

Graeme Felstead  
London Borough of Wandsworth  
Sent by email.

Our ref: SL/2024/123401/03-L01  
Your ref: 2024/1322

Date: 13 February 2025

Dear Graeme,

**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 re-consulting us on the above application on 24 January 2025.

Since our previous response dated 15 November 2024 (our ref: SL/2024/123401/02-L01), we note that an updated flood risk assessment, and response letter to our previous comments have been submitted:

- Aqua Terra Consulting Response Letter to EA Objection, 2024/1322, dated 28 November 2024
- Yellow Sub Geo (now Aqua Terra Consulting) One Battersea Bridge: FRA P21383\_R3, Rev. 1, dated December 2024

### **Environment Agency position**

Following our review of the above newly submitted documents, we **maintain our objection as previously outlined**, and recommend planning permission is refused.

A copy of our previous response to this application is included in the Appendix of this letter. Both Objection 1 and 2 still stand, based on the newly submitted information.

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

### **Reasons**

The changes made to the submitted Flood Risk Assessment (ref: P21383\_R3, Rev. 1) are minimal and do not alter our previous objection on flood risk grounds (**Objection 1**).

The Aqua Terra response largely reiterates the flood risk assessment. We note that this letter states that a second piled retaining wall to a level of 7m AOD will be

provided to ensure the safety of the occupants of the building to the TE2100 level. No drawings or further details of this wall have been submitted.

The use of a second piled retaining wall in this manner is unlikely to be acceptable as it decreases the offset provided to the statutory tidal flood defence wall, which would be riverward of the secondary piled retaining wall. This will restrict access for any future maintenance or upgrades that are required for the tidal defence wall.

Whilst the applicant may not own the river frontage nor is it included in the red line boundary, the development is directly adjacent to the Thames Tidel Defences and the applicant needs to demonstrate that the development will be protected for its lifetime (100 years) from flood risk, as per the requirements of the Wandsworth Local Plan and National Planning Policy Framework (NPPF). Please see the “**Lifetime of flood defences**” section of our previous response for further detail.

No information has been submitted as part of this consultation with respect to our outstanding **Objection 2**.

**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.

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](mailto:kslplanning@environment-agency.gov.uk)

**Appendix: EA response to LB Wandsworth dated 15 November 2024**

Graeme Felstead  
London Borough of Wandsworth  
Sent by email.

**Our ref:** SL/2024/123401/02-L01  
**Your ref:** 2024/1322  
**Date:** 15 November 2024

Dear Graeme,

**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 re-consulting us on the above application which we received on 31 October 2024. We have reviewed the revised plans and reports submitted, including:

- Revised Cover Letter, DP9, dated 17 October 2024
- Daylight, Sunlight & Overshadowing Impact on Neighbours Report- Revision 2, GIA, dated 15 October 2024
- Biodiversity net gain plan- Revision 2, Temple, dated 22 October 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.

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](mailto:kslplanning@environment-agency.gov.uk)

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

### **Objection 1: Inadequate Flood Risk Assessment**

Following our previous response to this application, the applicant has not submitted an updated Flood Risk Assessment (FRA), as confirmed in the revised cover letter. No obvious changes to the building footprint have been made, and the proposed general arrangement with the flood defence has remained the same.

Our previous objection comments in our letter dated 17 June 2024 (our ref: SL/2024/123401/01-L01) are therefore still applicable and copied below for reference.

The submitted 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](#) (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, and should therefore be protected from any impacts that may degrade the habitat post development.

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.

#### **Planning policy**

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”*

In addition, we understand that the proposal falls within the area covered by Policy PM9- Wandsworth's Riverside, which states:

*“7. Development proposals will need to take account of the ecological value of the River Thames and opportunities will be sought by the Council, either as the local planning authority when determining relevant planning applications or through its own corporate activity, to enhance and improve the ecological value where appropriate.”*

### **Overcoming our objection**

The proposal's impacts on the Thames tidal frontage and intertidal mudflats through overshading should be assessed, through an update to the submitted Daylight and Sunlight report. Whilst the purpose of this document and modelling is aimed solely at shading of residencies and public spaces, the same modelling can be utilised for this purpose.

Based on the outcome of the above assessment, the applicant should alter the scheme to provide increased setback (see objection 1), and ecological mitigation and enhancement to the Thames frontage and intertidal foreshore.

Please see the “advice to LPA and applicant” section of this letter for our suggested suitable ecological mitigation measures and enhancements.

## **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.

#### **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**

#### **Ecological mitigation and enhancements**

The river wall is brick in this location and fairly devoid of vegetation. Given the constrained nature of the site, we would suggest that the installation of timber fenders (also found within [Estuary Edges](#) guidance) may be a suitable mitigation option.

These provide shelter for marine species and a medium for vegetation growth between mean high-water spring and mean high water neap. This may help to mitigate for the above-mentioned impacts of shading (see objection 2).

Any sacrificial timbers proposed may need a licence from the Port of London Authority.

The red line boundary of the site does not extend to the Tidal Thames river wall. If the river wall is included in the red line boundary, any enhancements to intertidal biodiversity could be quantified in the Biodiversity Gain Assessment document.

### **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](mailto: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](mailto: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.