

Shanali Counsel
London Borough of Wandsworth
Sent by email.

Our ref: SL/2024/123401/01-L01
Your ref: 2024/1322

Date: 17 June 2024

Dear Shanali,

Comprehensive redevelopment of the site to include demolition of existing building and erection of a part 9 storey, part 33 storey building (plus ground floor and basement levels) comprising residential use (class C3), office use (class E), community use (class F2), and a restaurant (class E), with associated car parking, cycle parking, public realm, landscaping and other associated works.

The Glassmill, 1 Battersea Bridge Road, SW11 3BZ.

Thank you for consulting us on the above application on 30 May 2024.

We note that we were consulted on the Environmental Impact Assessment (EIA) Scoping Opinion for this application (our letter ref: SL/2024/123119/01-L01 dated 22 January 2024) and raised concerns that flood risk had been scoped out of the Environmental Statement, in particular when concerning the proximity of the proposed development to the Thames tidal flood defences, as covered by Policy LP 12 of the Wandsworth Local Plan (2023).

As part of this consultation we have reviewed the submitted plans and reports, including (but not limited to):

- Flood Risk Assessment, ref: P21383_R3, dated March 2024

Environment Agency Position

We **object** to the proposed development, as submitted, and recommend planning permission is refused.

Our response is structured as followed:

- **Section 1** – Our objections, reasoning, and how these can be addressed
- **Section 2**- Advice to LPA and applicant
- **Section 3**- Informative

Note to LPA

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

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Should you have any queries regarding this response, please contact me.

Yours sincerely,

George Goodby
Sustainable Places Planning Specialist

E-mail kslplanning@environment-agency.gov.uk

Section 1– Our objections, reasoning, and how these can be addressed

Objection 1: Inadequate Flood Risk Assessment

The submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Provide appropriate offset to the adjacent Thames tidal flood defences, including buried elements
- Demonstrate that the flood defence has a lifetime commensurate with that of the development
- Demonstrate how the flood defences adjacent to the site will be raised in line with the requirements of the [Thames Estuary 2100](#)^v (TE2100) plan

Offset to Thames tidal defences

We note that the submitted FRA states that the existing built footprint on site is 6m from the Thames tidal defences, and that, given the current building footprint will be retained, the proposal seeks to use the same offset. It is not clear whether this 6m figure accounts for any buried elements forming part of the defence or of the proposed basement levels.

We generally seek 16m offset between new development and tidal defences to provide space for maintenance & inspection activities, unobstructed emergency access in the event of damage to the defence and to not restrict any future raising of the defences.

Policy LP12 of the Wandsworth Local Plan states that:

“All development proposals should be set back 16 metres from the landward side of any tidal Thames flood defences, unless exceptional circumstances are demonstrated for not doing so, which has to be justified by evidence submitted at planning application stage and agreed by the Environment Agency”

It is not clear from the submitted information what exceptional circumstances mean that it is not possible to set the proposal back any further from the defence than the existing footprint.

Lifetime of flood defences

The submitted FRA does not provide evidence that the Thames tidal defence has a lifetime commensurate with that of the development. The lifetime of the development is assumed to be 100 years in line with Paragraph 6 of the “Flood Risk and Coastal Change” section of the [Planning Practice Guidance](#) (PPG), given the proposal will contain residential elements.

The existing flood defence, including any buried elements, should be surveyed (using intrusive and non-intrusive methods) to determine the asset condition and

inform a structural assessment of the defence, including stability analysis. The structural assessment would need to determine if the existing structure, including buried elements, has a residual life commensurate with the lifetime of the development. This is in line with Policy LP 12, part (j) of the Wandsworth Local Plan (2023).

Whilst section 5.2. of the FRA states that a structure survey of the existing integrity of the flood defence prior to construction work commencing can be provided, this information should be provided as part of the planning application submission, prior to permission being granted. If the results of the survey indicate the defence has a lifespan of less than the proposed development, significant repairs up to and including the full replacement of the wall may be required. This would materially impact the submitted planning application and therefore it would not be appropriate to secure these surveys as part of a pre-commencement planning condition, because the condition would be secured against plans that may not be achievable.

Should the outcome of the tidal defence survey demonstrate that works to the wall are necessary, we would expect ecological improvements to the wall to be made in line with Estuary Edges Design Principles [Design Principles - Estuary Edges - The Thames Estuary Partnership](#).

Assessment of the structural integrity of the Thames tidal defences is also required to inform any raising strategy as required by the TE2100 plan. Surveys undertaken should determine whether the existing structure can support the increased loading from raising the flood defence to the TE2100 2090 level (see below).

Raising strategy for Thames tidal defences in line with TE2100 plan

The applicant should provide a raising strategy to detail how the flood defence will be raised in line with the TE2100 plan. It should be noted that the raising epochs are incorrect in the FRA and should be 5.9 m AOD for 2050 and 6.3m AOD for the 2090 epoch.

We welcome the early raising of defences, however, if defences are being raised at a future date a detailed strategy can be provided to detail how this will be achieved.

This is in line with Policy LP 12, part (j) of the Wandsworth Local Plan (2023), which states:

“Applicants will be required to demonstrate, where relevant, that their proposal complies with the following.. 4. Has taken into account the requirements of the Environment Agency’s Thames Estuary 2100 Plan, and demonstrates how current and future requirements for flood defences have been incorporated into the development, including the need to raise flood defences to the required levels whilst enhancing the riverside environment in accordance with the Thames Estuary 2100 Plan.”

Overcoming our objection

The applicant should submit a revised Flood Risk Assessment addressing the above points.

Objection 2: Impact on intertidal foreshore and Thames frontage habitats and missed opportunity for enhancement

Reasons

The elevation of the proposed building is considerably higher than the existing building, whilst the offset from the Thames tidal defences is currently proposed to be kept the same (6 metres). Shading of the Thames frontage and intertidal foreshore is therefore likely to be considerably increased.

Given no set back or enhancement of the river wall has been offered, the proposal likely presents an overall net loss for biodiversity and habitat quality of the Thames.

The intertidal mudflats at this location are a protected habitat under the Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance.

The proposal is therefore contrary to Policy LP55 of the Wandsworth Local Plan, which states that development proposals will be required to protect and enhance biodiversity, through:

“Ensuring that it would not have an adverse effect on the borough's designated sites of habitat and species of importance, as well as other existing species, wildlife, habitats and features of biodiversity value”

There is a missed opportunity to enhance this habitat through current development, whilst also (due to shading) potentially preventing successful future attempts at enhancement. This is supported by Policy LP53 of the Wandsworth Local Plan, which states that:

“New development on or affecting public and private green and blue infrastructure or open space will only be permitted where it does not harm the character, appearance or function of the green and blue infrastructure or open space. In assessing proposals, any impacts of the cumulative effect of development will be taken into account”.

We would therefore advise that the Thames frontage should be considered in terms of provision of enhancement and mitigation for increased shading as well as consideration given to an ecological buffer between the built environment and the river.

Overcoming our objection

The proposal's impacts on the Thames tidal frontage and intertidal mudflats through overshading should be assessed.

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Based on the outcome of the above assessment, the applicant should alter the scheme to provide increased setback, and ecological mitigation and enhancement to the Thames frontage and intertidal foreshore.

Section 2: Advice to the LPA and Applicant

Advice to LPA

The statutory process that must be followed if an LPA is minded to approved major development contrary to an EA flood risk objection

If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2021.

This statutory instrument prevents you from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

Biodiversity net gain

We note that biodiversity net gain provisions are heavily weighted toward the green roof which studies have shown can have limited benefit to biodiversity (especially at heights above 5 storeys) in comparison to ground level habitat provision. Whilst biodiversity gain has been achieved with trees to the rear of the site, this fails to provide an improvement for the river corridor and habitat connectivity. We would suggest that enhancements under biodiversity net gain take the river corridor and ground level habitat into account as well as provision of green roofing.

Please note that The Environment Act and Planning Practice Guidance make it clear that it is the Local Planning Authority's role to decide if the BNG requirement for development in scope has been met.

Groundwater and contaminated land

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We are satisfied that these risks can be controlled by planning conditions attached to any permission granted, should the applicant overcome our other objections (see section 1).

We are likely to recommend groundwater and contaminated land related conditions regarding:

- A site investigation, remediation strategy and verification plan
- Verification report
- Unsuspected contamination
- Piling

Advice to Applicant

Planning advice service

Should you wish us to review any technical documents or want further advice to address the environmental issues raised, we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options to overcome our objection with us, before formally submitting further information as part of your planning application. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk.

Section 3: Informative

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.