

Mr Jon Price
Waltham Forest Borough Council

Our ref: TL/2009/103682/01-L01
Your ref: 2009/1515

Date: 18 January 2010

Dear Mr Price

Description: Residential redevelopment - Demolition of existing buildings and construction of four separate blocks (ranging from 5-9 storeys in height). Comprising 144 residential units (30 x 1 bed, 94 x 2 bed, 18 x 3 bed and 2 x 4 bed). Provisions for car parking, vehicular access, new cycle and pedestrian routes.

Site: Essex Wharf, Lea Bridge Road, Leyton, E5 9RL

Thank you for your letter dated 4 December 2009 which we received on 15 December 2009. Apologies for the delay in our response.

Environment Agency Position

We have no objection in principle to the proposed development providing that the following ten planning conditions are imposed on any planning permission granted.

Condition 1

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Project 07102, Revision 2, dated August 2009 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm, taking into account the effects of climate change so that it will not exceed 77l/s and will not increase the risk of flooding off-site.
2. Provision of storage site to attenuate all storm events up to and including the 1 in 100 year event, taking into account the effects of climate change.
3. Provision of 604m³ of compensatory floodplain storage on the site.
4. Identification and provision of safe routes, above the 1 in 100 year flood level, taking into account the effects of climate change, into and out of the site to an appropriate safe haven.
5. Flood resilience measures detailed on page 8 of the Flood Risk Assessment.
6. Finished floor levels are set no lower than 7.12m above Ordnance Datum (AOD).

Reasons 1

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To ensure safe access and egress from and to the site.
4. To reduce the impact of flooding on the proposed development and future occupants.

Condition 2

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include SUDS techniques including green roofs and permeable paving.

Reason 2

To prevent the increased risk of flooding and to improve and protect water quality.

Condition 3

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason 3

To protect controlled waters from potential contamination

Condition 4

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason 4

To ensure that the site no longer poses a risk to controlled water.

Condition 5

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason 5

The site is located above a chalk aquifer containing local potable water supply and piling may form a pathway for the migration of contaminants.

Condition 6

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason 6

The shallow aquifer is already elevated in heavy metals. The introduction of any more to this aquifer could then be transmitted to the chalk aquifer beneath through piling into the Thanet Sands.

Condition 7

Prior to the commencement of development a scheme for the provision and management of the 5 metre buffer zone alongside the Lee Navigation shall be submitted to and agreed in writing by the Local Planning Authority. This buffer zone shall be measured from the top of the bank (defined as the point at which the bank meets the level of the surrounding land) and shall be free of structures, hard standing and fences. The buffer zone shall be vegetated by plant species that are locally native and appropriate to the location and which are of UK genetic stock. The development shall then be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- Plans showing the extent and layout of the buffer zone
- Details of the planting scheme including plant species
- Details demonstrating how the buffer zone will be managed/maintained over the longer term.

Reason 7

Development that encroaches on the watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside the Lee Navigation is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

Condition 8

No development shall commence until a lighting scheme is submitted to the Local Planning Authority. There shall be no light spill into the canal or adjacent canal corridor habitat. The development shall then be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason 8

Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the canal and its corridor habitat.

Condition 9

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason 9

To prevent pollution to controlled water and to improve water quality.

Condition 10

The development hereby permitted shall not be commenced until such time as a scheme for the storage of oils, fuels or chemicals has been submitted to, and approved in writing by, the local planning authority.

Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reason 10

Protection of the water environment is a material planning consideration and development proposals should ensure that new development does not harm the water environment.

Advice to Applicant

Drainage

In order to check that a proposed stormwater system meets the Agency's requirements, we require that the following information be provided:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds and soakaways. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

The Applicant should be aware that all works with 8m of a main river require a flood defence consent. Please contact Nick Beyer on 01707 632638 for further information.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. On going maintenance of the interceptor shall be provided in accordance with the manufacturers instructions.

The maximum discharge level of any soakaway should be kept as shallow as possible and in any case must not be deeper than 3 metres below ground level.

Buffer Zone

Buffer zones to watercourses are required for the following purposes:

- i. To allow the watercourse to undergo natural processes of erosion and deposition, and associated changes in alignment and bank profile, without the need for artificial bank protection works and the associated destruction of natural bank habitat.
- ii. To provide for the terrestrial life stages of aquatic insects, for nesting of water-related bird species, and for bank dwelling small mammals.
- iii. To provide a "wildlife corridor" bringing more general benefits by linking a number of habitats and affording species a wider and therefore more robust and sustainable range of linked habitats.
- iv. To allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself. This mix of conditions encourages proliferation of a wide range of aquatic species, including fish.
- v. To allow, where appropriate, for the regrading of banks to a lower and safer profile, in areas where there is public access.
- vi. To prevent overshadowing of watercourses by buildings.
- vii. To reduce the risk of accidental pollution from run-off.

It is our standard practice to seek, as part of any new development that lies close to a watercourse, the inclusion of a green buffer zone alongside the watercourse. Where such a buffer zone does not currently exist, we normally seek that it is established. This is a key way in which we carry out our legal duty to further and promote the ecological and landscape value of watercourses and land associated with them. In urban areas, in particular, these have often been degraded by past development, and we take the view that it is reasonable to expect that any new development should go some way to redress the balance.

Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

Planting

It is advised that any proposed planting within the buffer zone, and preferably elsewhere on site, should comprise of native species only. Use of locally native species in landscaping plans is essential in order to benefit local wildlife and to help maintain the region's natural balance of flora. It will also help to prevent the spread of invasive, alien species within the region. The buffer zone should be managed so as to foster a natural character with native trees and shrubs used and any grass areas left unmown or mown only later in the season to enhance their floristic and habitat value. These measures benefit various kinds of wildlife, but are particularly important for terrestrial life stages of aquatic insects, such as dragonflies.

The corridor adjacent to a watercourse provides important habitat for the terrestrial life-stages of many aquatic insects e.g. dragonflies. In order that this canal corridor can be of benefit to wildlife it should remain undeveloped and in a natural state.

Lighting

There shall be no light spill into the canal or adjacent canal corridor habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the canal corridor. Sodium lamps should be used where possible as they have the least impact on wildlife, particularly invertebrates, which bats feed on. The use of mercury lamps should be avoided as they emit ultraviolet light which affects numerous insect species.

The canal channel with its wider corridor should be considered an Intrinsically Dark Area and treated as recommended under the Institute of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution".

Waste

Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further information can be obtained from your local Environment Agency office.

Carriers transporting waste from the site must be registered waste carriers.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

Bunding

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Advice to Local Planning Authority

We advise that suitable conditions are drawn up by the Local Planning Authority to cover the recommendations in Section 7 of the Desk Study and Phase 1 Habitat Survey produced by Thompson Ecology (November 2009); in particular, relating to:

- Naturalisation/softening of the existing reinforced bank of the Navigation;
- Any protected or invasive species on site;
- The incorporation of green and brown roofs into the development.

Although the biodiversity proposals within the development are an improvement on the existing state of the site the applicant has not fully taken account of the conservation enhancements which could be achieved within the corridor to the Lee Navigation. For example, in addition to the proposals outlined above, the opportunity should be taken to:

- Install reed rafts to increase the habitat along the margin of the Navigation.
- Explore options for meandering the riverside walk path away from the bank top of the watercourse. This would allow for the incorporation of a more continuous buffer zone alongside the Navigation and will create a path which provides a more dynamic experience. It will help to ensure that the corridor at this point is able to function, providing the opportunity to create some areas within the buffer zone with more natural planting, such as areas of wildlife meadow or reedbed. These areas will provide undisturbed refuges for wildlife free from anthropogenic activities. The design of the riverside walk should be considered at a landscape scale along the river. The setting back of footpaths from the bank top has been successfully incorporated in the design of many schemes along watercourses within London, and not only provide enhancement opportunities for wildlife but also improve the landscape, educational and enjoyment of the river environment.

The developer should look for guidance to the enhancements being undertaken to watercourses and their corridors within the Olympics scheme.

Policies which support further conservation enhancements:

- Environment Act 1995
- London Plan
- Standing Water – London Biodiversity Action Plan (BAP) habitat
- Natural Environment and Rural Communities Act 2006

Note to Local Planning Authority

We note that there was a Sequential Test submitted for the previous application (2007/2341) produced by Dalton Warner Davis and ask that you forward a copy to us for our records of this application.

We ask to be consulted on details submitted to you for the discharge of the above condition(s) and on any subsequent amendments. We also request that a copy of the decision notice is forwarded to this office for our records.

If you need anything further, please do not hesitate to contact me.

Yours sincerely

Miss Nancy Young
Planning Liaison Officer

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