessment of the development proposal against the criteria described within Schedule 3 is provided below:

1. The Characteristics of development

The characteristics of development must be considered with particular regard to (assessment in italics below):

(a) the size and design of the whole development

The size, scale and design of the developments is not considered to be of an unusual or excessive scale for the required purposes of sustainable, long term efficient use of water aqueducts. Temporary works will be made good when works are completed in a programme of works anticipated to be around 8 months. Following the reinstatement of the land on the completion of the works there will be no appreciable impact on the landscape and visual amenity of the area.

(b) cumulation with other existing development and/or approved development

This is a standalone form of development and is required for the sustainable future of the site. There are no significant other developments proposed in conjunction with this development nor other approved developments that would constitute a negative cumulative impact. The cumulative impact of this sheet piling alongside existing is considered in the overall assessment and considered to be an acceptable level of development for the required purposes.

(c) the use of natural resources, in particular land, soil, water and biodiversity

The proposed development would not involve any significant or unusual use of natural resources and would not result in the use of natural resources that are currently understood to be in particularly short supply. Biodiversity and ecology would be conserved.

(d) the production of waste

The submission states that there will be some silt removal required to maintain flows of the aquaduct and a Construction Environmental Management Plan and Environmental Management Document (EMD) produced for the development will control these measures. This will also include the removal of any waste from site. The development will also be required to comply with the Water Industry Act 1991 and code of conduct.

In this regard, the production of waste is not sufficient or of a particular significance for the purpose of an EIA and can be suitably addressed in the planning submission

(e) pollution and nuisances

The proposed development would not generate any unusually significant level of environmental pollution or nuisance. During the construction phase of the proposed development, dust from construction works and emissions from construction vehicles are likely to be generated. These impacts are proposed to be managed in accordance with standard best practice measures, which would be set out within a draft Construction Environmental Management Plan and Environmental Management Document (EMD).

(f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge

Any minor risks will be alleviated through the Construction Environmental Management Plan and Environmental Management Document (EMD).

(g) the risks to human health (for example, due to water contamination or air pollution)

Best practice techniques would be employed to prevent the risk of accidental contamination or spillages during the construction stage. Any minor risks will be alleviated through the Construction Environmental Management Plan and Environmental Management Document (EMD).

2. Location of Development

The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard to:

(a) the existing and approved land use

The Proposed development would provide enhanced drainage and reduced leakage from the site. Some of the buildings are extended, some refurbished and some extended. These beneficial effects are meaningful, and would be suitably managed.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground

The reduced leakage from the site will ensure enhanced water conservation and preventing energy being used treating raw water through sewage treatment works. The grassed embankment will be reinstated and enable regeneration of grass.

Flood Risk and Water Impact

The sites are located within Flood Zone 1 which is recognised as an area of low probability of flooding.

The Decant site poses a slight risk of surface water flooding, however, as the temporary accommodation is proposed to be erected on pillars the risk of damage to the accommodation is low. The proposed works would not have a significant impact in this regard.

The site is not within a Source Protection Zone for groundwater.

Biodiversity

The site is designated as part of a Site of Importance for Nature Conservation. The permanent works will be predominantly below ground level. Impacts will mainly affect areas of grassland on existing embankment and will be temporary in nature with land restored on completion of works. CEMP will be prepared and implemented to minimise impacts on the SINC.

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(i) wetlands, riparian areas, river mouths

The site is not located near to any wetlands, riparian areas or river mouths. The proposal does therefore not justify the need for a full EIA.

(ii) coastal zones and the marine environment

Not applicable to this development proposal.

(iii) mountain and forest areas

Not applicable to this development proposal.

(iv) nature reserves and parks

The site is part of a SINC of Metropolitan Importance, Green Chain and is near to Finsbury Park (MOL) and the potential impact of the development has been considered in section (b) above. The sites also includes MOL.

The applications submitted for the development sites include Otter and Water Vole Walkover and Ground Level Tree Assessment for Bats Report. This highlights some potential for otter commuting and feeding within the river and highlights areas where these can be accommodated. These gaps will be resurveyed by a suitably qualified ecologist six weeks prior to works starting, and again two days prior to works starting to ensure that no new water vole field signs are present, or any new activity within the three potential points where they could access the bank. Surveyed trees show little potential for bat roostings.

There is therefore unlikely to be a significant effect from the proposed development that could give rise to a need for EIA. The development would be subject to various codes of conduct outside of Planning.

As such, any impact on the nature reserves, open spaces and open land is expected to be adequately mitigated through appropriate measures included as part of the planning applications.

(v) European sites and other areas classified or protected under national legislation

Not applicable to this development proposal.

(vi) areas in which there has already been a failure to meet the environmental Quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure.

Not applicable to this development proposal.

(vii) densely populated areas

The land uses surrounding the site comprises residential dwellings and open spaces, which are fairly typical of an urbanised area and as such are not of any particular sensitivity. The impact of the proposed development on these nearby receptors would be minimal.

(viii) landscapes and sites of historical, cultural or archaeological significance.

The NPPG notes that in certain cases, local designations which are not included in the definition of “sensitive areas”, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required.

Comments received from Greater London Archaeological Advisory Service (GLAAS) have highlighted that a desktop study as a screening request. Subsequent comments have confirmed that if there is no requirement from an Environmental Strategy through EIA, then there should be ongoing liaising with GLAAS and the applicant. A meeting was undertaken between GLAAS officers and the applicant where they concurred that there are no heritage issues large enough to justify an EIA but that an Archaeological Desk Based Assessment would be valuable to assess the character and setting of the area at present, so that efforts to return to this state after the works are as well informed as possible. Officers are satisfied that this process can occur outside the usual planning systems, as it conforms to the principles of the previously mentioned Codes of Conduct.

The proposed works may not require full planning application, as they would not be deemed as development, so there may be no scope for adding conditions for further consultation / liaising with GLAAS. However, the screening has identified the ‘Water Industry Act 1991 Code of Practice on Conservation, Access and Recreation: Guidance for the Environment Agency and Water and Sewerage Undertakers’ as a means to ensure ongoing contact with GLAAS. In this instance it is considered that the level of development would not require an EIA for reasons of archaeology and that there is a mechanism to ensure ongoing discussion with GLAAS.

3. Types and characteristics of the potential impact

The proposed development has also been assessed with regard to Schedule 3(3)(a-h) of the EIA Regulations, which references the following factors must be considered, when assessing the criteria set out in paragraphs (1) and (2) above.

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected)
- (b) the nature of the impact
- (c) the transboundary nature of the impact
- (d) the intensity and complexity of the impact
- (e) the probability of the impact
- (f) the expected onset, duration, frequency and reversibility of the impact
- (g) the cumulation of the impact with the impact of other existing and/or approved development
- (h) the possibility of effectively reducing the impact

These factors have been considered in assessing the topics referenced above and it has been found that the environmental impacts of the development would not be significant as described in paragraphs (1) and (2) above, given the nature, scale, and design of the development and its location on a previously developed site.

4. Conclusion

The characteristics of the proposed development and its potential environmental impacts have been fully assessed as described in the sections above. It is considered that, as a means of ensuring water quality and sustainable avoidance of leakage on existing developed land within an urbanised area, with suitable assessment of impact on sensitive receptors, that the environmental effects from the development would not require an Environmental Impact Assessment (EIA) to be undertaken.

It is unclear what application, if any, will be required for the development, as no lawful development certificate has been provided to clarify whether planning permission is required. The submission has provided consideration to sensitive receptors and outlined external legislation and Code of Conduct that would further mitigate beyond the planning process, in accordance with statutory legislation and best practice, even if planning permission is not required.

Based on the assessment of the criteria in Schedule 3 and pursuant to Regulation 5(5) and having regard to the information submitted, the Local Planning Authority has adopted the Screening Opinion that **the proposal is not EIA development** as described in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and thus **an Environmental Statement is not required** with any subsequent planning application.

Appendix 1 – EIA Screening Checklist

(A) Screening Checklist Question	(B) Response to the Screening Criteria in (A) (Yes/No or N/A)	(C) Is a Significant Effect Likely? Explain Reasons if 'Yes' Response in Column (B) (Yes/No or N/A)
<i>Natural Resources</i>		
1.1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?	Yes - Minor changes to width of New River to facilitate sheet piling.	No - Appearance of area will be restored on completion of the works with vegetation up to the bank of the New River. Sheet piling will occur in front of existing sheet piling avoiding any change in appearance of the bank.
1.2 Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply?	No - Proposals will prevent leakage from the New River limiting loss of water resource to sewer network.	No - Beneficial impact in conserving water resources and preventing energy being used treating raw water through sewage treatment works.

1.3 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals?	No – Grassed embankment will be reinstated to grass upon completion.	No.
Waste		No.
2.1 Will the project produce solid wastes during construction, operation or decommissioning?	No - Silt removal will be required from the New River. This is an ongoing operational activity.	No
Pollution and Nuisances		
3.1 Will the project release pollutants or any hazardous, toxic or noxious substances to air?	No - Construction Environmental Management Plan will be prepared/implemented to prevent risk of pollution during construction.	No. There may be some dust exposure or limited local reductions in air quality but construction and operational impacts would be controlled and mitigated by a Construction Management/Logistics Plan secured by condition.
3.2 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes. The construction phase of the Proposed Development will include periods of time, particularly during the foundation works phases, for noise and vibration effects which could impact local residential receptors.	Noise impacts will be minimised through best practice. Works will be limited to daytime working hours. CEMP will include measures to minimise noise and vibration impacts. Acoustic hoarding to be used where necessary to protect properties that may be affected by works. Noise levels will also be monitored during the works.
3.3 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Minor risk from spillages from construction activities.	Risk mitigated through implementation of Construction Environmental Management Plan.

3.4 Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	N/A	N/A
<i>Population and Human Health</i>		
4.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?	N/A	N/A
4.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation, decommissioning? (for example due to water contamination or air pollution)	No. Minor risks will be managed through standard best practice to ensure compliance with pollution prevention legislation during construction.	No. CEMP to be prepared to ensure impacts are mitigated and relevant legislation is complied with.
<i>Water Resources</i>		
5.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?	Yes. Proposals are to prevent leakage from New River.	No. Beneficial impacts on water resources will arise as a result of the proposals which are designed to address existing leakage. Consequential reductions in abstraction of raw water from the environment will result, increasing water supply resilience. In addition, a reduction in discharge of raw water to the sewer network will reduce risk of sewer flooding. Over pumping of water during concrete lining works will ensure that flows along the New River are maintained.

<i>Biodiversity (Species and Habitats)</i>		
6.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local)).	Yes. Site is designated as part of a Site of Importance for Nature Conservation.	No. Impacts will mainly affect areas of grassland on existing embankment and will be temporary in nature with land restored on completion of works. CEMP will be prepared and implemented to minimise impacts on the SINIC.
6.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes. Potential impacts on protected species.	No. Surveys have been undertaken for bats, otters and water voles. Checks will be undertaken by suitably trained ecologists prior to vegetation removal. CEMP will be prepared incorporating ecological mitigation measures as recommended in PEA and any survey results including methodology for fish rescue during any dewatering activities. EA to be engaged to discuss proposals prior to works commencing.

<i>Landscape and Visual</i>		
7.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? Where designated indicate level of designation (international, national, regional or local).	Yes. Part of the site lies within a Conservation Area in the Hackney Local Plan.	No. The setting of the Conservation Area will be affected temporarily by the works but there will be no impact following reinstatement of the works. The temporary impacts on the setting will be limited with the works well screened by vegetation to the south of the New River.
7.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	Yes. New River path runs along the edge of the New River. Works will be visible from residential and commercial properties adjacent the New River.	No. The works will be limited in duration with land restored upon completion.
<i>Cultural heritage/Archaeology</i>		
8.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	The site lies within a Tier 2 Archaeological Priority Area. The site also is partially designated as a Conservation Area. A Grade II listed building is located to the south of the New River. A Registered Park and Garden (Finsbury Park) is located to the west of the site.	No. Minor adverse physical impact as a result of the unavoidable narrowing of the channel and insertion of concrete U box sections at the location of existing service crossings and underground lines. No change to the settings of these assets from any loss or alteration of important characteristics, features or elements of these assets. Upon completion of the works, the new sheet pile wall will look the same as the existing with the majority of the concrete lined sections below the water line. All temporary works associated with the implementation of the repair works will be removed with the land reinstated. The works would therefore have neutral impact on the setting of the heritage assets. Concrete lining is proposed to be used only where sheet piling is not possible to protect below ground assets due to the depth of the proposed piles. Further engagement will take place with GLAAS as necessary as detailed design of the works is completed to agree any necessary archaeological mitigation

		measures.
<i>Transport and Access</i>		
9.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Yes. The New River path runs along the southern embankment.	No. The path is a permissive path and may need to be closed for periods during the construction works. Alternative routes are available to the path which are not materially longer.
9.2 Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	N/A	N/A
<i>Land Use</i>		
10.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	Yes. Housing and education facilities are located alongside the New River.	No. A CEMP will be put in place to manage construction activities and minimise adverse impacts on existing users.
10.2 Are there any plans for future land uses on or around the location which could be affected by the project?	N/A	N/A
<i>Land Stability and Climate</i>		
11.1 Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	N/A	N/A

<i>Cumulative effects</i>		
12.1 Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	N/A	N/A
<i>Transboundary Effects</i>		
13.1 Is the project likely to lead to transboundary effects?	No. For clarity it is important to note that here the word 'transboundary' refers to another nation or state.	No. The site is partially within London Borough Hackney and they are aware of the proposal and have been in discussion with officers.