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Dear Mr D Shiels

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
APPLICATION FOR ENVIRONMENTAL IMPACT ASSESSMENT - SCOPING OPINION

At: NEW CITY COURT, ST THOMAS STREET, LONDON, SE1 9RS

Proposal: Request for an Environmental Impact Assessment (EIA) Scoping Opinion for the redevelopment of the site (comprising numbers 4-16, 20 and 24-26 St Thomas Street) including:
Demolition of 20 St Thomas Street and construction of a new office tower building approximately 139m high (comprising double height ground floor reception and retail, 31 storeys of office space, and double height publicly accessible elevated garden and retail unit) totalling 31,200sqm of office and retail floorspace. Double basement for servicing, cycle storage, refuse storage and plant, with vehicle access from Kings Head Yard and two disabled parking spaces.
Relocation of Keats House (24-26 St Thomas Street) facade 2m to the west in a new stand alone building. Alterations to and restoration of the listed terrace (8-14 St Thomas Street). Up to 1,800sqm of retail and office floorspace in the listed terrace and Keats House.
A new access to the London Bridge Underground station.
New ground level pedestrian routes and public realm throughout the site with hard and soft landscaping.
Ancillary servicing, highway works and associated works.

Further to your scoping opinion request received 7th August 2018 for the redevelopment of New City Court with the above referenced development, the local planning authority's scoping opinion is set out below. Cross-references are made to the figures, chapters and section references of the submitted Scoping Report by Waterman:

<i>Regulatory Requirements</i>
It is recommended that both Figure 1 and Figure 2 be replicated in the ES as they provide a useful basis for the reader to understand the site location and planning context.
<i>Development Proposals</i>
The Applicant should ensure that adequate detail on the final proposals is included in the ES, including information on the range of sustainability measures and ecological enhancements which are being considered as part of the development.
<i>Assessment Methodologies</i>
The Applicant should ensure that detailed methodologies for all topics are presented in the ES and that these are agreed with relevant consultees. Any deviations from standard assessment methodologies or approaches should also be set out and fully justified.
<i>Significance Criteria</i>
The ES should ensure that the full range of potential of effects is considered in each

assessment where applicable, and should be clear as to which effects are considered significant in the context of the EIA Regulations, as outlined in Section 6 of the Scoping Report. The proposed approach of listing the inherent mitigation measures in the design (in chapter 4) and additional measures in the technical chapters is acceptable, as well as summarising the residual effects post-mitigation in the Summary of Residual Effects and Monitoring chapter.

Mitigation and Residual Effects

The ES should clearly set out which mitigation measures have been incorporated into the design of the scheme and which are additional measures to address significant effects, and should also clearly set out a summary of effects (particularly with the mitigation measures).

Transport

Scoping in this topic is appropriate. In respect of the changes which will result from the new areas of public realm to be created at ground level within the Site along with a potential new access to London Bridge Underground Station, a description should be provided of the reasonable alternatives for ground level pedestrian routes studied by the developer. The alternative route options considered should be noted and 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.

Any mitigation measures proposed for inclusion in the outline Travel Plan, including any contingency measures identified, should be properly assessed and any effects and their significance identified.

It is noted that TfL has stated that it would like to see details of alternative servicing arrangements that have been considered. The rationale for selecting the chosen option and the reasons for other arrangements being discounted should accordingly be provided.

Noise and Vibration

Scoping in this topic is appropriate. The scope and measurement procedures for baseline noise and vibration surveys are required to be agreed in consultation with LBS EHO and confirmation of this should be provided in the ES.

The ES should confirm that receptor locations identified include amenity areas.

The ES should confirm how the construction noise assessment has taken account of existing ambient noise conditions at receptors.

The potential effects of Jubilee Line vibration on the completed development should also include an assessment of potential groundborne noise.

The ES should include a summary of residual effects following mitigation and consideration of the potential cumulative effects from other nearby developments.

Air Quality

Scoping in this topic is appropriate. The ES should give consideration to the Mayor of London's policy on achieving the World Health Organisation's recommended PM2.5 threshold of 10 µg/m³.

Using Local Air Quality Management Technical Guidance (2016), as the future office and retail use of the completed proposal is considered to be of a low sensitivity to air quality. The proposal is primarily car-free. Therefore it has been previously agreed with the Environmental Protection Team that project specific monitoring of NO₂ and particulate matter monitoring are not required. The relevant correspondence on this matter with the Environmental Protection Team should be included in the future submission.

For the construction phase, suitable particulate and dust monitoring will need to be discussed and agreed with Council as part of the Construction Environmental Management Plan; this would be an obligation included on any planning permission.

Screening of construction vehicle impacts using IAQM Land Use and Development should be used to determine if a quantitative detailed modelling study should be undertaken.

If no dispersion modelling of road sources is to be included to consider where the development could have a significant effect on traffic flows, the ES should include any relevant correspondence on this matter (from the Council's Environmental Protection Team) and an air quality neutral assessment provided. The transport consultant's assessment of traffic flows from the development should be reviewed to screen out the requirement for dispersion modelling of operational development road emission contributions.

Air quality concentrations need to be predicted at the proposed development to establish if any mitigation is required for the proposed property use. It is recommended that dispersion modelling is undertaken at areas of ambient air intake such as windows or air intakes for mechanical ventilation.

Hourly mean nitrogen dioxide concentrations should be assessed at any potentially relevant exposure location where annual mean levels are forecast to be above 60 $\mu\text{g}/\text{m}^3$

The detailed dispersion modelling should consider the maximum contribution of NO_x/NO_2 in the local area by modelling across a grid centred on the Site.

Townscape, Visual and Heritage

Scoping in this topic is appropriate. The Scoping Report notes that viewpoints will be agreed with the LBS, but to make best use of the process, consultation should also be used to agree the details of the methodology and other proposals to include within the cumulative assessment.

Cross reference should also be made to specialist sections in the ES considering artificial lighting, as well as to shading that may result from the new development.

The Scoping Report lists at Section 2.2 'The Surrounding Area', and Potentially sensitive Receptors in Table 2. The assessment should include an assessment of the visual effects upon people in buildings, streets and spaces which surround the site, as well as visual receptors in the wider area. These should include local residents and those travelling on the Thames Path National Trail and River Thames.

Given the height of the proposed new office tower building (138m), it is likely to become a feature in longer distance views across the city, and could alter views to other landmarks and tall buildings in London. Reference to viewing corridors including Primrose Hill to St Pauls Cathedral and Kenwood to St Pauls Cathedral is made in Table 2. All LVMF views and "*locally significant*" views identified in relevant planning policy and guidance documents or Conservation Area appraisal should be considered.

The Applicant refers to the study area as being that from which the new buildings will be seen. No indication of the extent of this is provided. A Zone of Theoretical Visibility map will be a useful reference tool to include in the assessment.

The proposed Heritage Statement should consider the direct effects (physical and setting change) to the non-designated heritage asset on the site (i.e. the façade of Keats House). The Heritage Statement should be included as a technical appendix to the ES and cross-referenced where appropriate.

The heritage assessment must present a full consideration of significant effects on the designated and non-designated assets on site, as well as any heritage assets in the wider area. Any mitigation for effects identified by the Heritage Statement and the noise and vibration assessment (see below) should also be included in the heritage assessment.

Any findings from the noise and vibration assessment in relation to effects on Listed Buildings/ structures should be cross-referenced and summarised in the heritage assessment, and expressed with reference to the significant of the asset affected, rather than human receptors. If any effects are significant then they must be included within the ES chapter. If they are not, then this should clearly be stated and a cross-reference included to the heritage statement where they are detailed (which should be included as an appendix).

Scheduled Monuments, Registered Parks and Gardens and non-designated heritage assets are not listed in the types of heritage assets to be considered in the assessment; however, these should be included. If there are none within the study area, this should be confirmed in the ES for clarity.

The Applicant is requested to include a plan of the ZTV overlaid with a plan of all the heritage assets within that area, including those that are scoped out of the assessment.
The sources consulted in the collation of the baseline data should be clearly stated in the assessment.
It is recommended that relevant up to date guidance is considered in preparing the assessment, including HE Advice Note 4: Tall Buildings (2015), and the most up to date version of HE's GPA3.
Evidence of consultation with HE and the local planning authority should be included in the ES.
There is no mention of heritage significance in the scope of the proposed heritage assessment. It is the effect on a heritage asset's significance that forms the primary focus of any heritage assessment and this should be taken into account in the assessment. The assessment must also articulate the way in which an asset's setting contributes (or otherwise) to its heritage values and its overall heritage significance. It is recommended that this information is broken down into appropriate sub-headings, and supported by a range of clearly referenced images.
The assessment of effects should be clearly set out in relation to each asset, explaining in detail how the heritage significance of the asset is going to be affected, and whether any mitigation or control measures are advised. The tabulation of this information, or its division by sub-headings, is advised.
Whilst it is accepted that there is no single approach to assessment, where assets are listed or scheduled it is because they are recognised as being of specific levels of importance (national importance for all Scheduled Monuments; special architectural or historic interest for Listed Buildings) and therefore ought to be considered of high or, where appropriate, very high value. The Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, affords equal status and protection to all grades of designated assets; indeed, grading is advisory and carries no statutory weight. Neither the NPPF nor the PPG make a distinction in the value of designated heritage assets based upon their grading or state of preservation, save for when the NPPF draws a distinction between Grade I/II* and II listed buildings in relation to weighing harm to heritage assets – not assessing effects to heritage significance. Although not stated, and possibly coincidental, the value criteria suggested by the Applicant in later correspondence accords with that used in the Design Manual for Roads and Bridges (DMRB) (2007), the use of which is not appropriate given the type of development proposed. The application of these criteria is also questionable as the DMRB guidance is now very old and predates the introduction of the NPPF and key Historic England guidance on assessing heritage value and setting.
Archaeology
Scoping in this topic is appropriate. In light of the previous impacts on the site, a colour-coded plan indicating the archaeological potential of the different areas would be useful to the assessment (although it is acknowledged that this will only be provisional and that "ground-truthing" via field work will be required).
Should any site/geotechnical investigations (SI) take place prior to submission, then archaeological monitoring would be beneficial to inform the assessment.
The ES should include a statement of cumulative effects. This is particularly important in terms of understanding the potential for cumulative change/loss to the Archaeological Priority Area.
It is stated that the ES chapter will be based on the findings of a desk-based assessment (DBA). The Applicant should ensure that the DBA is included within the ES as a technical appendix and that where necessary, clear cross-referencing is included.
A summary of the outcome of consultation with the local archaeological officer should be provided in the ES chapter.
Wind
Scoping in this topic is appropriate. The Applicant should ensure that the radius of the CFD model is sufficient to accurately represent the proposed development (such as a 300m radius).

The Applicant has stated that they will use long term meteorological data for the site, this should be collated from nearby airports and include over 20 years' worth of data.
The Applicant has not stated in the Scoping Report how construction will be addressed in the ES, it is recommended that an experienced wind engineer performs an assessment using the CFD results or that the works be included in the CFD assessment. The approach suggested in later correspondence is acceptable, i.e. that Wirth will use the results from the baseline CFD assessment to qualitatively comment on the effects during demolition and use the CFD modelling of the completed Development, to qualitatively comment on the effects during construction, when it is nearing completion.
It is recommended that the Applicant work to the standard Lawson Comfort Criteria for pedestrian comfort and safety and rates the impact on a scale from minor to major beneficial/adverse.
Daylight, Sunlight, Overshadowing and Solar Glare
Scoping in this topic is appropriate. Student residential accommodation should be assessed for daylight and sunlight and any classrooms or teaching spaces in the London School of Commerce should be assessed for daylight. <i>(Outside the EIA process, discussions should be held with the local planning authority about how to quantify the impacts on a sample of surrounding commercial properties to inform the assessment of the impacts on amenity).</i>
<p>The following scale of effect should be used to categorise magnitudes of change in daylight and sunlight levels where retained levels will be below BRE standard target values and summary tables should be provided stating the number of receptors in each category:</p> <ul style="list-style-type: none"> • Change of 0% to 20% = negligible change • Change of 21% to 30% = minor change • Change of 31% to 40% = moderate change • Change of more than 40% = major change
When assessing the significance of the potential daylight, sunlight and overshadowing effects, regard should be had to the range of factors recommended in Appendix I of the BRE guide. It is not clear what is meant by the Applicant proposing where necessary to "deviate from this standard due to site specific conditions"; if the Applicant means it may seek to apply alternative target values, then in principle this is fine, provided that any such alternative target values are derived in accordance with Appendix F of the BRE Guide (e.g. from building-to-building angles that are typical of the area in question) rather than simply being arbitrary lower target values that the consultant deems appropriate for all urban areas generally. The level of adherence to the BRE standard numerical guidelines should still be stated in the ES, but the level of adherence to the alternative target values could be included as supplementary and justificatory information.
Cumulative Effects
As part of the scoping process, the Applicant should agree the list of cumulative developments for inclusion in the ES with the LBS, acknowledging that the schemes included may vary depending on the topic assessed. An amended list was provided to DP9 on 7/9/18 and should be kept under review prior to the submission of the application.
Environmental Topics Scoped Out of the EIA
<p><i>Water Resources and Flood Risk</i></p> <p>Based on the potential flood risk to the site and impact to existing surface water drainage and foul sewer network capacity, it is considered that a Water Resources and Flood Risk chapter <u>should be scoped into the ES</u>. Issues surrounding additional pressures to sewerage infrastructure and potable water resources as well as residual flood risk and flood risk from other sources should be scoped in for further assessment with appropriate mitigation measures defined in the ES to mitigate against likely significant effects. The Environment Agency's consultation response was sent to DP9 on 6/9/2018, which included a comment that flood risk should be scoped into the EIA. Further comments from the Council's Flooding and Drainage refer to the need for the</p>

FRA to cover all sources of flooding, and if there are records of historical flood events nearby (see maps in Appendix A of the SFRA link at end of page), it should also include the EA's latest Product 4. Flood resistance and resilience measures should be considered, and proportionate and risk based measures are constructed, these can be included in a section of the FRA, or in a separate report.

A detailed Surface Water Management Plan should be prepared in line with SuDS principles, and the non-statutory technical standards aiming for greenfield runoff rates for the return periods stated, and manage surface water on site for the 100 year storm with 40% allocation for climate change. Southwark also require a 10% freeboard on top of the design head within any attenuation tanks as a factor of safety. Further guidance can be found in appendix to the SFRA.

The assessment should consider the risk of groundwater flooding to the basement levels, especially considering that the main tower development requires a double basement. A Basement Impact Assessment is to be provided as part of the future application, and the applicant will consult with Thames Water. Guidance is included within the Southwark SFRA (see links at the end of this scoping opinion).

The Applicant should consult Thames Water in relation to both their foul sewer and storm water drainage capacity and whether this will be sufficient to accommodate the discharges from the development. This is to be included in a Foul Sewerage and Utilities Report with the future planning application, and if required sewer upgrades would likely be secured on any planning permission.

Ground Conditions and Contamination

The recommendations of the submitted PERA are more detailed and comprehensive than the mitigation measures outlined in the Scoping report, and if the former are adhered to, this would be acceptable to scope out this topic, with two provisos:

1. The PERA says that there is the possibility of UXO on the site, but there is no mitigation outlined in the PERA or the Scoping report to address this. The measures to be taken to address UXO risk – further information on these should be explained as well as included for in the CEMP.
2. The PERA makes much of the fact that the existing basement will have removed possibly contaminated materials from the site. However, it appears that the current basement doesn't extend to the southeastern corner of the site, which is an historic grave pit. If that is the case, the applicant should detail any special measures need to be taken to protect workers or the public due to disturbance of this area.

Measures to deal with the excavation of Made Ground, UXO, storage/re-use/disposal of waste soils, dewatering effluent, and ground gas risks must be included for in a CEMP that will be subject to a planning condition if permission is granted and agreed in advance of any works being undertaken on the site.

Ecology

It is agreed that it is appropriate to scope out ecology from the EIA, however it is recommended that the measures identified in the PEA should be considered by the Applicant when developing the proposals for the site, including:

- incorporation of landscaping to benefit ecology, to include native species or species of benefit to wildlife, and the consideration of living roofs;
- incorporation of bird and bat boxes to the proposals;
- consideration of the legal protection afforded to nesting birds during demolition and vegetation removal;
- updating of the PEA in light of development proposals and submission to support the planning application.

Waste

The generation of waste, its processing, transport, and the capacity of available disposal sites should be considered in the relevant assessments as appropriate.

Whilst the scoping out of this chapter is considered acceptable, chapter 6 of the ES should include information on the estimated total arisings of demolition and construction waste, the proportion of waste to be reused and whether this re-used waste will require processing. The sources and disposal methods and locations of

materials and waste should be identified, as should approaches that will be implemented to maximise resource efficiency.

The ES should also include a commitment to the preparation of a Site Waste Management Plan.

Climate change and greenhouse gas assessment

It is stated that the assessment of Climate Change and Greenhouse Gas will be undertaken through consideration within the appropriate ES chapters and technical reports accompanying the ES, rather than providing a separate Climate Change chapter. In particular, the assessment of Nitrogen Dioxide emissions arising from both the construction and operational phases will be considered within the Air Quality Chapter for the ES. It is noted that the assessment of carbon emissions will be undertaken through the comparison of the Development's carbon emissions with relevant London Plan and draft New London Plan thresholds to enable the design team to reduce associated environmental impacts by design. This will rely on the collation of information provided from various sources including from the Energy Strategy, materials proposed, vehicle movements, information within the Sustainability Statement, BREEAM Pre-assessments. This approach is considered to be appropriate.

Telecommunications

While scoping out this topic is appropriate, it is recommended that the Applicant commits to investigating and taking appropriate action if required should any complaints or issues associated with telecommunications arise which can be directly attributed to the Development. The applicant is encouraged to engage with Arqiva and mobile network operators prior to the submission of the application to understand any impacts on mobile coverage and capacity (particularly with the proximity of London Bridge station), to ensure no unsightly add on antennas are needed at a later stage.

Aviation

While scoping out this topic is appropriate, the ES should include details of consultation with LCA to confirm that no adverse effects on aviation are anticipated. The applicant should consider whether early engagement with the CAA and NATS should also be carried out prior to the planning application being submitted.

Conclusion

Overall, the submitted Scoping Report by Waterman meets the statutory requirements for scoping set out in the EIA Regulations, and includes sufficient detail on the approach to the identification of the baseline environment, receptors and study area.

The topics set out in the Scoping Report to be scoped in and scoped out are agreed, with the exception of "water resources and flood risk" which should be scoped into the EIA and included in the ES.

There are, however, a number of recommendations made in this review in relation to guidance, methodology and content of the ES which should be addressed during the EIA and included in the ES. The ES should include a record of all consultation undertaken and the decisions made during its preparation.

Informative

Additional information for the basement impact assessment, flood risk assessment and sustainable drainage can be found at these links:

Link to the latest Strategic Flood Risk Assessment:

<https://www.southwark.gov.uk/environment/flood-risk-management/strategic-flood-risk-assessment-sfra?chapter=2>

Non statutory technical standards:

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

Yours sincerely

Sion Bevan
Director of Planning

