

Nigel Granger

From: Tom Green <tom.green@dp9.co.uk>
Sent: 24 April 2026 17:00
To: Alison Dyson
Cc: Jonathan Marginson; Blanchard, Melanie; Herbert, Rachael
Subject: RE: 6002127 Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

[WARNING: EXTERNAL SENDER]

Dear Alison,

The Appellant accepts the proposed pre-commencement conditions set out with your email dated 13th April 2026.

Regarding Condition 12 (the EA condition), the Appellant does not think that it should be a precommencement condition and notes that the proposed wording from the EA refers to "Prior to the commencement of construction".

The Appellant does not consider Condition 12 as necessary or relevant to the Proposed Development and considers it to be unreasonable for the reasons summarised in paragraphs 2 to 6 of the Appellant's closing submissions. In particular, a number of the requirements of the condition are imprecise and are likely to be difficult to satisfy, including:

- the words 'but not be limited to' and 'any foreseeable'; and
- limbs c) and d) requiring the EA to confirm matters it has been unwilling to confirm to date despite having sufficient information to do so and agreeing that the Flood Risk Activity Permit (**FRAP**) regime will ensure that the construction of the development does not impact upon the structural integrity of the flood defence.

If the Inspector is minded to impose condition 12, the Appellant would request that it at least be revised as follows (additions in red):

Prior to the commencement of construction, a detailed assessment of the adjacent tidal Thames flood defence shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The assessment must include, ~~but not be limited to:~~

- An intrusive survey of the flood defence structure, including any buried elements, to determine its precise location in relation to the development;*
- Assessment of the current residual life of the flood defence structure;*
- ~~*Assessment of and confirmation that the development would not impact the structural integrity of the flood defence structure or its residual life; and*~~
- Feasibility assessment of and confirmation to show that the development would not preclude any foreseeable future maintenance and upgrade works which may be required to the flood defence structure.*

Reason for the condition: To demonstrate that the proposed development does not prevent future maintenance or upgrade works to the flood defence structure and to understand the precise location and of the impact the structural integrity of the flood defence structure nor its function to ensure that there is no increase in flood risk.

Reason for pre-commencement condition: To understand the condition of the flood defence structure prior to development taking place.

Kind regards,

Tom

Tom Green

Assistant Planner

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From: Alison Dyson <ALISON.DYSON@planninginspectorate.gov.uk>

Sent: 14 April 2026 13:21

To: Tom Green <tom.green@dp9.co.uk>

Subject: RE: 6002127 Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Hi Tom

Please see below:

Prior to the commencement of construction, a detailed assessment of the adjacent tidal Thames flood defence shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The assessment must include, but not be limited to:

- a) An intrusive survey of the flood defence structure, including any buried elements, to determine its precise location in relation to the development;
- b) Assessment of the current residual life of the flood defence structure;
- c) Assessment of and confirmation that the development would not impact the structural integrity of the flood defence structure or its residual life; and
- d) Assessment of and confirmation that the development would not preclude any foreseeable future maintenance and upgrade works which may be required to the flood defence structure.

Reason for the condition: To demonstrate that the proposed development does not impact the structural integrity of the flood defence structure nor its function to ensure that there is no increase in flood risk.

Reason for pre-commencement condition: To understand the condition of the flood defence structure prior to development taking place.

Kind Regards

Alison

From: Tom Green <tom.green@dp9.co.uk>

Sent: 14 April 2026 12:21

To: Alison Dyson <ALISON.DYSON@planninginspectorate.gov.uk>

Subject: RE: 6002127 Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Hi Alison,

That makes sense. Please could you send through the final flood defence condition wording as our client would like to review it.

Thanks,

Tom

Tom Green

Assistant Planner

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From: Alison Dyson <ALISON.DYSON@planninginspectorate.gov.uk>

Sent: 14 April 2026 08:32

To: Tom Green <tom.green@dp9.co.uk>

Subject: RE: 6002127 Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Hi Tom

The Inspector has responded as follows:

The condition on flood defence was not worded strictly as a pre-commencement condition as it allowed for demolition to occur. However, the Inspector would be happy to send it through for the appellant to consider under Section 100ZA if the appellant feels strongly that they would wish to.

Kind Regards

Alison

From: Tom Green <tom.green@dp9.co.uk>

Sent: 13 April 2026 15:24

To: Alison Dyson <ALISON.DYSON@planninginspectorate.gov.uk>

Subject: RE: 6002127 Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Hi Alison,

Thanks for sending this through, we have a small query regarding the EA/Thames Flood defence condition which was previously included as a pre-commencement condition, has this been removed?

Thanks,

Tom

Tom Green

Assistant Planner

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From: Alison Dyson <ALISON.DYSON@planninginspectorate.gov.uk>

Sent: 13 April 2026 14:33

To: Tom Green <tom.green@dp9.co.uk>

Cc: DTS Planning Appeals <wandsworthplanningappeals@richmondandwandsworth.gov.uk>; Michael Jubb <mjjubb@gmail.com>; Nigel Granger <nigel.granger@richmondandwandsworth.gov.uk>; Blanchard, Melanie <melanie.blanchard@dentons.com>

Subject: 6002127 Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Tom

Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

I refer to the appeal 6002127. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Inspector is minded to grant planning permission subject to pre-commencement condition(s) she may only do so with the written agreement of the appellant to the terms of the conditions. The Inspector has proposed in this case that any permission granted should include the following pre-commencement conditions:

Phasing Plan

Prior to the commencement of the development, including demolition, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall identify the demolition and construction phasing for the development. The development shall be implemented in strict accordance with the approved Phasing Plan.

Reason for condition: To ensure a satisfactory standard of development and to maintain highway safety and access and the living conditions of neighbouring occupiers during demolition and construction.

Reason for pre-commencement condition: It is necessary for the Local Planning Authority to understand the phasing of the development prior to any demolition or construction taking place.

Use of the River Thames for construction/demolition waste removal and delivery of materials

Prior to the commencement of the development, a feasibility study shall be carried out to assess the potential for moving material by water during the demolition and construction cycles (waste and bulk materials). The use of waterborne transport shall be maximised during the construction of the development unless the above assessment demonstrates that such use of the waterways is not physically or economically feasible. The details shall be approved by the Local Planning Authority in consultation with the Port of London Authority and implemented in strict accordance thereafter.

Reason for condition: To encourage the use of the waterways for transporting waste and bulk materials.

Reason for pre-commencement condition: It is necessary for the Local Planning Authority to understand the scope for transport of materials and waste by water prior to any demolition or construction taking place.

Details of Site Levels

Prior to the commencement of the development, full details of existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason for condition: To ensure the development relates satisfactorily to its surroundings.

Reason for pre-commencement condition: It is necessary for the condition to be discharged prior to the commencement of works to ensure ground levels across the development are compatible with adjoining sites before site clearance.

Deconstruction and Construction Environmental Management Plan (DCEMP)

Prior to the commencement of the development, a Deconstruction and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include details (but not limited to) of the routing of construction vehicles, time of arrival and departure, and any proposed temporary traffic and pedestrian management measures during the course of deconstruction and construction. The deconstruction and construction works shall be carried out in accordance with the approved DCEMP.

Reason for condition: In the interests of traffic, general amenity of the area and neighbour amenity and to manage and prevent further deterioration of existing low quality air across London.

Reason for pre-commencement condition: It is necessary for the condition to be discharged prior to the commencement of any works on site to ensure the whole demolition and construction phase is in accordance with an approved DCEMP.

Dust Management Plan (DMP)

Prior to the commencement of the development, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall be in accordance with the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will detail

the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved DMP.

Reason for condition: In the interests of the general amenity of the area and living conditions of neighbouring occupiers and to manage and prevent further deterioration of existing low quality air across London.

Reason for pre-commencement condition: It is necessary for the condition to be discharged prior to the commencement of any works on site to ensure the whole demolition and construction phase is in accordance with an approved DMP.

Construction Environmental Management Biodiversity Plan (CEMBP)

Prior to the commencement of the development, a Construction and Environmental Biodiversity Management Plan (CEMBP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMBP shall include measures to mitigate the construction effects as part of a coordinative and collaborative approach with surrounding construction sites (local planning authority Refs.2014/3837 and 2025/0799) and shall include specific details for:

- a) measures to be taken to ensure that retained and adjacent habitats, including trees, shrubs and the River Thames and tidal tributaries Sites of Importance for Nature Conservation (SINC), will not be used for storage or impacted negatively by the works (including, but not limited to vehicle movement, lighting, dust, litter, noise etc.);
- b) a construction lighting plan. This construction lighting plan should follow the best practice industry guidance outlined in the Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP) Guidance Note (2023);
- c) measures to prevent mammal, amphibian or reptile entrapment or harm on site, including in excavations and construction and waste materials left on site;
- d) an Invasive Non-Native Species plan setting out the measures to be taken to manage any Invasive Non-Native Species (including species on the London Invasive Species Initiative (LISI) list) discovered onsite during the works, including butterfly-bush (*Buddleia davidii*) in line with best practice for London, including appropriate waste disposal for arising materials and measures to prevent recurrence.

Reason for condition: To ensure construction works and traffic impacts are minimised, to protect amenities of neighbouring occupiers and biodiversity and to mitigate the impacts of development on protected species.

Reason for pre-commencement condition: The details are required prior to the start of the works so that the necessary precautions and mitigation measures can be implemented prior to demolition and construction works commencing.

Contaminated land site investigation and remediation method statement

Prior to the commencement of the development, the following documents and processes shall be carried out and submitted to and approved in writing by the Local Planning Authority:

- a) a preliminary risk assessment;
- b) a site investigation has been conducted to consider the potential for contaminated land;
- c) a remediation method statement (if required), to make the site suitable for its intended use by removing unacceptable risks to sensitive receptors.

Reason for condition: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Reason for pre-commencement condition: The details are required prior to the start of the works so that the necessary precautions and mitigation measures can be incorporated into the demolition and construction phases.

Air Quality Particulate Matter monitoring

Prior to commencement of demolition, monitoring parameters to be monitored, duration, locations and monitoring techniques shall be submitted to and approved in writing by the Local Planning Authority. During each four construction sub-phases of the proposed development (demolition, earthworks, construction, and track out), PM10 continuous monitoring shall be carried out on site consistent with the approved details.

Reason for condition: To manage and prevent further deterioration of existing low quality air across London.

Reason for pre-commencement condition: The details are required prior to the start of the works so that the necessary monitoring measures can be incorporated into the demolition and construction phases.

Archaeological Written Scheme of Investigation

Prior to the commencement of the development, a written scheme of investigation (WSI) for heritage assets of archaeological interest shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- b) Where appropriate, details of a programme for delivering positive public benefits;
- c) A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason for condition: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.

Reason for pre-commencement condition: It is necessary for the condition to be discharged prior to the commencement of any works on site to ensure the demolition and construction phases are in accordance with an approved WSI.

Can you please either:-

- i. Provide written confirmation that you accept the proposed conditions; or
- ii. State why you do not agree to the imposition of the proposed pre-commencement conditions; or
- iii. Provide comments on the proposed conditions.

If we do not receive a response within 10 working days from the date of this email in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 you will be deemed to have given consent and the Inspector will be able to impose the proposed pre-commencement conditions without your express approval.

If you are not agreeable to some or all of the pre-commencement conditions, it will be a matter for the Inspector to decide whether the condition(s) in dispute need to be pre-commencement conditions. However, if the pre-commencement conditions are considered necessary to make the development acceptable in planning terms, planning permission cannot be granted without them and the appeal may be dismissed.

Please note that the above is without prejudice to the Inspector's consideration of the case, or the final decision on the case.

I have copied this email to the Local Planning Authority and to the Battersea Society for information only.

Kind Regards

Alison



Alison Dyson
Major Casework
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www.gov.uk/pins

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