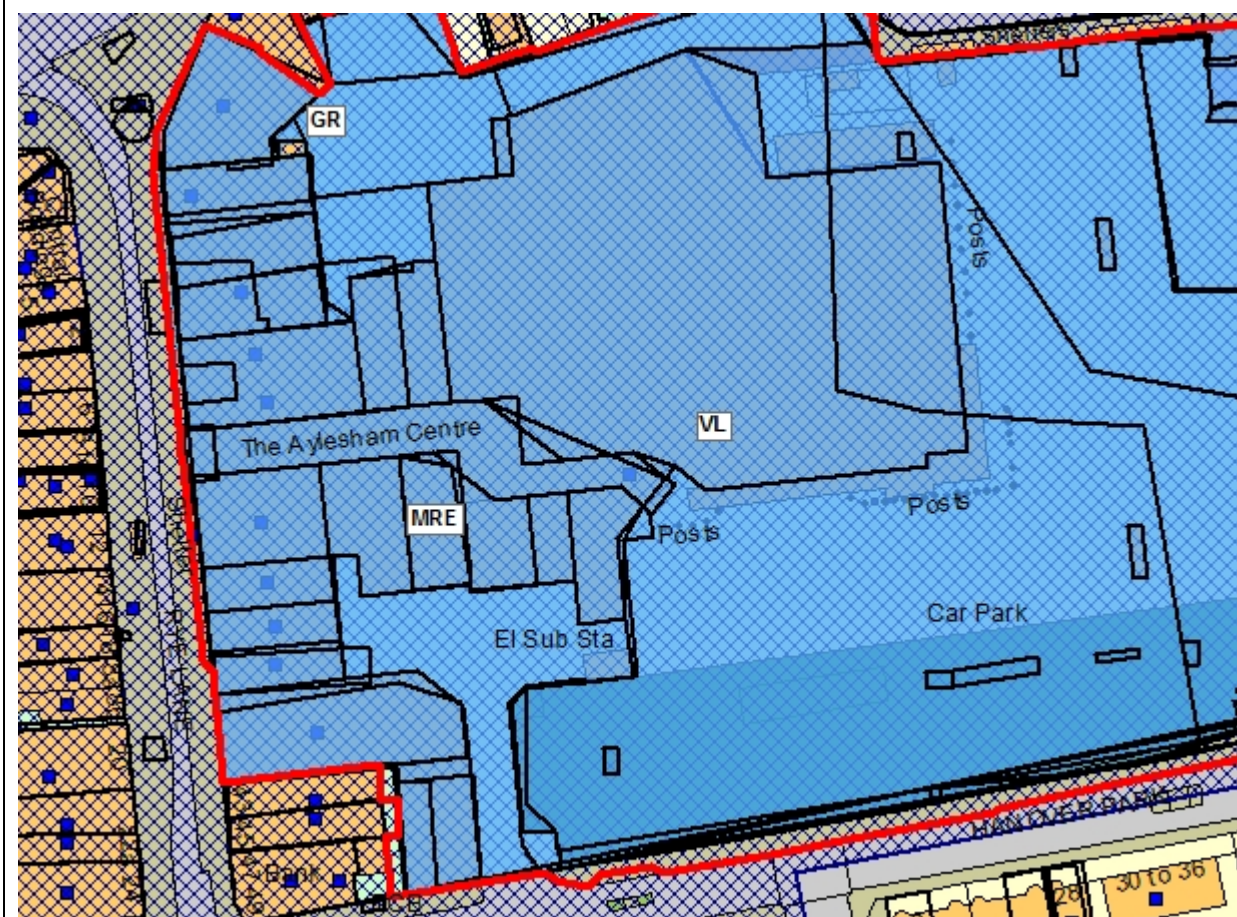


DEVELOPMENT MANAGEMENT – SCOPING OPINION RESPONSE – COVER SHEET

Reference Number:	24/AP/0111
Site Address:	Aylesham Centre, Rye Lane, London, Southwark, SE15

Location Plan:



KEY DATES

Application Start Date:	11.01.2024	Application Expiry Date:	21.02.2024
Earliest Decision Date:		Committee Date:	Not applicable

DEVELOPMENT MANAGEMENT – SCOPING OPINION RESPONSE

Application Details	
Application Type:	Scoping opinion (EIA)
Proposal:	Request for an Environmental Impact Assessment (EIA) Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 (as amended) (the EIA Regulations) in respect of the Applicant's forthcoming detailed planning application for the redevelopment of the Aylesham Shopping Centre.
Ward(s):	Rye Lane
From:	Director of Planning and Growth
Case Officer and Team:	Matt Redman, Strategic Applications

Assessment of Proposal

RECOMMENDATION

1. That the assessment below informs the scope and methodology for the Environment Impact Assessment (EIA) underpinning any future development proposal as described herein.

BACKGROUND INFORMATION

2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended, as extant at the time of submission of this Scoping Request, establish that an EIA will be required for development falling in Schedule 1 (mandatory) or Schedule 2 (discretionary) of the Regulations.
3. Section 10(b) of Schedule 2 defines "Urban development projects" as being: non-residential developments on sites larger than 1 hectare; developments comprising more than 150 dwellings; or, development on sites of more than 5 hectares. The proposed redevelopment of the Aylesham shopping centre site would exceed the threshold, and Avison Young have submitted this scoping opinion request to determine the scope of the EIA.
4. Scoping forms a component within the overall EIA process, and attempts to identify

all of the possible environmental impacts that the development project might cause, and subsequently determine which of those impacts are likely to be significant and which will require detailed investigation within the EIA. Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended, forms the basis of this procedure, allowing "any person mindful to make an EIA application" to ask the relevant planning authority to state in writing their opinion as to the information to be provided in the environmental statement (ES) (a "scoping opinion"). The fact that the Council is issuing an opinion in relation to the scope of an EIA shall not preclude the Council from subsequently requiring the developer to submit further information as part of any future planning application

5. The scope of the EIA should reflect the development proposed and any nearby land uses and their environmental attributes which could be affected by the development. The EIA should identify all possible environmental impacts that the development might cause, and its methodology should use both qualitative and quantitative information to identify significant environmental impacts including potential positive, negative, direct, indirect, and cumulative impacts. Where significant environmental effects have been identified, the ES should propose mitigation and monitoring measures.
6. Of note is that the Council does not consider that the 150 residential unit threshold and uplift of more than 10,000 square metres of mixed-use floor space for including neighbouring developments within the cumulative assessment is acceptable. As set out in paragraph 74 below, all major developments within 1km of the site must be considered and referenced within the ES, and a judgement made based on the nature of the neighbouring developments as to whether any cumulative impacts would arise.

Site location and description

7. The site is approximately 2.7ha in size and primarily comprises a 1980s covered shopping centre and surface level car park, known as the Aylesham Centre. As well as a large Morrison's supermarket, there are 19 individual commercial units within the shopping centre, as well as a variety of 'carts' which provide a range of services from food and drink, to health and beauty and retail. There is also a petrol station and car wash located in the south eastern part of the site.
8. The site is bordered by:
 - Peckham Bus Station and several retail / residential units facing Peckham High Street to the north;
 - The shopping street of Rye Lane to the west;
 - Hanover Park which contains low-rise residential and commercial units as well as Rye Lane Baptist Church to the south; and
 - McKerrel Road which contains a number of 6-storey residential blocks and Clayton Road to the east.
9. The site occupies a central location within the wider Peckham Major Town Centre. The shop units and internal arcade of the shopping centre are subject to protection under the council's protected shopping frontage planning policies. The site's town centre context means it is located amongst a mix of uses, themselves serving the wider , primarily residential neighbourhoods, of Peckham and further afield.

10. The western frontage of the shopping centre building is located within the Rye Lane Conservation Area and within the setting of the Peckham Hill Street conservation area. The site is additionally within the vicinity of several Grade II listed buildings, including the Baptist Chapel on Rye Lane (to the south) and the former Post Office Depot and No.s 8 – 18 Highshore Road (to the west). The former Higgins and Jones Department Store, located at the junction of Rye Lane and Peckham High Street, and adjacent to the application site, is a locally listed building. The site is additionally located within in the 'Peckham Village' Archaeological Priority Zone (APZ).
11. The site has a PTAL rating of 6b. It is within Flood Zone 1 and is located within a Critical Drainage Area. It is also located within an Air Quality Management Area.
12. The site is allocated in the Southwark Plan for the provision of a residential-led mixed use development (NSP74: Aylesham Centre and Peckham Bus Station). This gives an indicative residential capacity of 850 new homes that could be provided on the site. It also references the retention of supermarket and other retail space.
13. There are a number of trees that run along and are within the Morrisons car park adjacent Hanover Park that are covered by Tree Preservation Orders (TPO).
14. The site is subject to the planning policy designations:
 - Rye Lane Peckham Conservation Area
 - Major town centre
 - Archaeological Priority Zone (Peckham Village);
 - Air Quality Management Area
 - Borough view – View 1: The London panorama of St Paul's cathedral from One Tree Hill.
 - Hot food takeaway primary school exclusion zone
 - Hot food takeaway secondary school exclusion zone

Details of proposal

15. The key elements of the proposed development which this request for a Scoping Opinion is based on are set out below:
 - Demolition of all existing buildings and structures on the site;
 - Creation of approximately 850 new homes;
 - Re-provision of Morrison's supermarket (approximately 4500m² of floor space – Class E (a))
 - Provision of approximately 10,500m² of new commercial space (Use Classes E, F and sui generis);
 - Buildings ranging from 4 - 20 storeys in height, new single storey basement providing car and cycle parking;
 - Private, public and communal amenity space;
 - Creation of new public realm and landscaping;
 - Internal vehicle access routes;
 - Car and cycle parking; and
 - Associated infrastructure including servicing facilities and plant.

Planning history

16. An EIA Screening Opinion request was previously submitted to Southwark Council on 11 March 2020 (ref: 20/AP/0749) for the following:

“Scoping opinion request for 'Demolition of existing shopping centre building and bus standing area and construction of approximately 7 new buildings up to circa 20 storeys plus basements across the site, approximately 850 - 1,000 new residential dwellings in 85,000sqm of residential floorspace, approximately 12,000sqm of non-residential flexible floorspace including a replacement Morrisons supermarket, public and private amenity spaces, pedestrian and vehicular routes, replacement and expanded bus stand with associated bus driver/operator welfare facilities, replacement bus stops and partial replacement of existing retail car parking at basement level'.”

On 16 July 2020, the council issued a formal EIA Screening Opinion that an EIA should be undertaken for the Scheme. This was for a different scheme to that which is now proposed although the opinion is the same, that an EIA should be carried out.

17. In addition to the above, there have been a number of pre-application enquiries relating to the redevelopment of the site. These however have not progressed to formal application stage.

Planning history of adjoining sites

18. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

19. The main issue in this case is to determine whether the socio-economic and environmental matters identified in the submitted Scoping Report, that are intended to be included in the Environmental Impact Assessment, are sufficient to address all likely impacts from the proposed development. This Scoping Opinion is based on the information provided to the Council by the developer (contained in the EIA Scoping Report) and the comments and opinions resulting from consultations prior to issuing this opinion.

Adopted planning policy

20. National Planning Policy Framework (NPPF)
The revised National Planning Policy Framework ('NPPF') was published in December 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
21. Paragraph 02 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Section 2 - Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 6 - Building a strong, competitive economy

- Section 7 - Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed and beautiful places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

22. London Plan 2021

The London Plan is the regional planning framework and was adopted on March 2nd 2021. The most relevant policies are those listed below.

- Good Growth 1 - Building strong and inclusive communities
- Good Growth 2 - Making the best use of land
- Good Growth 3 - Creating a healthy city
- Good Growth 4 - Delivering the homes Londoners need
- Good Growth 5 - Growing a good economy
- Good Growth 6 - Increasing efficiency and resilience
- Policy SD1 - Opportunity Areas
- Policy SD6 – Town centres and high streets
- Policy SD7 - Town centres: development principles and Development Plan Documents
- Policy SD8 - Town centre network
- Policy SD9 - Town centres: Local partnerships and implementation
- Policy SD10 - Strategic and local regeneration
- Policy D1 - London's form, character and capacity for growth
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D6 - Housing quality and standards
- Policy D7 - Accessible housing
- Policy D8 - Public realm
- Policy D9 - Tall buildings
- Policy D10 – Basement development
- Policy D11 - Safety, security and resilience to emergency
- Policy D12 - Fire safety
- Policy D13 - Agent of Change
- Policy D14 - Noise
- Policy H1 - Increasing housing supply
- Policy H4 - Delivering affordable housing
- Policy H5 - Threshold approach to applications
- Policy H6 - Affordable housing tenure
- Policy H7 - Monitoring of affordable housing
- Policy H10 – Housing size mix
- Policy S1 – Developing London's social infrastructure
- Policy S4 - Play and informal recreation
- Policy S6 - Public toilets
- Policy E1 - Offices
- Policy E2 - Providing suitable business space
- Policy E3 - Affordable workspace
- Policy E9 - Retail, markets and hot food takeaways
- Policy E11 - Skills and opportunities for all

- Policy HC1 - Heritage conservation and growth
- Policy HC3 - Strategic and local views
- Policy HC5 - Supporting London's culture and creative industries
- Policy HC6 - Supporting the night-time economy
- Policy G1 - Green infrastructure
- Policy G4 – Open space
- Policy G5 - Urban greening
- Policy G6 - Biodiversity and access to nature
- Policy SI 1 - Improving air quality
- Policy SI 2 - Minimising greenhouse gas emissions
- Policy SI 3 - Energy infrastructure
- Policy SI 4 - Managing heat risk
- Policy SI 5 - Water infrastructure
- Policy SI 6 - Digital connectivity infrastructure
- Policy SI 7 – Reducing waste and supporting the circular economy
- Policy SI 8 - Waste capacity and net waste self-sufficiency
- Policy SI 12 - Flood risk management
- Policy SI 13 - Sustainable drainage
- Policy T1 - Strategic approach to transport
- Policy T2 - Healthy Streets
- Policy T3 - Transport capacity, connectivity and safeguarding
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.5 - Non-residential disabled persons parking
- Policy T7 - Deliveries, servicing and construction
- Policy T9 - Funding transport infrastructure through planning

23. Southwark Plan 2022

On February 23rd 2022, the Council adopted the new Southwark Plan which supersedes all 'saved' policies in the Southwark Plan 2007, and the Core Strategy 2011. Southwark still proposes Core Strategy principles, and these have been included in their own section within the Southwark Plan 2022. The relevant policies of the Southwark Plan 2022 are:

- P1 – Social rented and intermediate housing
- P2 – New family homes
- P8 – Wheelchair accessible and adaptable housing
- P13 – Design of places
- P14 – Design quality
- P15 – Residential
- P16 – Designing out crime
- P17 – Tall buildings
- P18 – Efficient use of land
- P19 – Listed buildings and structures
- P20 – Conservation areas
- P21 – Conservation of the historic environment and natural heritage
- P22 – Borough views
- P23 – Archaeology
- P26 – Local List
- P28 – Access to employment and training
- P30 – Office and business development
- P31 – Affordable workspace
- P32 – Small shops

P33 – Business relocation
P35 – Town and local centres
P39 – Shop fronts
P44 – Broadband and digital infrastructure
P45 – Healthy developments
P46 – Leisure arts and culture
P47 – Community uses
P49 – Public transport
P50 – Highways impacts
P51 – Walking
P53 – Cycling
P54 – Car parking
P56 – Protection of amenity
P59 – Green infrastructure
P60 – Biodiversity
P61 – Trees
P64 – Contaminated land and hazardous substances
P65 – Improving air quality
P66 – Reducing noise pollution and enhancing soundscapes
P67 – Reducing water use
P68 – Reducing flood risk
P69 – Sustainability standards
P70 – Energy

SP1 – Homes for all
SP2 – Southwark together
SP3 – A great start in life
SP4 – Green and inclusive economy
SP5 – Thriving neighbourhoods and tackling health inequalities
SP6 – Climate emergency

NSP74 – Aylesham Centre and Peckham Bus Station

IP3 – Community infrastructure levy (CIL) and Section 106 planning obligations

Consultations

- 24.** Consultation was undertaken on the submitted Scoping Report and request for a scoping opinion with a number of statutory, non-statutory and internal consultees, set out as follows:

Statutory and other external consultees

- 25.** HSE: No comment on the scoping. Would review and comment on any subsequent planning application.
- 26.** Thames Water: The following issues should be considered and covered in either the EIA or planning application.
1. The developments demand for sewage treatment and infrastructure both on and off-site. Can this be met?
 2. Surface water drainage requirements and flood risk of the development both on and off-site. Can this be met?
 3. Developments demand for water supply and network infrastructure both on and off-

site and can this be met?

4. Build out/ phasing details to ensure infrastructure can be delivered ahead of occupation.
 5. Details of any piling method and whether this would impact upon neighbouring utility services?
- 27.** Environment agency: Unable to comment on Scoping Reports at the moment unless they are within 20m of a main river (it is not) or is a nationally significant infrastructure project (it is not). Provided guidance notes for items such as drainage and flooding.
- 28.** Historic England: The Environmental Statement should contain a thorough assessment of the likely effects of the proposed development on the historic environment. Referenced the heritage assets close to the site and longer range local views including Nunhead cemetery and One Tree Hill. A Zone of Theoretical Visibility (ZTV) would help to provide certainty regarding the potential impacts on the wider historic environment. Also made reference to the submission of a 3D model as part of the validation proves.
- 29.** Arqiva: No objection.
- 30.** London Fire Brigade: The scoping does not relate to fire safety matters. As such, they have no comments to make.
- 31.** Metropolitan Police: Details of measures for crime prevention should be submitted. Any subsequent approval would require a secure by design condition.
- 32.** Natural England: A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission.
- 33.** Transport For London (TfL): I understand the GLA has also been consulted, so please note that the following comments should not be taken to reflect their position at this early stage of the planning application process.

The site is close to Peckham High Street, which is part of the Transport for London Road Network (TLRN) and for which TfL is the highway authority.

The site is within PTAL distance of at least 16 bus services and is directly adjacent to TfL's Peckham bus station, which is a TfL freehold property. The site is also within reasonable walking distance of Peckham Rye station, which provides access to National Rail and London Overground services to London Bridge, Clapham Junction, Beckenham Junction, Dalston Junction, London Victoria and Kent. As a result, the Public Transport Access Level of the site is 6b, on a scale of 0 to 6b where 6b is highest, however public transport services can be crowded at peak times.

TfL Spatial Planning have the following comments on the Scoping Opinion:

1. The scoping opinion commits to an assessment of traffic and transport impacts which is welcomed. As would be the case with any development of this type and size, a full Healthy Streets transport assessment (TA) should be undertaken alongside an Active Travel Zone (ATZ) assessment. A Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan will also be expected.
2. A robust trip generation for all land uses should be included within the TA. For

public transport modes, trips should be split by mode, line/route, and direction. The environmental and social implications of this trip generation should be assessed in the EIA, for example impacts on congestion and bus operations, road safety, air quality, severance and noise due to the retained retail car parking.

3. In line with Policy T6 of the London Plan, it is welcomed that the residential element of the proposal will be car-free with the exception of disabled persons' parking. As mentioned above, the retained retail car parking will need to be assessed for adverse environmental and social impacts.

5. The design of the proposed development should seek to facilitate an increase in sustainable and active travel within the site and to/from key trip attractors. For example, cycle parking provision at this site must accord with the minimum quantum standards identified within Policy T5 of the London Plan and be designed in line with London Cycle Design Standards (LCDS). This includes, but is not limited to, providing an appropriate mix of cycle parking stands with sufficient spacing to enable them to be safely and easily accessed. The health and social benefits of active travel over private vehicle use should be assessed in the EIA.

6. Contributions towards delivering sustainable and active travel measures will be sought from the proposed development, in line with London Plan policy T4, and proposed as mitigation in the EIA and TA. The amount will be determined using information included within the TA, in particular the trip generation assessment.

From TfL's involvement in the GLA pre-application meeting late last year, it is clear that there are a number of transport matters to be addressed within the developing scheme design, and so will need to be assessed in the EIA/TA. TfL is in contact with the applicant team directly so we will reiterate the above concerns during our own pre-application engagement.

Internal consultees

34. Design and Conservation: Attention is drawn to the overlap between the TVIA and heritage and that built heritage and archaeology. These should be treated separately. Further comments have been incorporated into the report.
35. Archaeology Officer: The site is located within the Peckham village APA and any application should be accompanied by a desk-based assessment and archaeological evaluation to inform the archaeological baseline for assessment.
36. Trees: An Arboricultural Impact Assessment (AIA) should be submitted.
37. Local Economy Team (LET): In general, the EIA should consider the scope and methodology focus on identifying positive impacts from the proposals, which is regeneration of a space, employment during construction and the operational phase, and indirect accommodation of jobs and consequential changes to the wider construction employment market, due to the purchase of materials and services, and the spending of incomes associated with the construction of the project.

The EIA should consider direct, indirect, primary, secondary, short, medium and long-term and cumulative effects.

The scope of consideration should include:

1. The displacement of any on-site activities and the impact of this on the local economy and population.
2. The negative economic impact arising from the displacement of on-site activities during the demolition and construction period, and expenditure lost from users of displaced activities who are not employees or traders (shoppers, students, users of leisure facilities etc.) should include a consideration of the potential effects of displacement on any significant local economic clusters in and around the site.
3. The non-economic impact on users of nearby off-site activities that will be temporarily displaced or affected should be considered. This should include an assessment of activities to be displaced that could reasonably be considered community assets or centres of social activity where loss could impact on mental health or community cohesion.
4. Any likely differential impacts of the proposals on nearby micro, SME and large businesses should be assessed.
5. Any likely differential impacts of the proposals on nearby groups with protected characteristics under the Equality Act 2010 should be assessed.
6. Recommendations for appropriate mitigation measures or benefit enhancement opportunities should take into account. In general, LET is content with the outline framing of significant effects to be scoped in, as outlined by:

There is the potential for likely significant effects relating to socio-economics and so this topic should be scoped in to the EIA. The Socio-Economic assessment and ES Chapter will be undertaken by Quod.

Also in general, LET are content with the assessment of the existing employment and civic space as discussed in this topic, and what will be scoped in.

Additional considerations for scoping in: At point 13 of the topic sheet, the applicant states that “Indirect construction effects”; “Dentists, Nurseries, Leisure and other Community Facilities”; and “Crime” will be scoped out.

While the LET is content that “Dentists, Nurseries, Leisure and other Community Facilities” can be scoped out of this topic, they ask that both “Indirect construction effects” and “Crime” are scoped in:

- Indirect construction effects

It is unclear why the effects of construction on both local spend and local procurement and supply chain have already been determined as likely insignificant. The effect of construction workers may have a level/ significant effect on local spend and should be scoped in.

It is noted that the effects of the local supply chain does vary between developments, but it can be estimated for any specific development even if this is not completely known. Contractors would be aware of the general approach to local supply chains, and should be aware of how to apply this approach to this specific development and its specific characteristics, including estimating how much they will use local suppliers and to what value. The approach of potential contractors could also influence their appointment as

local spend would be encouraged.

- Crime

Given the list of multi-directional benefits to public safety listed, it is not clear why these would not be significant and why Crime should be scoped out. There have also been a number of developments of shopping centres in London and in other urban areas, and so it is not clear why there would not be either tools or sets of data to use as a comparison point to assess the potential effects. Given the scale of the development and its location in a key town centre in the Borough, it is not clear why the ES would not seek to assess the effects of crime regardless - there are not any other reasons given for this in the text of point 13. The effects of Crime would seem to impact a number of the points of scope listed above, including the effect on groups with protected characteristics.

38. Transport policy: The scope and methodology of the EIA is generally acceptable. The proposal to 'Scope Out' the potential effect on 'Road User and Pedestrian Safety' receptor is not acceptable. Given the importance of this matter and the potential impact during construction and demolition works, this receptor should be included within the EIA. The remaining items in the Assessment Scope Summary in Table 3 of the Traffic and Transport section of the Scoping Report are acceptable.
39. Environmental Protection Team: Reviewed the report from LUC and confirmed items that would be required. For instance, land contamination and air quality details. These have been expanded upon in the main body of the report.
40. Flood risk: The Lead Local Flood Authorities has no comment to make on the Scoping Report. A flood risk assessment and drainage strategy would be provided for the subsequent planning application and would review and comment on this.
41. Ecology: The Scoping Report states that ecology has been scoped out due to the low ecological value of the site, as well as the site being located in a heavily urban context. Mitigation measures should be followed as described within the PEA.

Recommendations within the ecological survey should be adopted. Biodiverse green roofs, native tree and scrub planting with nectar rich berry producing shrubs should be included on site. Bird and bat boxes should be integrated within the building and invertebrate features should be located in appropriate planting areas.

Urban Greening Factor (UGF) and Biodiversity Net Gain (BNG) documentation including a Habitat Management and Monitoring Plan (HMMP) and completed statutory metric should be submitted. A Construction Environmental Management Plan (CEMP) should be produced for the site. Due to the time elapsed since the previous ecology survey an updated ecology report is required as stated in the Scoping Report.

Scoping opinion feedback

Third party review

42. The council commissioned Land Use Consultants (LUC) to undertake a detailed review of the submitted Scoping Report. Key aspects of the feedback provided by LUC have been highlighted in this report, although a more comprehensive and detailed set of comments relating to a number of areas of the proposed EIA are set out in their review report. This has been shared with the developer's team who have been advised to review and ensure

comments are taken on board and responded to within the final EIA.

Proposed structure of the ES

43. The submitted Scoping Report contains the following sections:

- 1: Introduction
- 2: Location of the site
- 3: Environmental context
- 4: The proposed development and planning application
- 5: Scope of the EIA
- 6: Format and content of the EIA

44. The following topics are proposed for inclusion in the ES:

- Air Quality;
- Archaeology (Buried Heritage);
- Built Heritage;
- Townscape and Visual;
- Climate Change and Greenhouse Gases;
- Daylight, Sunlight, Overshadowing, Light Spillage and Solar Glare;
- Ecology and Biodiversity;
- Ground Conditions and Land Contamination;
- Health;
- Land Take and Soils;
- Noise and Vibration;
- Project Vulnerability (Major Accidents and Disasters);
- Socio-Economics;
- Traffic and Transport;
- Waste and Materials;
- Water Resources, Flood Risk and Drainage; and
- Wind Microclimate.

45. Where likely significant adverse effects have been identified during the assessment, it is a requirement to set out the measures that have been proposed to prevent, reduce and where possible offset any effects. The submission notes that as required by the EIA Regulations, the likely significant effects of the EIA proposals are described as:

- Adverse or beneficial;
- Direct or indirect;
- Temporary or permanent;
- Reversible or irreversible; and
- Cumulative.

Cumulative effects

46. The regulations require the consideration of cumulative effects. Cumulative effects may arise from other developments near the site which have direct or secondary environmental impacts on the construction or operation of a development for example impacts on traffic, landscaping, visual, noise and air quality and in turn on receptors.

47. The regulations require all schemes with a reasonable prospect of being determined prior

to the scheme under consideration to be taken into account in an assessment. Cumulative projects within the vicinity of the site have been identified and are proposed to be 'scoped in' by virtue of their status as either partially built, have extant planning permissions (i.e. still considered valid) or that have been submitted to the council and are yet to be subject to a decision regarding planning permission. An approximate 1km search radius has been applied to identify schemes that will see their effects counted in this cumulative assessment which is acceptable. This is as set out in paragraph 63 of the Scoping Report. Annex B of the Scoping Report includes a preliminary list of the cumulative schemes that would to be considered but this should be updated prior to any subsequent submission.

Mitigation and residual effects

48. Paragraph 61 of the Scoping Report sets out that embedded mitigation will be either incorporated into the design from the outset or identified through the assessment process. All embedded mitigation and enhancement measures will be described within the Proposed Development Chapter of the ES, including rationale for the inclusion of the identified embedded measures and associated commitments to implementing such measures. This approach is acceptable.

Alternatives

49. The Scoping Report sets out that the ES will include consideration of reasonable alternatives for the Development as required by Schedule 4 of the EIA Regulations and National Planning Practice Guidance; this is acceptable.

Topics – scoped in

Air quality

50. Air quality has been scoped into the EIA and identifies that the site falls within the Southwark Air Quality Management Area and also within the Air Quality Focus Area 155. A comprehensive baseline review has been provided based on local monitoring data which will be used in the ES assessment. The scoping confirms that future air quality within the study area will be determined using detailed modelling, which is considered to be an appropriate level of assessment based on the results of the baseline.
51. The approach set out for the assessment of demolition and construction activities is appropriate and is correctly based on the GLA's guidance on The Control of Dust and Emissions during Construction and Demolition. However, it is noted that new guidance was published by the Institute of Air Quality Management (IAQM) in January 2024 (V2.2), subsequent to the Scoping Report being completed. The updated and the most current guidance should be used to assess effects during the demolition and construction phase, as is recommended within the GLA's guidance.
52. The approach set out for assessing operational impacts includes consideration of both traffic related operational trips and on-site energy plant. An appropriate screening approach should be carried out to determine the need for a more detailed quantitative assessment. i.e. data relating to trip generation and energy plant will be screened against the criteria set out in the IAQM air quality planning guidance. This is to identify whether there is a risk of significant effects, thus determining the need for a detailed assessment of relevant emissions. The methodology (including the changes referenced above) proposed for any subsequent detailed assessment can be considered correct and

proposes the use of recommended software, appropriate model verification and the use of appropriate model inputs and scenarios.

- 53. The receptors that would be used in the assessment are acceptable and would represent worst case exposure.
- 54. It is noted that monitoring has been carried out close to the adjacent bus station which shows pollution levels are meeting the annual mean and 1-hour NO₂ objective limits. However, this is based on the existing situation. It is recommended that potential emissions associated with the bus station are considered in more detail in association with operational trip emissions if these pass in close proximity to the bus station. This will however depend on the final site layout plans.
- 55. The above may just need to be a screening/qualitative assessment to confirm no significant change in vehicle movements in this area. The proposal would however be locating sensitive residential receptors close to the bus station so emissions in this area would need to be considered in more detail. This is to confirm any combined impacts from the bus station and operational vehicle movements would not adversely increase pollution levels in this location. The above could be in the form of a qualitative review of operational trip generation to confirm no significant change in trips associated within the development would occur in the vicinity of the Bus Station and therefore the monitored data remained representative of future baseline conditions. However, if operational trips are identified as significant in the vicinity of the bus station then a detailed modelling exercise should be undertaken to predict baseline pollution levels in this location.
- 56. The scoping methodology has correctly included both an air quality neutral assessment and an air quality positive statement.
- 57. Overall, the approach to the air quality assessment set out in the EIA Scoping Report is correct and covers all elements of air quality that should be included in the ES, setting out the correct methodology.

Archaeology

- 58. The site is within the Peckham Village Archaeological Priority Area and to comply with policy, an archaeological desk-based assessment and an archaeological evaluation to inform the archaeological baseline for assessment would be required.
- 59. Archaeology should be scoped in using a Desk Based Assessment (DBA) and archaeological evaluation. As the site is located within an Archaeology Priority Area, a financial contribution archaeological monitoring will be required.
- 60. The developer proposes to refer to archaeological 'receptors' as 'buried heritage assets' and this is acceptable. They also propose to use the term 'significance' to equate to what is termed 'sensitivity' in the overarching ES criteria terminology. The developer proposes to distinguish between 'significance' of a buried heritage asset and the 'significance of an effect', the latter a term widely used in EIA practice to explain the level of effect a receptor would experience. The aim to differentiate clearly between the two terms is understandable but may prove difficult to achieve in practice. If this does prove to be the case, then a different term for the significance of a buried heritage asset can be adopted and the term 'heritage significance' would be appropriate in reference to this aspect of a receptor.

61. Paragraph 11 of the Topic Sheet states that the ES and supporting DBA will "be undertaken in accordance with the requirements of the NPPF". Attention is drawn to the NPPF and its supporting guidance which sees all assets as having a 'setting' which can contribute to their significance. It is recognised, however, that the setting of an entirely buried archaeological heritage asset often makes little or no contribution to significance. As such, in preparing supporting information concerning archaeology, you may wish to consider including an overarching statement to explain the role of setting (i.e. that it does not contribute to significance, with an explanation of why) for those buried heritage assets within their assessment. Paragraph 11 also cites a broadly appropriate range of guidance, but attention is drawn to Historic England's Good Practice Advice Notes in Planning (GPAs) 'The Setting of Heritage Assets' (GPA 3) and the Greater London Authority Planning Practice Note: Heritage Impact Assessments and the Setting of Heritage Assets are also relevant.
62. Cumulative effects are scoped out and the reasoning given at paragraph 24 is that "it is not feasible to quantify accurately the nature of the resource across the assessment study area, which would enable the identification of a cumulative impact and potential elevated effect". As referenced above, the site lies within an Archaeological Priority Area so its development has the potential to affect this receptor and any discrete heritage assets which extend beyond the site boundary; it lies in an area in which many sites close by may come forward for development. As such, the proposed development has the potential to give rise to cumulative effects.
63. Whilst it is recognised that accurately quantifying the nature of an archaeological resource is difficult, even with the results of intrusive fieldwork, it is not necessary to have absolute certainty on effects in order to report them within an ES, a matter recognised by Schedule 4, paragraph 6 of the EIA regulations (2017).

Climate Change and Greenhouse Gases

64. This has been scoped into the report. The Climate Change Resilience and Adaptation assessment proposes to consider the risks of future climate combination climate change effects, which is considered acceptable.
65. The Scoping Report proposes the use of UK Climate Projections (UKCP18); using a high emissions scenario (RCP8.5) for 2080 as the future baseline. This is in-line with guidance from the Institute of Environmental Management and Assessment (IEMA) EIA Guide to Climate Change Resilience and Adaptation (2020) and is considered acceptable.
66. Consideration should be given to extreme weather events in the Climate Change Resilience and Adaptation assessment. This is because the IEMA guidance states that "*a practitioner needs to look at recent weather patterns identifying extreme events (e.g. short-term events such as cold snaps, torrential downpours or moderately lengthy events such as drought)*".
67. The Greenhouse Gas Emissions Assessment proposes to consider impacts throughout the demolition and construction works, likely significant Green House Gas (GHG) effects, and required mitigation or monitoring to address any likely significant adverse GHG effect. This is considered acceptable as "*the crux of significance therefore is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050*".

68. It is considered acceptable that the global climate will be considered the only receptor for the Greenhouse Gas Emissions Assessment.
69. The Scoping Report states that the approach to the Greenhouse Gas Emissions Assessment will compare the lifecycle GHG emissions against an existing carbon budget projected trajectory. It is recommended that details of the chosen carbon budget and associated reasoning be provided within the ES
70. The Scoping Report includes details of the proposed lifecycle GHG footprint for the Proposed Development and states that construction site activities (i.e. energy and fuel use associated with demolition and construction), decommissioning, operational waste, and water supply and treatment, will be scoped out of the assessment as these emissions contribute only a small proportion of the lifecycle emissions. It is considered acceptable to scope out elements of a project's GHG footprint where they contribute only a small proportion of the lifecycle emissions, provided appropriate justification is provided
71. The approach to the cumulative effects is considered acceptable.

Daylight and Sunlight

72. This will be scoped into the EIA and the proposed approach and methodology is deemed robust and acceptable. There are however, concerns about which properties have/ have not been included. For instance, Flats 8-10 Rye Lane have not been specifically referenced but a confirmation email (dated 07.02.2024) confirms that they would be considered as part of the assessment. There are also other residential units that have not been specifically referenced (such as the newly constructed flats within the Bull Yard) but the email dated 07.02.2024 confirms that they would form part of the assessment. All properties should specifically be referenced in the report and they should also be highlighted on a map.
73. Further clarification would be required to confirm that there are no roof terraces or gardens serving receptors sensitive to shadowing located on Rye Lane/ Peckham High St/ McKerrell Road which are close to the site boundary
74. In terms of the cumulative effects scenario, it is noted that this only includes office to residential conversions giving rise to fewer than 150 dwellings and for mixed-use floorspace schemes of more than 10,000 square metres. It is recommended that the threshold for this be changed to all major developments, with further screening to detail their relevance to this scheme. In the context of daylight and sunlight and further efforts should be made to look at the cumulative impact of all developments permitted near to the site where there has been an impact on daylight and sunlight.

Ground Conditions and Land Contamination

75. Given the brownfield nature of the site, presence of worked ground and the number of potentially contaminative former uses, this has been scoped into the EIA. Existing and former uses of the Site include a historical garage, historical and current electricity substations, existing buildings on site, as well as an associated car park and petrol station/car wash would need to be referenced.
76. A Phase 1 preliminary risk assessment (desk study) has been provided as an appendix to the Scoping Report, which has been reviewed to provide additional context to the Site.

However, the proposed study area is not defined and this would need to be confirmed.

- 77. The Transport Analysis Guidance (TAG) Environmental Impact Appraisal has been suggested to determine the location and the sensitivity of each receptor, magnitude of each impact and effect significance. However, this document does not consider Ground Conditions and Contamination. Instead, it is suggested to use LA 109 Geology and soils, LA 113 Road drainage and the water environment, and Institute of Environmental Management & Assessment (IEMA) Guide: A New Perspective on Land and Soil in Environmental Impact Assessment.
- 78. The acknowledgement of likely further site investigation works is welcomed as well as ground gas monitoring which will be secured via a suitably worded planning condition.
- 79. The proposed scheme includes a single storey basement which is not mentioned within the Scoping Report. It is recommended that a Basement Impact Assessment is appended to the ES
- 80. It is also recommended that the Environment Agency and Petroleum Licencing Officer should be contacted for relevant information they may hold on the history, uses and ground conditions beneath the Site.
- 81. There are no suggested standard, embedded or additional mitigation measures noted in the SR. These will require careful consideration within the ES.

Noise and Vibration

- 82. Noise and vibration is proposed to be scoped into into the Environmental Impact Assessment (EIA) as set out in the Scoping Report.
- 83. Although section 10 states that vibration effects to proposed receptors generated by road traffic noise will be assessed, the Scoping Report later scopes out the assessment of vibration associated with the completed and operational development. This approach to scope out the assessment of vibration is acceptable given that no significant sources of vibration would be introduced in the proposals, and both over ground and underground rail lines are sufficiently distanced from the site. The proposed operational phase scoping is acceptable.
- 84. The policies and legislation referenced in the noise and vibration assessments are acceptable for the scope of the development.
- 85. The Scoping Report considers the baseline at a number of locations around the site which is considered to be representative of the acoustic environment across the site. However, no detail is provided about the duration of the surveys but they should be over a period sufficient to characterise the sound levels in the area, up to 1 week including the weekend. The background sound levels need to be included for long term measurements to inform the assessment criteria for proposed fixed plant and commercial operational noise. Confirmation of the survey duration would be expected to be reported in the subsequent assessments

Socio-economics

- 86. This should be scoped in and the approach to determining the baseline conditions of the site at local and borough levels would be acceptable. The approach to the assessment for

the demolition and construction phase of the development and the effects scoped out of the assessment (bar those referenced in this section) is considered acceptable. The approach to the assessment for the operational phase of the development is also acceptable. It is noted that a cumulative assessment of socio-economic effects will also be included within the ES.

87. With regards specifics, attention is drawn to point 13 of the supporting information. This paragraph refers to the items that would be scoped out and whilst dentists, nurseries, leisure and other community facilities can be scoped out, scoping out indirect construction effects and crime is not acceptable. These should be scoped in with the reasoning set out below:
88. *Indirect construction effects:* The submitted documentation has considered that items such as the effects of construction on both local spend and local procurement as well as supply chain. It then deemed any impact not to be significant. For instance, the number of construction workers would fluctuate on-site over the construction programme. As such, spending would fluctuate. It is however noted that these workers could have a significant effect on the local economy so should be investigated and scoped in.
89. The Council's Local Economy Team (LET) have raised concern about the effects on the local supply chain. These do vary between developments but it could reasonably be estimated for a specific development. For instance, contractors should be aware of their general approach to local supply chains. They should be aware of how they could apply this approach to a specific development and its specific characteristics, including estimating how much they use local suppliers and to what value. This should therefore be scoped in.
90. *Crime:* The supporting information has scoped this out but given the scale of development and siting, within a town centre, as well as the list of multi-directional benefits to public safety, this should be scoped in. The supporting information has advised that given the scope and scale of the development, that it is not possible to accurately assess the impact. Attention is however drawn to a number of other shopping centres constructed in London and other urban areas that could be readily used as a comparison for items such as data sets. This should also be scoped in.

Townscape Visual Impact Assessment (TVIA)

91. The Scoping Report states that the Heritage, Townscape and Visual Assessment will be presented as one volume but assessed using different methodologies. This is a concern as heritage would need to be considered separately. It should have its own stand-alone chapter. For instance, this would clearly assess and differentiate between the Proposed Development's heritage effects and townscape and visual effects. There are also different considerations and legislative and policy tests which would apply to each discipline, particularly in the identification of value and significance.
92. The TVIA should address the effects of the Proposed Development on:
 - the physical characteristics of the site and its surroundings (including landscape elements such as vegetation/ trees if present);
 - landscape/ townscape character;
 - protected views (e.g. those defined within The London View Management Framework and within The Southwark Plan 2019-2036); and
 - people (visual receptors) in the surrounding areas.

93. It is stated that the methodology for the TVIA will be in accordance with IEMA and the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' 2013 ('GLVIA3') which is acceptable. The Scoping Report sets out a brief overview of the methodology with more detailed explanation to be provided within the TVIA.
94. The study area for the TVIA should include all areas with potential to be significantly affected (either directly or indirectly) by the development. For the townscape assessment this should be based on the extent of townscape character areas likely to be significantly affected either directly or indirectly. A digitally produced Zone of Theoretical Visibility is commonly used to identify the extent of possible significant visual effects.
95. The townscape and visual study areas are not clearly defined or described within the Scoping Report. There is no study area boundary/ radius shown on the Townscape Character Areas Map (Figure 4) or Map of Viewpoint Locations (Figure 3). The study areas for the townscape and visual assessment should be clearly mapped, described and justified. The study areas should be reviewed as part of the assessment process to ensure all significant effects can be reported
96. *Baseline:* The TVIA baseline should include a description of the site and its surroundings in terms of physical landscape/ townscape features, landscape/ townscape character, and designated sites and areas (setting out clearly the reasons for their designation).
97. The scattered trees within the site and on the site boundary should be located and described in the baseline as landscape/ townscape elements and their loss/ retention considered in the assessment of effects
98. The scale of townscape character areas shown in Figure 4 appears appropriate but, as mentioned above, the extent of townscape character areas to be included in the assessment needs to be defined (the study area). The division of the study area into character areas should draw on and include reference to published character assessments for the Borough e.g. Peckham and Nunhead Characterisation Study by Southwark Council March 2012
99. In terms of designated sites and areas there may be some overlap with the Built Heritage section, for example the mapping and recording of Conservation Areas, Listed Building and Peckham Townscape Heritage Initiative buildings.
100. 37 representative viewpoints have been identified for the assessment and are located on Figure 3 within the Scoping Report. It is stated that these are based on a previously un-submitted application (of similar height and scale). Without a ZTV/ defined visual study area , it is assumed this is based on information provided as part of the previously un-submitted application.
101. The baseline should include production of a ZTV of the Proposed Development and identify potential visual receptors within the ZTV. This ZTV should make sure viewpoints cover well visited areas, local communities, users of important open spaces and footpaths, and designated areas that fall within the ZTV. The viewpoints should be mapped onto the ZTV with designated areas so that the relationship between the areas of visibility and representative viewpoints can be seen
102. Base mapping should be of high quality to ensure geographical locations of viewpoints can be clearly understood by the reader

- 103.** The relationship between visual receptor groups (e.g. local communities, users of open spaces) and viewpoints should be made clear in the TVIA, noting that the receptors of visual effects are people not viewpoints, except in the case of protected views which can also be receptors in their own right. The existing visual amenity of receptors should be described.
- 104.** Scope assessment: It is recognised here that demolition and construction have the potential to result in significant effects and so the TVIA should assess the significance of effects resulting from the demolition and construction. It should also include the reporting on the significance of effects with reference to sensitivity and magnitude criteria. The assessment should report on the 'maximum' potential effect on any receptor.
- 105.** The methodology and assessment criteria should be in accordance with IEMA and the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' 2013 ('GLVIA3'). The overview of the methodology in the Scoping report is very brief but appears in accordance with the principles set out in GLVIA3. The methodology and assessment criteria used will be provided in detail within the TVIA. Detailed criteria for assessing susceptibility, value, sensitivity and magnitude should be provided in the TVIA. Separate criteria should be provided for townscape character and visual amenity.
- 106.** Significance of effects will be determined by considering the sensitivity of the affected townscape/landscape resource or visual receptor, and the magnitude of change acting on that resource/receptor. Clear justification for how sensitivity and magnitude are combined to determine overall effects should be included in the TVIA - to show transparency in the assessment process
- 107.** How the direction of effects (beneficial, adverse or neutral) will be judged should be clearly set out within the TVIA relating to criteria/ definitions for both townscape and visual receptors (as judging beneficial or adverse directions of effect will be different for townscape and visual receptors). For example, for townscape receptors changes should be judged in terms of how they contribute to, or detract from character (with justification) and for visual amenity how the changes contribute to, or detract from visual amenity experienced by visual receptor groups (with justification).
- 108.** *Visual material:* The TVIA will be accompanied by Accurate Visual Representations (AVRs) produced by Miller Hare which would be of benefit. These will be provided either as rendered (photorealistic) images ('AVR3') or as 'wirelines' (diagrammatic representations showing the outline of the Proposed Development, 'AVR1').
- 109.** *Cumulative Assessment:* There are no specific rules about cumulative assessment. The 2017 EIA Regulations have restricted the requirement to consideration of "cumulation with other existing and/or approved development projects" (Schedule 4, Paragraph 5 (e)) while GLVIA3 (paragraphs 7.13 and 7.14) suggests that schemes that are the subject of a valid planning application that has not yet been determined should also be included.
- 110.** The cumulative assessment should distinguish between the more certain cumulative scenario (which would include all consented but unbuilt schemes), and the less certain scenario (which would include all consented but unbuilt schemes as well as undetermined planning applications). It is suggested that the focus should be on the former.
- 111.** It is stated in the Scoping Report that the approach to, and the type of visual and

townscape cumulative assessment will be 'additional' focussing on the additional effects of the Proposed Development on top of the cumulative baseline. This is acceptable.

- 112.** The Scoping Report indicates that cumulative schemes will be shown on the visualisations together with the Proposed Development. Schemes that have been consented should be distinguished from those which have not, such as use of distinct colours for different planning status
- 113.** *Mitigation:* The TVIA should describe the measures proposed to avoid, reduce, and remedy significant adverse effects. This should include an indication of the effectiveness of the stated measures and demonstrate a clear commitment to implementing the mitigation measures. Where mitigation for the operational stage will be embedded within the scheme proposals this should be specified
- 114.** *Non-Technical Summary:* The TVIA section of the NTS should provide sufficient information for the non-specialist reader to understand the main environmental impacts of the proposal without reference to the main ES.

Built heritage

- 115.** Effects on built heritage assets are scoped into the ES as the site lies partially within the Rye Lane Peckham Conservation Area. This is acceptable; both the setting and direct impact on designated and non-designated heritage assets should be referenced in this section.
- 116.** There is some variation in terminology in the Scoping Report text for the subject of this assessment, with "(built) heritage", "built heritage" and "HA", all used in reference to heritage assets. This is noted but should be amended. For instance, reference should be made to built heritage as this would indicate it is a clear counterpart to the Archaeology (buried heritage assets) chapter. At present the report does not clarify whether the chapter's remit includes above-ground heritage assets of an archaeological or designed landscape nature (e.g. scheduled monuments and registered parks and gardens) which may not be understood as 'built heritage assets' by some readers. Further discussion and clarity would be required.
- 117.** Receptors: Paragraph 16 of the Scoping Report presents limited information drawn from radii of 1km, 500m and 250m from the site. It is not clear how these study areas have been established, or why they are acceptable for gauging potential effects. There is no detailed discussion of the heritage assets within these areas, nor data sources used to obtain this information; reference is made to a desktop survey (of which the result are not reproduced) as being sufficient to contextualise the scheme's potential to give rise to effects on above-ground heritage assets. The desktop survey should be provided with the ES.
- 118.** The baseline information in the SR includes a map (Figure 1) which shows a 500m radius and shows limited range of designated above-ground heritage assets lying within the area, showing only Conservation Areas or Grade II* Listed Buildings (Grade II Listed Buildings and locally listed buildings are not included). Any maps within the ES will need to show the full range of assets under consideration and it is not clear from this plan, nor from Figure 2, whether consideration to other grades of listed buildings will be assessed. All listed buildings and their setting, including Grade II listed buildings are afforded the same legal protection. Similarly, you should conduct a review of non-designated heritage assets that could experience effects – as a minimum, the authority's local list and the

Greater London Historic Environment Record (GLHER) should be consulted, and appropriate fieldwork conducted to undertake an inspection of known assets and identify any additional assets that should be considered in the assessment.

- 119.** Further information as to this process is required to determine suitability of this approach and it is recommended that the Applicant consult with LBS and Historic England to establish an appropriate study area, or series of study areas, and a process by which the scoping in or out of particular assets to the assessment can be demonstrated within the ES in a proportionate fashion
- 120.** *Heritage approach:* The Scoping Report has listed guidance within the Policy and legislation section, and has not offered a comprehensive guidance list for the assessment of the historic environment.
- 121.** The NPPF has undergone recent updates, and that the most recent version should be referenced - paragraph 24 references paragraph 189 of the NPPF, which is no longer applicable to the historic environment.
- 122.** Paragraphs 25 – 28 reviews the methodology for assessment, and primarily focuses on changes to heritage significance through changes in setting. Whilst it is acceptable to include such effects within the scope of the assessment, the potential effects of the development are not confined to those related to a change in the setting of heritage assets. This is because the proposed development includes land within a conservation area, so has the potential to directly affect this designated heritage asset. No consideration to these direct effects has been given within the Scoping Report, nor how these will be addressed or scoped out, as they are not referenced within the Buried Archaeology chapter. Please however note that built heritage and archaeology should be separate sections.
- 123.** Visualisations, including AVRs, to explain effects to above-ground heritage assets are to be used but this would need to clearly reference which above-ground heritage asset(s) it relates. Where visualisations are proposed to illustrate the change in setting of a particular asset, the developer should agree the location from which this is to be prepared and the degree of rendering with officers and, if necessary, Historic England.

Traffic and transport

- 124.** This would be scoped in and the scope and methodology is generally considered acceptable. It is however noted that the Applicant proposes to 'Scope Out' the potential effect on 'Road User and Pedestrian Safety' receptor. Given the importance of this receptor and the potential impact during construction and demolition works; this should be scoped in and included within the EIA.
- 125.** Paragraph 16 of the Traffic and Transport topic sheet states schemes to be considered will be agreed through scoping of the TA however committed development sites under the Do Min / Future Base scenario (background traffic growth and committed development traffic without the Applicant's scheme) should consider all those listed in Annex B of the EIA Scoping Report.
- 126.** The Scoping Report should identify how traffic data will be collected, either from publicly available traffic count data, or through commissioned surveys. There is currently no reference as to how the data that will inform the assessment will be collected.

- 127.** The potential receptors should be defined more clearly and specific sites identified, where relevant, for the EIA.
- 128.** There is no reference to the consultees for traffic and transport and this should be referenced in future documentation. TFL have commented on the Scoping Report and their comments are given above. The items that raised by TFL should be addressed.

Wind microclimate

- 129.** As the proposed development has the potential to affect wind and microclimate, this would be scoped in. This would be undertaken by means of a wind tunnel testing. The future wind study would not need to include the effects during demolition and construction as these would only be temporary but reference should be made to the interim period as to when phase 1 is complete and phase 2 is under construction.
- 130.** Mean and peak wind speeds would be assessed both for the worst-case scenario and individual seasons over a 10-degree increment (36 wind directions) within 400m from the centre of the site. According to the City of London Wind Microclimate Guidelines document, anything outwith 400m from the centre of the site does not need to be considered for a wind tunnel model. The chosen number of wind directions would meet the criteria set out in the same document.
- 131.** As referenced in the Scoping Report, there is a combined total of 136 years of wind climate data obtained at Heathrow, Gatwick and Stansted airports would be corrected so that it represents winds over standard open terrain at a height of 10 above ground. Further clarification would however be required on the prevailing winds for each of the four seasons.
- 132.** Initial testing in the wind tunnel will be conducted without landscaping features to provide a worst-case, conservative result. This is considered acceptable and is a common assumption in wind microclimate modelling. Furthermore, results at key receptor areas will be reported. A list of the receptors would be included in the model and Engineering judgement would be used.
- 133.** Whilst no cumulative schemes have been identified within 400m of the site, you are advised that all major developments within 400m of the site must be considered in relation to cumulative impacts.
- 134.** The wind tunnel testing would be preceded by Computational Fluid Dynamics (CFD) modelling to identify areas where mitigation measures may be required to combat adverse wind effects. Clarification is sought to confirm which software will be used to undertake the CFD modelling
- 135.** Using a 1:400 scale 3D model of the site, the wind conditions for the development and surrounding buildings within 400m from the centre of the Site will be assessed in four different scenarios:
- Scenario 1: Existing Site Condition – The Existing Site with the existing surrounding buildings (baseline condition);
 - Scenario 2: Interim Phase of the Proposed Development with Existing Surrounds – Interim Phase of Proposed Development with the existing surrounding buildings (the remaining phases of the Proposed Development will be modelled as an open area that will be representative of the completion of the remaining demolition

works);

- Scenario 3: the Completed Proposed Development with Existing Surrounds; and
- Scenario 4: the Completed Proposed Development with Existing Surrounds and Proposed Landscaping.

136. The wind tunnel methodology for quantifying the pedestrian level wind environment is undertaken using the following four steps:

- Step 1: The site's induced wind speeds are measured for the relevant scenarios at the appropriate pedestrian levels in the wind tunnel. These are specified by the Lawson Comfort Criteria which is confirmed on page and 90 of the submitted (Trium) Scoping Report and the locations would be as confirmed by Point 12 on page 88 on this submitted report
- Step 2: Standard meteorological data for the region are adjusted to account for conditions at this site ;
- Step 3: Data from Step 1 and Step 2 are combined to obtain the expected frequency and magnitude of wind speed for the scenarios and at the appropriate pedestrian level; and
- Step 4: The results of Step 3 are compared with against the Lawson Criteria to grade or score the conditions within and around the site.

137. Turbulence effects are accounted for in the wind tunnel through a series of grid, barrier, and surface roughness elements, corresponding to a boundary layer for the urban location of the site, with wind speeds measured by pressure-based wind speed sensors / probes at key receptor areas at 1.5 metres above the surface. Confirmation would be sought as to whether any probes will be included in the CFD modelling, with engineering judgment being used to identify potential areas at higher risk of adverse wind conditions. The response to this query can either be through an updated Scoping Report or alternatively within the submitted EIA and ES.

138. The Lawson Comfort Criteria and Lawson Criteria for Safety will be used to assess the pedestrian activities that can take place across the region of interest and identify any areas subject to potentially adverse wind speeds, in addition to any mitigation that might be needed.

139. The developer has provided a list of the local, national, and regional planning policy documents in point 23 which underpin the project. The City of London Wind Microclimate Guidelines should be included in the list of references in point 23

140. Areas of higher wind speed during demolition and construction will be assumed to be areas of restricted access. This is considered acceptable.

Items to be scoped out

Ecology and biodiversity

141. The Scoping Report scopes out Ecology and Biodiversity on the basis that the Site is in a highly urbanised area and is comprised of habitats of low ecological importance. Trees and buildings on site were found to have negligible potential to support roosting bats, black redstart or peregrine falcon.

- 142.** The site is also not located within any statutory or non-statutory nature conservation designations but is located in proximity to a number of SINC's and a LNR.
- 143.** It is considered that the Preliminary Ecological Appraisal (PEA) follows the relevant guidelines, however it is recommended that the PEA and, BNG assessment and monitoring plan should follow and refer to the latest British Standard BS 8683 Process for designing and implementing biodiversity net gain (BNG) – Specification.
- 144.** In the proposed mitigation measures, it is not confirmed whether the BNG assessment will be completed using the statutory metric and accompanied by a Habitat Management and Monitoring Plan (HMMP). These documents should be reviewed by a suitably qualified ecologist prior to planning approval. A CEMP should also be produced for the site. Due to the time elapsed since the previous ecology survey an updated ecology report is required as stated in The Scoping Report.
- 145.** Mitigation measures for ecology that are required for demolition and construction should be included within the CEMP. This will be determined by the results of the updated ecological assessment.
- 146.** Pending the clarification of the above points, it is acceptable that ecology and biodiversity be scoped out provided that Urban Greening Factor and Biodiversity Net Gain assessments are undertaken and mitigation measures are listed with the construction documentation.
- 147.** It is recommended that biodiverse green roofs, native tree and scrub planting with nectar rich berry producing shrubs should be included on site. Bird and bat boxes should be integrated within the building and invertebrate features should be located in appropriate planting areas.
- 148.** UGF and BNG documentation including a Habitat Management and Monitoring Plan (HMMP) and completed statutory metric should be submitted. A CEMP should also be produced for the site. Due to the time elapsed since the previous ecology survey, an updated ecology report is required for any future application.
- 149.** It is recommended that you contact the Environment Agency directly to ascertain whether there are any issues prior to submission of the planning application.

Human health

- 150.** This has been scoped out and the Scoping Report states that a Health Impact Assessment (HIA) will be prepared in line with LBS' validation requirements and submitted in support of the planning application. This is considered acceptable.
- 151.** Negative effects on Human Health will be managed through appropriate mitigation and design, however the Scoping Report states that the effects of the Proposed Development on Human Health are determined by use of the Proposed Development and lifestyle factors which cannot be accurately measured or controlled at the planning stage. Therefore, the lifestyle factors sit outside the scope of planning and EIA.
- 152.** Assessment topics traffic and transport, socio-economics, air quality, noise and vibration, and wind microclimate are scoped in to the assessment and standards and criteria against which these topics are assessed are based on thresholds informed by what is and

what is not acceptable in terms of Human Health. This approach is acceptable.

- 153.** The Scoping Report states that a strategy for the demolition and construction works will be implemented including a Construction Environmental Management Plan (CEMP) to manage these works and address issues related to human health including public safety, noise and vibration controls, and air and dust management. This is considered to be acceptable.

Internal daylight, sunlight and overshadowing

- 154.** This would generally be referenced in the planning application. However and in this instance and given the significant phasing over many years it may be useful to include reference to the daylight and sunlight conditions of the completed development (i.e. end/worst case) in order to address any interim effects. This approach is supported in paragraph F9 of the BRE best practice guidance.

Land take and soils

- 155.** The site is not a 'greenfield' site or open space, and is not natural or semi-natural land taken up by urban development. The site currently comprises a mix of private and publicly accessible space within an already built-up environment, and through the site will be redeveloped and replaced with similar land uses but with a significant amount of residential use not currently there; it would be of a higher quality.
- 156.** The SR states that site and surrounding area have had number of potentially cumulative land uses indicating possible historic contamination of the soils on the site. Soils contamination will be considered with the 'Ground Conditions / Geo-environmental section of the EIA Scoping Report. This is considered to be acceptable.

Light spillage

- 157.** This needs to be scoped in.
- 158.** As stated in the Scoping Report, the design is not yet fixed and officers have seen limited details on items such as the proposed design and materials. It is therefore premature to fully conclude at this point that the topic is not required and that it should be scoped out. For instance, it is not possible to ascertain the actual impacts concerning light spillage other than in broad and general terms based on reasonable assumptions. This should therefore be scoped into the EIA.

Major accidents and disasters

- 159.** Regulation 4(4) and Schedule 4 of the EIA Regulations, sets out that consideration should be given to any likely '*significant effects arising from the vulnerability of the proposed development to major accidents or disasters*' on the environment or the project.
- 160.** Paragraph 2 of Project Vulnerability p.45 states that: "*The Proposed Development intends to provide a mixed-use development, comprising a mix of residential and commercial uses (see Description of Development in main report). As such, considering the above definitions and considerations an assessment of the Proposed Development's vulnerability to major accidents and natural disasters has been scoped out of further assessment in the EIA.*"

161. Paragraph 4 of Project Vulnerability p.45 states that *‘effective implementation and compliance with all applicable health and safety legislations will minimise the risks of hazards and accidents’*.

162. Therefore, scoping out Major Accidents and Disasters from the ES is considered acceptable.

Solar glare spillage

163. This needs to be scoped in

164. Similar to Light Spillage, whilst the rationale and assumptions are considered acceptable in general terms. However, the design is not yet fixed and this level of detail is required to be definitive in terms of robustly scoping the topic out.

165. In addition, the topic sheet states that this has been scoped out because there are no railway signal or pedestrian crossings likely to be affected. The best practice guidance confirms that road junctions are sensitive to these types of effects and there are several to the north and south of the proposed development site which could potentially be sensitive to these types of effects. As such, further consideration of these sensitive receptors should be considered and scoped in.

Waste and materials

166. The consideration for waste generation within the Scoping Report is considered suitable for the Proposed Development and it is considered acceptable that this topic is scoped out subject to the proposed mitigation measures and clarifications below. It is agreed that the existing commercial waste systems in LBS and the wider area will be able to cope with demolition waste generated from the project without significant impact.

167. Furthermore, recycling of material in demolition projects is actively encouraged and this will assist in reducing costs as well as the environmental impacts from landfilling where recycling is not completed.

168. Whilst not applicable in this review of waste, the consideration of additional traffic from the removal of demolition material should be considered in the Traffic and Transport section of the EIA which is scoped in.

169. Whilst asbestos is mentioned in Paragraph 31, this is only in relation to what might happen if it is discovered. A report by Tetra Consulting (2020) notes that asbestos is present in the buildings. Therefore, it is recommended that asbestos removal prior to demolition by competent parties is specifically covered within the proposed mitigation. Other hazardous building materials may also be present and these should be considered too.

170. Ongoing waste production once the project is complete should be appropriate for inclusion in the existing waste management of LBS.

Water resources, flood risk and drainage

171. It is considered appropriate for water resources, flood risk and drainage topics to be scoped out of the ES on the basis that a Flood Risk Assessment (including a Sustainable Drainage Strategy) and a Construction and Environmental Management Plan (CEMP) will

accompany the application.

- 172.**Section 16 and Annex C of the ES Scoping Report present considerations related to water resources, drainage and flood risk for the development site. It notes that the site is within a Critical Drainage Area and proposes to mitigate the potential risk of increasing local flood risk through the incorporation of a Sustainable Drainage System, with the aim to reduce surface water discharge rates to the equivalent greenfield runoff rates. This measure is supported.
- 173.**The applicant has made reference to instances of groundwater flooding in the neighbouring area. It is recommended that groundwater flooding is considered further as part of the FRA, particularly in relation to the proposed basement.
- 174.**The site is not considered at risk of flooding from other sources (surface water/fluviatidal/ reservoir) and therefore the impacts of the development on local flood risk from these sources are considered non-significant. This assessment is supported.
- 175.**Relevant measures to mitigate any impacts on groundwater and surface water during the construction phase should be set out within a Construction and Environmental Management Plan (CEMP), which in turn should include a temporary surface water management plan. It is accepted that with an adequate CEMP in place, no significant adverse environmental effects are likely to arise. This could be secured through a suitably worded planning condition.

Conclusion on scoping issues

- 176.**The above assessment should be read in conjunction with LUC's technical review of the Scoping Report. Together, they comprise the council's formal Scoping Opinion for the proposed redevelopment of the Aylesham Centre.
- 177.**Overall, the submitted Scoping Report meets the statutory requirements for scoping set out in Section 13(a) of the EIA Regulations, and includes sufficient detail on the approach to the identification of the baseline environment, receptors and study area. There are, however, a number of recommendations made in this review in relation to scoped out topics that should be scoped in, and in relation to guidance, methodology and content of the ES which should be addressed during the EIA and in the ES. Subject to taking on board and positively responding to these recommendations within this report and the LUC review report, the scope of the EIA set out in the submitted Scoping Report ensures a detailed verification of potential beneficial and adverse environmental impacts in relation to the proposed development is anticipated in the ES.
- 178.**The next stage is the preparation and submission of the ES in support of a planning application. This should take into account the comments raised in the body of the report above which incorporates those comments made by statutory consultees and LUC which has been shared with the applicant separately. This opinion is based on the information submitted and does not preclude further dialogue with officers on matters of environmental assessment, management and monitoring or the submission of further information as part of any future planning application.

Consultations

- 179.**Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

180. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

181. Responses were received from:

Health and Safety Executive
Flood risk team
Thames Water
Environment Agency
Design and Conservation
Environmental Protection Team
Arqiva
Natural England
Local Economy team
Historic England
Transport for London (TFL)
London Fire Brigade
Ecology Officer
Archaeology officer
Urban Forester
Greater London Authority (GLA)

Community impact statement / Equalities Assessment

182. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:

183.a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act

b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

184. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

- 185.** The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
- 186.** The Council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

- 187.** This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 188.** This application has the legitimate aim of providing of providing comments on a Scoping Report. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

APPENDIX 1: PLANNING APPLICATION SITE HISTORY

No relevant planning history

Signed: Stephen Platts
Date: 27 March 2024

Director of Planning and Growth