

Mr Stanley Lau
Waltham Forest Borough Council
Planning & Transportation Service

Our ref: NE/2011/112644/02-L01
Your ref: 2011/0898

Stanley.Lau@walthamforest.gov.uk

Date: 25 April 2012

Dear Mr Lau

Re-consultation for 'demolition of curtilage listed buildings, south-west spectator stand and part of popular entrance, conversion, alterations and extensions to the main tote building for leisure use and conversion and alteration to eastern tote and kennels for community allotment use. New build residential accommodation in buildings between 2 and 8 storeys in height, comprising 294 dwellings (50 houses and 244 flats, including 1, 2, 3, & 4 bedroom units and a mix of private and affordable housing). New buildings for use as a children's nursery, cafe and creche, open space provision (public, private and communal), car, motorcycle and bicycle parking and vehicular access through existing Chingford Road entrance. Associated alterations and landscaping including alterations to public right of way and de-culverting of the River Ching.'

Walthamstow Stadium, 300 Chingford Road, Chingford, London E4 8SL

Thank you for your re-consultation regarding the above application for planning permission. We refer to the further information submitted to your Authority on 24 April 2012, and in particular the revised Flood Risk Assessment (FRA) prepared by MLM Consulting (Ref: TRC/613620/R6 Revision 6, dated April 2012). Please note that as a result of the latest amendments to the proposed development, the site description should no longer include 'de-culverting of the River Ching'.

The revised FRA is a result of extensive discussion between ourselves, London & Quadrant, and MLM Consulting following our objection to the proposed development (Our ref: NE/2011/112644/01-L01, dated 22 August 2011). This discussion centred on the changes in flood risk, both on and off site, associated with the deculverting and naturalisation of the Ching Brook as it passes the site. Despite considering a range of options, the applicant could not produce a design for deculverting the Ching Brook which did not increase the risk of flooding to surrounding properties.

We met with London & Quadrant and MLM Consulting on 19 March 2012 to discuss our concerns regarding flood risk. In order to avoid increasing the risk of flooding to surrounding properties, it was agreed that the Ching Brook should remain in culvert as it passes the site. The revised FRA reflects this agreement, and shows that part of the culverted Ching Brook will be realigned to follow the southern boundary of the site.

However, the foregone opportunity to enhance the environment through deculverting the Ching Brook raised additional concerns regarding river ecology and, in particular, the compliance of the development with the Water Framework Directive (WFD) and the Thames River Basin Management Plan (RBMP). To address this, London & Quadrant

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have committed to make a financial contribution towards the Thames21 scheme to protect and enhance the environment through the Lower Lee Valley Diffuse Urban Pollution project (as per the email from Fred Keegan dated 13 April 2012, which was forwarded to you on 19 April 2012).

Overall, we consider that the proposed contribution towards the Lower Lee Valley Diffuse Urban Pollution project will ensure that the proposed development will not preclude the achievement of ecological objectives specified under the Thames RBMP, and will therefore comply with the WFD.

With regard to our previous objection regarding the absence of a sequential test as required by Paragraph 100 of the National Planning Policy Framework (NPPF)¹, we note that Appendix E of the revised FRA includes a Sequential and Exception Test prepared by Boyer Planning Ltd (Ref: 11.613, dated May 2011). You advised us by email on 24 April 2012 that your Authority accepted the conclusions of the submitted sequential test. We are therefore able to withdraw our objection on these grounds.

In light of the above, we consider that the proposed development will only meet the requirements of the NPPF if the following planning conditions are imposed and a contribution towards the Lower Lee Valley Diffuse Urban Pollution project are secured via a section 106 agreement. Without these conditions and section 106 agreement, our position would be to object to the proposed development on the grounds of the adverse impact on the environment.

Planning Conditions

Condition EA1:

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by MLM Consulting (Ref: TRC/613620/R6 Revision 6, dated April 2012) and the following mitigation measures detailed therein:

- Finished floor levels to be set as high as is reasonably practical above, and no lower than, the 1 in 100 chance in any year flood level, taking the effects of climate change into account.
- Provision of appropriate volume for volume floodplain compensation, for all flood events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account.
- Reducing surface water runoff rates to approximately 80-85% of the existing rates for all storm events up to and including the 1 in 100 chance in any year storm event, taking the effects of climate into account.
- Provision of storage on site to attenuate all storm events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account.
- Provision and maximisation of Sustainable Drainage Systems (SUDS) including permeable paving and brown roofs.
- Identification and provision of safe routes into and out of the site to an appropriate safe haven, during all flood events up to and including the 1 in 100 chance in any year event, taking the effects of climate into account.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

¹ Previously required by Planning Policy Statement 25: Development & Flood Risk (PPS25)

Reason:

To minimise flooding by ensuring the satisfactory storage and disposal of surface water from the site; to prevent increased flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site; and to reduce the risk of flooding to the development and future occupants in line with the Technical Guidance to the NPPF.

Condition EA2:

No development shall take place 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 drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 chance in any year storm event, taking the effects of climate change into account, will be reduced by approximately 80-85% when compared to the existing rates. The scheme shall also provide for the maximisation of Sustainable Drainage Systems (SUDS) such as brown roofs and permeable paving on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To minimise the risk of flooding off-site by ensuring the satisfactory storage and disposal of surface water runoff from the site in line with Policy 5.13 of the London Plan.

Condition EA3:

No development shall take place until a remediation strategy that includes the following components 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 assessment² 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 results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To prevent pollution of groundwater and the Ching Brook, and to prevent deterioration and promote recovery of these water bodies in line with the Thames RBMP.

Condition EA4:

No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the

² Note: information submitted to date satisfies the requirements of Condition EA3(1)

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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To prevent pollution of groundwater and the Ching Brook by ensuring that any works set out in the approved remediation strategy are carried out effectively.

Condition EA5:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To prevent pollution of groundwater and the Ching Brook by ensuring that any unidentified contamination encountered during construction is dealt with appropriately.

Condition EA6:

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. The development shall be carried out in accordance with the approval details.

Reason:

To prevent pollution of groundwater and the Ching Brook by ensuring that any infiltration of surface water drainage does not mobilise contaminants.

Condition EA7:

Piling or any other foundation designs or ground source heating and cooling systems 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:

To prevent pollution of groundwater and the Ching Brook by ensuring that deep piling or other penetrative works do not introduce a new pathway for pollutants.

Condition EA8:

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

Reason:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with Paragraphs 109 and 118 of the NPPF.

Planning Informative

Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage byelaws, a Flood Defence Consent from the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the Ching Brook. This is irrespective of any planning permission that may be granted and additional details are likely to be required in order to obtain consent. Please contact Nick Beyer on 01707 632638 or nick.beyer@environment-agency.gov.uk.

Section 106 Agreement

As outlined earlier in this letter, the foregone opportunity to enhance the environment through deculverting the Ching Brook raised additional concerns regarding river ecology and the compliance of the development with the WFD and the Thames RBMP. Annex B of the RBMP sets an objective for the Ching Brook (Waterbody ID: GB106038027930) to achieve an overall ‘good’ status by 2027. Given that the current status of the Brook is ‘poor’ - primarily due to the urbanisation of the catchment - the deculverting and naturalisation of the Brook on this site would have made a significant contribution to achieving this objective.

In light of the above, the foregone opportunity naturalise the Ching Brook meant that without significant on-site mitigation, or a contribution towards an off-site scheme, the proposed development would be contrary to the WFD and Thames RBMP. Given the restricted opportunities for further environmental improvements on the site itself, we advised London & Quadrant that they would need to consider an off-site ecological compensation scheme (or contribution to a suitable existing scheme).

This approach is also supported by Paragraph 118 of the NPPF, which states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for”.

We identified a number of suitable schemes proposed by Thames21 as part of the Lower Lee Valley Diffuse Urban Pollution project, which was the subject of a recent funding bid to our Catchment Restoration Fund. Within the funding bid, there were four sites within the Ching Brook catchment which could be considered to have a direct functional (in ecological terms) and geographic link with the development site. In addition, we understand that Thames21 are considering two additional sites which were not part of the original funding bid. The sites (and approximate grid references) are:

- Highams Park (NGR: TQ3788891410)

- Hale End (NGR: TQ3898991658)
- Highams Park Lake (NGR: TQ3928492123)
- Walthamstow Town Hall Sports Ground (NGR: TQ3775090082)
- Salisbury Hall Blades Playing Fields (NGR: TQ3730991556)
- Wadham Lodge Sports Ground - South (NGR: TQ3793090704)

After discussing the projects with Thames21 and ourselves, London & Quadrant have committed to a contribution of £73,644 as set out in an email from Fred Keegan on 13 April 2012 (which was forwarded to you on 19 April 2012). This contribution would be expected to fund all project objectives in their entirety for at least two of the above sites, and would be spent within a period of five years from the signing of the section 106 agreement. The sites would be ranked in order of preference (criteria yet to be determined) with any surplus cascading to the next nearest site.

We therefore recommend that London & Quadrant's commitment to contribute to the Lower Lee Valley Diffuse Urban Pollution project is secured via a section 106 agreement, or other form of binding obligation associated with the planning permission. Without this contribution, the proposed development would be contrary to the WFD and Thames RBMP, and we would wish to object to the application.

Advice to the Applicant

Information requirements for Condition EA2:

In order to confirm that the surface water drainage scheme required by Condition EA2 meets our requirements, the following information should be provided with any application to discharge this condition:

- 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 on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
- d) 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.
- e) 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.

Ground Source Heating and Cooling Systems

The application documents indicate the possibility of using Ground Source Heating and Cooling Systems (GSHC) as part of the development. We encourage GSHC systems that are well-managed and designed to present a low risk to the environment and other users of water. We advise the applicant to refer to our website³ for information on the difference between closed and open loop systems, and also the legal requirements if a licence to abstract water or environmental permit is needed.

³ <http://www.environment-agency.gov.uk/business/topics/128133.aspx>

Active Groundwater Abstraction Point

According to our records, there is an active abstraction point within the site. The licence to abstract water is held by The Walthamstow Stadium Limited (Ref. 29/38/09/0117).

We would be grateful if the applicant could contact us on 03708 506 506 to clarify whether they intend to keep this licence or to revoke it, and to discuss the different options available to them.

Further Consultation

We trust these comments are helpful as you consider the application. If any of the recommended conditions are unclear, we would be happy to consider alternative wording or amendments. If you consider any of these conditions to be unnecessary, please contact us to allow further representations.

We ask to be consulted regarding the wording of the section 106 agreement to secure the contribution towards Lower Lee Valley Diffuse Urban Pollution project. Should planning permission be granted, we also ask to be consulted on the details of our recommended conditions when they are submitted for your approval.

If you have any further queries, please contact me quoting our reference number.

Yours sincerely

Mr Simon Banks
Major Projects Officer

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cc London & Quadrant Housing Trust