Greater London Authority

Review of the ES Addendum for Bishopsgate Goods Yard

Final Review Report

Final report

Prepared by LUC in association with Clewlow Consulting, Ricardo EE and Xi Engineering

July 2020

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Version	Status	Prepared	Checked	Approved	Date
1.	Template	LM	SC	SC	13.11.2019
2.	DRR	LUC in association with Clewlow Consulting, Ricardo EE and Xi Engineering	SC	HK	05.12.2019
3.	FRR	LUC in association with Clewlow Consulting, Ricardo EE and Xi Engineering	SC	HK	07.02.2020
4.	Review of final comments from Applicants	LUC in association with Clewlow Consulting, Ricardo EE and Xi Engineering	SC	HK	11.03.2020
5.	Update following Applicant responses in April, May and June	LUC in association with Ricardo EE.	SC-R	HK	02.06.2020
6.	Update following Applicant re submission of information June/July 2020	LUC	SC-R	SO	24.07.2020

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Chapter 1
Introduction

1.1 LUC, in association with Clewlow Consulting, Ricardo Energy and Environment and Xi Engineering has been commissioned by Greater London Authority to provide a critical review of the Environmental Statement Addendum (ESA) (dated September 2019) for the Bishopsgate Goods development. As the application was submitted to London Borough of Tower Hamlets (LBTH), London Borough of Hackney (LBH) and recovered by the Greater London Authority (GLA), there are several application references associated with the development: These are:

- 2014/2425 (LBH)
- PA/14/02011 (LBTH)
- D&P/1200c&d (GLA)

1.2 The ESA has been prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the EIA Regulations').

1.3 LUC is a Registrant of the Institute of Environmental Management and Assessment (IEMA) EIA Quality Mark, and the LUC lead reviewer is individually accredited to the Institute. Details of the expertise of each of the team members involved in the review are set out in **Appendix A** to this review.

1.4 The purpose of this review is to determine whether the ES meets the statutory requirements of the EIA Regulations[1] and relevant guidance[2]. The assessments undertaken must be of a high enough quality to provide confidence in the reported impacts of the scheme.

1.5 If issues with the adequacy or robustness of the ESA are identified, the review identifies what additional information is required to address concerns.

1.6 The review focusses on the EIA and does not provide comment on any additional planning judgements that need to be made by GLA. Where the securing of an environmental commitment or obligation is considered to warrant a planning condition, the proposed direction of such a condition will be provided. The conclusions of the review report will be used by the Mayor when determining the application.

[1] Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

[2] Including the National Planning Guidance and the IEMA EIA Quality Review Criteria.

Planning History

1.7 Planning applications, and applications for listed building consent, for the Bishopsgate Goodsyard development were submitted to the London Boroughs of Hackney and Tower Hamlets in July 2014. In September 2015 the Mayor of London directed he would act as the local planning authority for the purpose of determining the planning applications. The scheme has since been amended, and the amendments submitted to the GLA accompanied by the ESA.

1.8 The description of the scheme is as follows:

"The Revised Scheme is described as follows: An OUTLINE application for the comprehensive mixed-use redevelopment of the site comprising:

- *Residential (Class C3) comprising up to 500 residential units;*
- *Business Use (Class B1) – up to 130,940 m² (GIA);*
- *Hotel (Class C1) – up to 11,013 m² (GIA)*
- *Retail, financial and professional services, restaurants and cafes and hot food takeaways (Class A1, A2, A3 and A5) – up to 18,390 m² (GIA) of which only 3,678 m² (GIA) can be used as Class A5;*
- *Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 6,363 m² (GIA);*
- *Public conveniences (sui generis) – up to 298 m² (GIA);*
- *Basement, ancillary and plant space – up to 21,216 m² (GIA);*
- *Formation of new pedestrian and vehicular access; means of access and circulation and car parking within the site; and*
- *Provision of new public open space and landscaping.*

The application proposes a total of 10 buildings that range in height, with the highest being 142.4m AOD and the lowest being 19.0 m AOD.

With all matters reserved save that FULL DETAILS for Plot 2 are submitted for alterations to, and the partial removal of, existing structures on the site and the erection of a building for office (Class B1) and retail use (Class A1, A2, A3, A5) comprising a part 17 / part 29 storey building; and Plots 7 A, B, C and D comprising the use of the ground level of the Braithwaite Viaduct for retail and food and drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food and drink uses (A1, A2, A3, A5)."

Review Report

1.9 A criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as 'the IEMA criteria', has been used to inform this review[3]. The criteria cover:

- EIA regulatory compliance (COM3);
- EIA context and influence (the scope of the ES, coverage of alternatives and evolution of the scheme design, and consultation) (COM4);
- EIA content (the baseline conditions, assessment of impacts, and mitigation measures and management) (COM5); and
- EIA presentation (quality of the ES presentation and the Non-Technical Summary (NTS)) (COM6).

1.10 The review identifies a list of clarifications required from the Applicant and a summary of any potential requests for further information under Regulation 22 of the EIA Regulations (referred to hereafter as potential Regulation 22 requests) to be made to the Applicant, as appropriate. Potential Regulation 22 requests are identified in the first instance to enable the Applicant to address the requests. Once the Applicant has received the clarifications and potential Regulation 22 requests from GLA, they are invited to submit further information addressing the points raised.

Applicant Response

1.11 Further information has been provided to GLA in the form of a report prepared by Temple (dated 17th January 2020) in response to the DRR.

1.12 The additional information provided in the response has been reviewed and conclusions made as to whether this has satisfied previously requested information and outstanding Regulation 22 matters. The reassessment conclusions are set out in the table contained within Chapter 22.

Further Response

1.13 Upon receipt of the FRR (dated 7th February 2020), outstanding clarifications and potential Regulation 22 requests were identified during the review carried out by LUC.

[3] Full details of the IEMA EIA review criteria are available at: https://www.iema.net/assets/newbuild/documents/EIA%20Quality%20Mark%20Applicant%20Guide%20February%202018%20V7.0.pdf. It should be noted that the review criterial have not been updated to reflect 2017 EIA Regulations and, as such, do not refer to the new topics of biodiversity, climate change, major accidents and disasters, or human health. IEMA advised in November 2019 that an update is underway but is unlikely to be completed until early 2020. The review of the ES has been undertaken in the context of the updated EIA Regulations and relevant guidance for the specialist topics assessed, in addition to the IEMA criteria.

1.14 The Applicant provided additional information (dated 17th February) on the remaining clarifications and potential Regulation 22 requests prompting a further round of reassessment.

1.15 The Applicant then provided more information with regards to Air Quality, Ecology and Built Heritage. In March and April 2020. The reassessment conclusions are set out in the table contained within Chapter 23.

1.16 An Air Quality Assessment Sensitivity Test Technical Note was provided by the Applicant (dated April 2020) a review of this note is set out in Chapter 12: Air Quality. The Applicant provided further responses in email form, these have been reviewed and the re-assessment conclusion are set out in Table 23-2 in Chapter 23.

1.17 The Applicant re-submitted the application with additional supporting information and documentation. These documents have been reviewed in terms of the Built Heritage elements and the re-assessment conclusion are set out in Table 23-3 in Chapter 23.

1.18 Following videoconferences in July additional information was submitted which has now been reviewed and the re-assessment conclusion are set out in Table 23-3 in Chapter 23.

1.19 The structure of the report is as follows:

- Chapter 2 checks for Regulatory Compliance;
- Chapter 3 details review findings on the EIA Context and Influence (Scoping, Alternatives and Consultation)[4];
- Chapters 4 provides commentary on the presentation of the ES and Non-Technical Summary[5];
- Chapters 5-20 are topic specific reviews relating to each topic covered in the ESA[6].
- Chapters 21 provides a review of ESA Volume 3: Townscape and Visual Impact Assessment
- Chapter 22 sets out the reassessment conclusions following the Applicants response to the DRR.
- Chapter 23 sets out the reassessment conclusions following the Applicants responses to the FRR.

[4] IEMA EIA Quality Mark – ES Review Criteria, COM4: Context and Influence
[5] IEMA EIA Quality Mark – ES Review Criteria, COM6: EIA Presentation
[6] IEMA EIA Quality Mark – ES Review Criteria, COM5: EIA Content

Chapter 2
Initial Regulatory Checklist

2.1 This section checks for the presence or absence of each item below, in accordance with COM3 'Regulatory Compliance' of the IEMA review criteria. Further detail is provided in the following sections in relation to the way each aspect of the EIA has been undertaken and is presented in the ES. Criteria A-I represent the minimum information which must be provided to constitute an ES.

2.2 It should be noted that the table below only confirms whether the information required has been provided in its most basic form, e.g. presence or absence of the topics in Criteria D and does not confirm regulatory compliance.

2.3 As noted in the IEMA EIA Quality Mark: Registrant Guide, a number of the criteria under COM3 cover similar subjects to criteria set out in COM4, COM5 and COM6 which are reviewed below, and as such, there is inevitably some overlap. The review undertaken in subsequent sections of this report provides further detail in relation to the way each aspect of the EIA has been undertaken and is presented in the ES, focussing on the quality of the information provided.

Table 2.1: Regulatory Checklist

Criteria		Yes/No
A	Does the ES contain a clear section, or sections, providing a description of the development comprising information on the site, design and size of the development during construction and operation?	Yes (Chapter 2 and Chapter 5)
B	Does the ES contain a section, or sections, that outline the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental effects?	Yes (Chapter 4)
C	Does the ES contain a clear section, or sections, that provides the data required to identify and assess the main effects which the development is likely to have on the environment?	Yes, as set out in the relevant technical chapters
D	In the light of the development being assessed has the ES identified, described and assessed effects on: ■ Population ■ Human Health ■ Biodiversity (Fauna & Flora) ■ Land ■ Soil ■ Water ■ Air ■ Climate ■ Material Assets ■ Cultural Heritage ■ Landscape ■ Risk of major accidents and disasters	Yes, as set out in the relevant technical chapters (Chapters 5 – 18, ESA Volume 3 TVIA)

Criteria		Yes/No
	■ Other	
E	Does the ES attempt to set out the interaction between the factors set out in COM3 D) above?	Yes (Chapter 19)
F	Does the ES contain a section, or sections, that describe the likely significant effects of the proposed development on the environment, including as reasonably required: direct, indirect, secondary, cumulative, short, medium, long-term, permanent and temporary, positive and negative effects?	Yes, as set out in the relevant technical chapters (Chapters 5 – 18, ESA Volume 3 TVIA)
G	Does the ES contain a clear section, or sections, that provides a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects?	Yes, as set out in the relevant technical chapters (Chapters 5 – 18, ESA Volume 3 TVIA)
H	Has a Non-Technical Summary been produced containing an outline of the information mentioned in COM3 A) to G)?	Yes (ESA Volume 1)
I	Does the ES contain a section, or sections, that outline any difficulties encountered by the developer in compiling the information presented in the ES?	Yes. Limitations are set out in the relevant technical chapters (Chapters 5 – 18, ESA Volume 3 TVIA)

Chapter 3
EIA Context and Influence (Chapter 2 – Chapter 5, Section 5.2)

Scoping and Assessment

3.1 ESA Volume 2, Chapter 2 provides context on the site and baseline information on the site and surrounding location.

3.2 Receptors which may be sensitive to effects associated with the construction and operation phases of the proposed development are listed in Table 2.2. Figure 2.1 shows the site boundary with constraints such as Listed Buildings and schools. This is considered acceptable.

3.3 Chapter 3 of the ESA focuses on the EIA Methodology. Section 3.2 details the EIA Scoping and Consultation process. Section 3.2.7 lists the environmental topics which have been scoped in to the ES. It is stated that the consultation undertaken in both 2014 and 2019, in relation to the Scoping exercise, has determined the topics which have been scoped in to the ESA. Table 3.1 details the summary of points raised by consultees in the 2014 and 2019 Scoping Opinion

3.4 It is noted that the Scoping report and opinion is included in Appendix A, Volume 4 of the ESA.

3.5 Sections 3.2.12 - 3.2.43 details the topics which have been scoped out of the ESA and provided justification as to why they have not taken forward for further assessment. This is considered acceptable. The justification for the scoping out of these topics is discussed below.

Aviation

3.6 Aviation has been scoped out due to the scheme's distance from London Heathrow Airport (approximately 24km) and London City Airport (approximately 8km). Additionally, the Revised scheme is not located within flight paths and are clear of the safeguarding distance. This is considered acceptable.

Electronic Interference

3.7 Electronic interference has been scoped out from further assessment in agreement with GLA. While the Revised Scheme may have potential impacts upon Digital Terrestrial TV aerials, mitigation measures have been set out in Section 3.2.29. There are no impacts anticipated on radio signals or mobile phone reception due to their continued and successful operation in the surrounding urban environment. This approach is considered acceptable.

Population and Human Health

3.8 This topic has been scoped out as impacts on human health associated with the Revised scheme have been considered in other chapters, detailed in Table 3.2. A rapid Health Impact Assessment has also been included within Volume 4 of the ESA. This is considered acceptable.

Major Accidents and Disasters

3.9 Consideration of potential accidents and disasters in individual topic chapters has been detailed in Table 3.3. The location of the Revised scheme is not located in an area of mining activity. BGS mapping has determined that there are no structural or geomorphological features at the site.

3.10 A Code of Construction Practice (Part A) has been submitted with the application, setting out standards and procedures to be adhered to during construction. No reference is made to the site constraints including rail and communication tunnels; however it is assumed that these will be addressed within the CoCP.

3.11 The design of the Revised Scheme has also conformed to industry standards to reduce the likelihood of potential accidents and disasters.

3.12 This approach is considered acceptable.

Description of Development

3.13 ESA Volume 2, Chapter 5 sets out the Revised Scheme and Construction Overview (The Construction Overview is covered in Chapter 5 of this report).

3.14 Chapter 5 provides an overview of the proposed uses for the Revised Scheme and then provides greater detail relevant to each plot. This is accompanied by Figure 5.1, 5.2 and 5.3 which provide detail on the location and layout of the plots at different levels

3.15 Information is also included in relation to a number of general site wide strategies that are being adopted, including a drainage strategy, lighting, fire safety, waste strategy, crime reduction as well as energy and sustainability strategies.

Alternatives Considered and Design Evolution

3.16 Chapter 4 of the ESA sets out the main alternatives and iterations which were considered during the development of the proposal.

3.17 Section 4.4 states that no alternative locations have been considered for proposed development. This is due to the proposed development being designed to fit the specific constraints of the current site and achieve regeneration objectives for the area.

3.18 Section 4.5 sets out the design iterations of the proposed development. It is noted that the design development is provided in greater detailed in the Design and Access statement. Section 4.5.2 lists the key design principles which were considered at all stages during the design process.

3.19 The design iterations have taken the constraints of the site into consideration, for example, the below ground rail infrastructure and heritage assets. Figure 4.1 clearly sets out the existing constraints of the site which have been considered throughout the design process. Section 4.5.26 also describes how the findings of the wind microclimate assessment influenced the design and mitigation measures were incorporated as a result. This is considered acceptable.

3.20 A "Do Nothing" scenario has been presented with justification at section 4.3 of the ESA. The ESA has also included a Limited Development Scenario in Chapter 21 of ESA Volume 2. The Revised Scheme is a cross boundary development which spans LBTH and LBH with the majority of the development located in LBTH. The Limited Development Scenario has assessed the environmental effects of the majority LBTH component compared with the larger Revised scheme. This is considered acceptable.

3.21 Section 4.5.5 sets out the key alterations to the conceptual masterplan made as a result of consultation. Figures 4.4 and 4.5 show the progress of the main design iterations on the density and heights of the buildings as well as the relationship between upon consultation with MDA, GLA and the wider public culminating in the final proposed design shown in Figure 4.6. This is considered acceptable.

Consultation

3.22 Section 3.2.45 – 3.2.49 detail the extensive consultation undertaken since 2011.Consultation on the main scheme has also been carried out through a series of exhibitions which has helped to inform the design.

3.23 Sections 3.2.6 and 3.6.10 list the consultees who were contacted as part of the scoping exercise in 2014 and 2019. Full consultation responses from statutory consultees and the scoping opinion is included in Appendix A.

3.24 As previously mentioned, Table 3.1 details the main points raised in the 2014 and 2019 Scoping Opinion. This table also contains where these points have been addressed within the ESA. Each individual chapter also contains topic specific issues raised during consultation and its location within the ES. This is considered to be acceptable, subject to any other points noted in the reviews of the individual chapters below.

Table 3.1: EIA Context and Influence Summary

Ref.	Summary of Clarifications Required from Applicant
N/A	None.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
N/A	None.
Ref.	**Potential Planning Conditions**
N/A	None.

Chapter 4
EIA Presentation

Overall Presentation (ESA Quality)

4.1 The main ESA Report is well presented and clearly laid out. Chapter 1 of ESA Volume 2 provides information on the structure of the ESA as well as information of other documents submitted in support of the application. This allows a member of the public to logically locate areas of interest and relevant information

4.2 The length of the main body of the ESA is considered to be appropriate for the type and scale of the development and the sensitivity of the receiving environment.

4.3 The Proposed Development is clearly described in Chapter 5. This chapter has also included an overview of the construction phase.

4.4 There is good use of figures and maps throughout the ESA covering the location of the site, its boundary and site layout.

4.5 Overall, the presentation of the ESA is considered to be acceptable, subject to any other points noted in the reviews of the individual chapters below.

Non-Technical Summary

4.6 The NTS is provided as a standalone document. Presentation is clear and, in general, the language used is non-technical. It is of a reasonable length and provides an overview of the scope and aims of the ESA, describing the site, its surroundings and the proposed development. Where relevant there is good use of tables, figures and plans showing the proposed development.

4.7 The NTS also provides a clear description of the significant effects of the proposed development on each topic area, including mitigation strategies and residual effects, which give the reader a good understanding of the findings and proposed mitigation without having to refer to the ES.

4.8 Presentation of the NTS is acceptable, although it should be updated where necessary to reflect any points noted in this review report or new information provided in response to Regulation 22 requests.

Table 4.1: EIA Presentation Summary

Ref.	Summary of Clarifications Required from Applicant
N/A	None.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
N/A	None.
Ref.	**Potential Planning Conditions**
N/A	None.

Chapter 5
Review of Chapter 5, Section 5.3: Construction Overview

Scope of EIA

5.1 Appendix A of the ESA contains details of the Scoping Report as well as Scoping Opinions provided in 2014 and in April 2019. The 2014 Scoping Report from the Applicant confirmed that the ESA would contain details on the construction logistics, peak HGV numbers, welfare facilities, working hours and indicative construction timeline. The Scoping Report submitted by the Applicant in 2019 confirmed that a chapter on construction and demolition would include details on the construction methodology, phasing and timings for construction works. It also confirmed that a Code of Construction Practice (CoCP) would accompany the ESA and would include construction related mitigation measures.

5.2 The Scoping Opinions provided by both the London Borough of Hackney (LBH) and the London Borough of Tower Hamlets (LBTH), for both the original ES (published in 2014) and the ESA are available in Appendix A. The issues identified included reference to the treatment of 'The Arches', provision of an indicative construction programme including any overlap between phases, and management of the waste produced during the construction phase.

5.3 In addition, the Scoping Opinion from the GLA required information on any receptors that may be created during different phases of the construction, details on vehicle access, worst case vehicle movements for waste transportation, details on any crane requirements and any mitigation measures designed to control adverse impacts during the construction phase.

5.4 In April 2019 the LBTH also submitted comments on the Scoping Report prepared by the Applicant in 2019. This identified a request for the ESA to contain details on methodology, timescales, phasing, overlap of phasing of construction, demolition and excavation activities. It also sought for the ESA to provide a figure showing proposed construction compound locations, to contain details on hours of operation and access and egress locations and how these may vary over time.

5.5 It is noted that the 2019 Scoping Report submitted by the Applicant suggests in paragraph 1.5.13 that the development would be undertaken in seven distinct phases over 12 years. However, in Table 5.6 of the ESA eight phases for the development are identified with a time period of some 13 years.

Assessment

5.6 Chapter 5 of the ESA contains a description of the revised scheme including descriptions of all plots and proposed uses, operational strategies for the development, and an overview of the construction phase.

5.7 Chapter 5 describes that the construction will be broken down into eight phases, with an approximate start and end date for each phase. This is accompanied by Figures 5.19,5.20 and Figure 5.21, a construction overview displaying approximate start and end times of each construction phase in relation to one another, clearly showing where overlaps in phases would arise.

5.8 The revised scheme description contains descriptions of each of the individual plots (paragraphs 5.2.18-5.2.59) and descriptions of proposed recreational spaces (paragraphs 5.2.60-5.2.62) and green infrastructure (paragraphs 5.2.62-5.2.67). It is not clear at which development phase the recreational spaces and green infrastructure aspects of the development would be constructed in, or whether they would be constructed separately. Clarification on this matter is sought from the Applicant (CD1).

5.9 There is no reference to the receptors that may be impacted by different phases of the construction, as required in the GLA's Scoping Opinion. Clarification is sought from the Applicant as to when there would be new receptors created i.e. occupiers following the development of each phase (CD2). Furthermore, clarification is sought that the assessments have had regard to these new receptors in the technical assessments contained in the ES (CD3).

5.10 There is only one proposed phasing scenario presented in the chapter and thus it has been assumed that this scenario is either fixed or represents a worst case scenario from which impacts during the construction phase throughout the rest of the ESA has been assessed. The Applicant should clarify this (CD4).

5.11 Paragraphs 5.3.5 to 5.3.15 contain a basic methodology of the works required, broken down into four phases: substructure works, super structure works, external envelope and internal fit out.

5.12 It is stated in Paragraph 5.3.2 that a detailed construction methodology will be prepared subject to approval of the Revised Scheme, following the appointment of a main contractor. It is recommended that this is enforced via planning condition. (CD18)

5.13 Table 5.7 provides a list of plant that would be required for the construction, and the construction stages that each plant would be required for. This is welcomed however it is noted that the stages set out in Table 5.7 do not fully accord with those set out in paragraphs 5.3.5 to 5.3.15 of the ESA. Clarification is sought from the Applicant why details of the scope of works associated with the site clearance and enabling works have not been described in the ESA (CD6). In addition, clarification is sought as to whether every construction stage described in Table 5.7 and paragraphs 5.3.5 to 5.3.15 are needed for all Phases 1-8 (CD6).

5.14 It is stated in Paragraph 5.3.17 that access and egress routes will be agreed prior to construction beginning with LBH and LBTH. In Figures 5.22 – 5.26, indicative access routes are shown. Confirmation of the access and egress routes to and from the site for each phase should be covered outlined in the CLP prior to the commencement of the development. (CD17)

5.15 Paragraph 5.3.23 of the ESA states that a Construction Environmental Management Plan (CEMP) and a Construction Logistics Plan (CLP) will be prepared for the development. Both these documents should be conditioned to be prepared and agreed in writing by the relevant local planning authority prior to the commencement of the development. These plans should include all the mitigation measures referenced in the ES. (CD18)

5.16 Figures 5.27 and 5.28 show indicative construction traffic routes to Silvertown and Rainham. It is not clear why these two sites have been chosen to show construction traffic routes and clarification is sought from the Applicant on this matter (CD9).

5.17 Table 5.8 shows average numbers of vehicle movements per day for each of the phases. It is not clear if the information presented reflects the overlap between phases of the development as shown in Figure 5.21. Clarification on this matter is sought from the Applicant (CD8).

5.18 The data in Table 5.8 appears to represent an average flow rather than the maximum number of movements per day under a worst case scenario. In order for the assessments to be based on the worst-case scenario these assessments should have regard to the peak traffic movements including for overlap between phases of the development. Clarification is sought from the Applicant that the assessments contained in the ESA are based on the maximum traffic movements (not averaged traffic levels) and that these estimated have regard to all traffic movements related to the removal of wastes from the site (CD2).

5.19 It is recommended that the anticipated core working hours stated in Paragraph 5.3.30 of the ES are enforced via planning condition, alongside the requirement to seek prior agreement to work outside these hours. (CD19)

5.20 Predicted labour resource levels are shown in Figure 5.30, which shows that the labour resource would peak at over 900 in 2032. It is stated in paragraph 5.3.30 of the ESA that all staff would be encouraged to reach the site via public transport, but the chapter does not offer an estimate to the

proportion who may drive to work. Proposed numbers of vehicles on the local road network from construction labour commuting via car has not been indicated. Clarification is sought on whether the impacts of construction workers has been taken into account in the assessments in the ESA (CD10).

5.21 Paragraph 5.3.38 of the ESA references crushing of materials will be undertaken on the site. Clarification is sought from the Applicant that these activities have been considered in the air quality and noise and vibration assessments contained within the ES (CD11).

5.22 Indicative waste arisings are given for both demolition and construction stages in Tables 5.9 and 5.10. Table 5.11 also estimates volumes of excavated material divided by construction phase. It is stated that some waste on site may contain asbestos. An asbestos survey should therefore take place before works begin and this should be enforced via planning condition. (CD20)

5.23 There is no information in the chapter on how the site will be managed during the construction phase, or the provision of welfare facilities, as requested in the GLA Scoping Opinion.

5.24 There are no construction site plans, detailing, for example, locations of site compounds, welfare facilities and staff parking) provided within the chapter. This further information is sought from the Applicant in order to comply with the GLA Scoping Opinion and requests from LBTH in their response to the Scoping Report in April 2019 (CD13).

5.25 The GLA Scoping Opinion made reference to the provision of details around crane requirements. This detail appears to be missing from the ESA and this further information is sought from the Applicant (CD13).

5.26 Paragraph 5.3.50 of the ESA states that the site will be registered with the Considerate Constructor's Scheme. It is recommended this is enforced via planning condition. (CD21)

5.27 Paragraph 5.3.51 of the ESA describes the community engagement activities that will be undertaken with the local community. It is recommended that the measures set out in the ES are enforced via planning condition, and a Community Liaison Officer should be appointed to oversee the process. (CD21)

Limited Development Scenario

5.28 Section 21.2 describes the Limited Development Scenario.

5.29 Paragraph 21.5.1 states that the construction timetable could be up to 1 year and 10 months shorter than that of the Revised Scheme. Besides this however, there is no indication of how this would change the construction phasing described in Table 5.6 or Figure 5.21. It is recommended that this further information is inserted into Chapter 21, with Table 5.6 and Figure 5.21 replicated containing the revised information (CD15).

5.30 There is no revision within the Limited Development Scenario regarding required plant, worst case vehicle movements, predicted labour force numbers, quantities of waste created, or quantities of resources needed. Considering the Limited Development Scenario is of a smaller scale, it is anticipated that these values would be different to those in Chapter 5, although that is not explicitly stated. This further information is therefore considered necessary to enable this scenario to be assessed (CD16).

5.31 Paragraph 21.5.2 states that the Limited Development Scenario would follow the same demolition and construction procedures that are detailed for the Revised Scheme described in Chapter 5.

Code of Construction Practice

5.32 The CoCP contains a comprehensive set of measures to minimise adverse impacts arising from the construction stage in Section 1.5. It is recommended that the measures described in this section are incorporated into the Construction Environmental Management Plan (CEMP) where relevant, and the measures described in Section 1.5 should be enforced via planning condition. (CD18)

Non-Technical Summary

5.33 The NTS contains a description of the proposed development and the different phases of the development. A breakdown of use classes and unit mixes are also provided.

5.34 The NTS contains a brief summary of the construction phase. Maps of the proposed access and egress routes and figures illustrating the proposed phasing of the development would have been welcomed. The NTS does not include details on maximum traffic levels during the construction phase or the employment numbers during this phase. Clarification is sought from the Applicant as to why this detail is not considered relevant to the NTS (CD12).

Table 5.1: Construction Overview Summary

Ref.	Summary of Clarifications Required from Applicant

CD1	Clarification on which Phase of construction will contain the development of aspects of the open space, recreation and green infrastructure aspects of the Revised Scheme.
CD2	Clarification is sought from the Applicant as to when there would be new receptors created i.e. occupiers following the development of each phase.
CD3	Clarification is sought that the assessments have had regard to these new receptors in the technical assessments contained in the ESA.
CD4	Clarification sought on whether the Phasing Scenario described in Figure 5.21 is a fixed Programme or whether it represents a worst case scenario as requested by the Scoping Opinion.
CD5	Clarification is sought from the Applicant why details of the scope of works associated with the site clearance and enabling works have not been described in the ESA.
CD6	Clarification is sought as to whether every construction stage described in Table 5.7 and paragraphs 5.3.5 to 5.3.15 are needed for all Phases 1-8 .
CD7	Clarification sought regarding the significance of Figures 5.27 and 5.28 and how they relate to the construction methodology.
CD8	Table 5.8 shows average numbers of vehicle movements per day for each of the phases. It is not clear if the information presented reflects the overlap between phases of the development as shown in figure 5.21. Clarification on this matter is sought from the Applicant.
CD9	Clarification is sought from the Applicant that the assessments contained in the ESA are based on the maximum traffic movements (not averaged traffic levels) and that these estimated have regard to all traffic movements related to the removal of wastes from the site.
CD10	Clarification sought on whether the construction labour force commuting to the site via car has been assessed in Chapter 9: Traffic & Transport.
CD11	Paragraph 5.3.38 of the ESA references crushing of materials will be undertaken on the site. Clarification is sought from the Applicant that these activities have been considered in the air quality and noise and vibration assessments contained within the ESA.
CD12	The NTS does not include details on maximum traffic levels during the construction phase or the employment numbers during this phase. Clarification is sought from the Applicant as to why this detail is not considered relevant to the NTS.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
CD13	Further information is sought from the Applicant relating to construction site plans, detailing, for example, locations of site compounds, welfare facilities and staff parking) as requesting in the Scoping Opinion and comments from the GLA and LBTH.
CD14	Further details around crane requirements are sought from the Applicant.
CD15	It is recommended that further information is inserted into Chapter 21 on revised timescale for phasing for the Limited Development Scenario, with Table 5.6 and Figure 5.21 of the ESA replicated containing the revised information.
CD16	Information required on how the following would differ from the Revised Scheme, in the Limited Development Scenario: required plant, worst case vehicle movements, predicted labour force numbers, quantities of waste created, or quantities of resources needed.
Ref.	**Potential Planning Conditions**
CD17	The Sustainability Strategy (5.2.68-5.2.70), Energy Strategy (5.2.71-5.2.76), Crime Reduction Strategy (5.2.77-5.2.78), Lighting Strategy (5.2.79), Fire Safety Strategy (5.2.80-5.2.85), Drainage Strategy (5.2.86-5.2.89) and Operational Waste Strategy (5.2.90-5.2.97) should all be enforced via planning condition, following review and approval from the Local Planning Authority(ies).
CD18	The Construction Environmental Management Plan (CEMP) and a Construction Logistics Plan (CLP) should be prepared and agreed in writing by the relevant local planning authority prior to the commencement of the development. These plans should include all the mitigation measures referenced in the ESA as well as the measures detailed in Section 1.5 of the Code of Construction Practice.
CD19	The anticipated core working hours stated in paragraph 5.3.30 of the ESA are to be enforced via planning condition, alongside the requirement to seek prior agreement to work outside these hours.

CD20	Secure agreement to undertake an asbestos survey on site before works commence and survey is to be completed by the Applicant.
CD21	Secure agreement to the undertaking of the community liaison activities described in paragraph 5.3.50.

Chapter 6
Review of Chapter 6: Waste

Scope of EIA

6.1 Chapter 6 of the ESA considers waste management issues. Appendix B of the ESA contains an Operational Waste Management Strategy (OWMS) which includes an assessment of the development against relevant policies. The CoCP included with the application includes a section on waste and materials.

6.2 Appendix A of the ESA contains details of the Scoping Reports submitted in 2014 and 2019 as well as Scoping Opinions provided jointly in 2014 from both LBTH and LBH, from the GLA in April 2019 as well as representations from LBTH to the Scoping Report submitted in 2019. These specify that the content of the ESA is to contain:

- Policy assessment including consideration of the waste hierarchy;
- Details on baseline waste arisings and waste management facilities;
- Estimates of the types and quantities of waste to be generated by the development and how these wastes will be managed;
- Mitigation measures including the development of an OWMS
- Qualitative comparison of the residual effects of the 2015 Scheme with the 2019 Proposed Amendments;
- Details on the inclusion of suitable waste storage and collection arrangements; and
- Assessment of cumulative impacts.

6.3 Table 6.1 provides details of how comments on the scope of the ESA provided by LBTH have been addressed in the ESA. This Table does not include reference to comments made by the GLA in their Scoping Opinion response dated 29 April 2019. Clarification is sought from the Applicant as to how the comments made by the GLA have been addressed in the ES (W1).

6.4 The scope of Chapter 6 has regard to the above factors.

6.5 Section 6.5 sets out the methodology for the assessment. There are a number of concerns raised on the

methodology approach adopted. These issues are raised as clarifications and potential Regulation 22 requests below. However, on the basis that changes are required to be made to the methodology as a result of the clarifications sought, including apportionment of significance and magnitude and / or consideration of further factors, then a reworking of the assessment is recommended which would be a potential Regulation 22 requests for further information.

6.6 Table 6.2 and paragraph 6.6.42 of the ESA states that sensitive neighbouring receptors, which could include properties adjacent to the proposed development are receptors with a medium level of sensitivity. Clarification as to why properties adjacent to the proposed development site, are not considered to have a high level of sensitivity is sought from the Applicant (W2). Furthermore, under this description of medium sensitivity is reference to potential occupiers of the Revised Scheme during construction in other phases. Again clarification as to why such properties potentially adjacent to construction works, are not considered to have a high level of sensitivity is sought from the Applicant (W3).

6.7 Paragraph 6.5.13 of the ESA suggests that the magnitude of impact is only affected as a result of the composition of the waste and not the volumes of waste generated. It is stated that the OWMS would mitigate any increase in magnitude of impact resulting from an increase in waste volumes. Whilst the OWMS seeks to provide sufficient capacity for the storage and collection of waste from the site it is unclear why this would mean that more waste being generated by a site leading to potential increases in odour levels and traffic movements would not be factors that would increase the magnitude of waste impacts. Further information is sought from the Applicant on the magnitude of impacts that has regard to proposed increases in waste volumes (W4).

6.8 Paragraph 6.5.15 of the ESA indicates when considering magnitude of impact that an average of the magnitude of an impact will be taken. This approach does not appear to have regard to the worst-case scenario of taking the higher level of impact, which is considered the appropriate methodology to adopt when considering magnitude of impacts. Further information is sought from the Applicant on this matter (W5).

6.9 Table 6.3 of the ESA sets out the justification for determining the magnitude of impacts. Clarification is sought as to why the Applicant considers the generation of inert wastes to be a benefit of the development (W6).

6.10 Paragraph 6.5.18 suggests that where the waste from the proposed development would be in excess of existing capacity in the Borough this would be classified as a medium magnitude effect. Clarification is sought from the Applicant as to why such a scenario is not considered to be an effect with a high magnitude (W7).

6.11 Paragraph 6.5.28 of the ESA set out a conversion factor to convert $1m^3$ of household or commercial waste into 0.21 tonnes in weight. Clarification is sought from the Applicant for the appropriateness of the application of this conversion rate in the assessment (W8).

6.12 Appendix B of the ESA contains the OWMS. This document has had regard to relevant legislation and guidance including guidance from LBTH. This is welcomed.

6.13 In paragraph 2.1.11 of Appendix B of the ESA there is reference to A3 the waste arisings from A3 uses being split to have regard to organic wastes where detailed plots are known. Furthermore, in paragraph 6.5.38 of the ESA it states that for cafes and restaurants a waste split that includes for 20% of the waste being organic wastes is assumed. However, in Table 2.3 of Appendix B of the ESA (and Table 6.6 of the ESA) the assumed waste arisings from the Use Class A3 restaurant use does not include for organic wastes. Clarification as to why organic wastes have not been assumed to arise from the A3 restaurant use is sought from the Applicant (W9).

6.14 Appendix B of the ESA has had regard to the worst case parameters when calculating storage requirements and this approach is welcomed. Appendix 3 of the OWMS also has regard to swept path analysis to help determine access arrangements for Refuse Collection Vehicles (RCVs) once the site is operation.

6.15 Table 2.4 of the OWMS includes assumptions on the waste storage requirements. These assumptions include daily collections being undertaken for all non-residential plots with the exception of Plots 7 and 9. Clarification is sought from the Applicant as to the justification for assuming that daily collections will be undertaken (W10).

6.16 With regard to residential waste storage requirements the assumptions made by the Applicant are for weekly collections to be made. Clarification is sought from the Applicant as to whether contact has been made with the relevant LPAs to determine if this assumption accords with the collections proposals for the Councils in the medium and long term (W11).

6.17 Appendix 2 of the OWMS contains calculations for the waste storage requirements of the proposed development. On review of the residential storage requirement tables there appears to be some errors in the number of storage bins required. For example, with Plot 4 and Plot 8a the volume of the recycling bins proposed would not appear to cover the volumes of waste estimated to be generated at these plots. Further information is sought from the Applicant to update the number of bins proposed to ensure that they are sufficient to provide the necessary capacity of the waste arisings from the proposed development (W12).

Baseline

6.18 The baseline level for construction and demolition waste on the site is zero with the site being largely derelict and buildings having been demolished in 2004. To provide a worst case scenario, although there may be some minor operational waste from the station and temporary mall on part of the site, it has been assumed that the operational waste from the site is also zero.

6.19 An assessment of the existing capacity of waste management facilities in the North London Waste Authority (NLWA) area as well as for the LBH and LBTH have been included within Chapter 6 of the ES. The assessment concludes there to be sufficient capacity in existing waste management facilities in the NLWA area to manage waste from the LBH element of the proposed development.

6.20 With regard to LBTH paragraph 6.6.29 of the ES suggests that the capacity of existing waste management facilities in LBTH is 2,183,000 tonnes per annum (tpa) Clarification is sought from the Applicant to further explain how this figure of existing waste management capacity within LBTH has been calculated and how this capacity relates to the likely types of waste to be generated by the proposed development (W13). This further clarification will help to determine if there is sufficient capacity in existing waste management facilities to manage the projected waste arisings from the proposed development.

Assessment

6.21 The Applicant has confirmed that a Site Waste Management Plan (SWMP) will form part of the CEMP for the proposed development. The CEMP should contain all aspects and mitigation measures as referenced in the ES and be submitted to and approved by in advance of any commencement of development.

6.22 The Applicant states that there will be targets to achieve waste recycling levels and monthly monitoring of achievement of recycling rates. Clarification is sought as to how achievement of the targets will be enforced and any penalties that will be imposed on contractors that fail to meet the targets set (W14).

6.23 Paragraph 6.8.8 of the ESA suggests that construction materials will be crushed and reused on-site. Clarification is sought as to whether there will be sufficient space on-site for demolition and excavation arisings as well as construction wastes to be stored and crushed during the development (W15). A plan showing these locations would be welcomed. Furthermore, clarification is sought as to whether the noise from crushing activities on-site have been included for in the noise assessments contained within the ESA (W16).

6.24 Clarification is sought as to whether the traffic movements associated with the waste requiring removal from site have been accounted for in the transport assessment contained within the ESA (W17).

6.25 Table 6.17 of the ESA provides estimates of waste from construction materials. Clarification is sought from the Applicant on the basis for these volumes presented in Table 6.17 (W18).

6.26 The assessment provides an estimate of the likely waste volumes and materials over the 13 year construction period. On the basis that the works will not be linear in nature over the whole construction period it is unlikely for there to be an average level of waste arisings per year. However, the conclusion of the volumes of waste from the construction phase of this development having a low magnitude is considered reasonable.

6.27 The ESA concludes that impacts of the construction wastes generated by the development to be not significant on identified receptors. A number of clarifications have been sought relating to the methodology and details around the availability of existing local waste management infrastructure for the waste types expected to be generated from the proposed development. Receipt of these details is sought before confirmation of these assessment conclusions can be provided.

6.28 During operation of the proposed development waste volumes for residential and non-residential uses have been calculated within Appendix B the OWMS. As stated above clarification is sought on the conversion rate from litres to tonnages.

6.29 Paragraph 6.8.39 states that the magnitude of the predicted increase in waste generation from the proposed development during operation is low. It is unclear how this assessment conclusion has been reached and further information on this is sought from the Applicant (W19).

6.30 As stated above it is considered that the magnitude of the increase in waste volumes from the site should have regard to both waste volumes and the waste composition. The greater of these effects should then be used to determine the significance of any impact. On this basis the conclusions of the ESA chapter with regard to the impacts of the waste generated from the proposed development are not considered acceptable. Further information on these assessments is therefore sought from the Applicant (W20).

6.31 The assessment includes a qualitative comparison of the residual effects of the 2015 Scheme with the 2019 Proposed Amendments. This concludes the impacts to be similar in nature.

Secondary, Cumulative and Combined Impacts

6.32 A discussion of cumulative impacts and their effects is included within the ESA. These impacts are assessed as being of minor adverse significance, which is also considered a reasonable conclusion.

Mitigation and Management

6.33 The Applicant has confirmed that a SWMP will form part of the CEMP for the proposed development. The CEMP should contain all aspects and mitigation measures as referenced in the ESA and be submitted to and approved by in advance of any commencement of development. The CEMP should be secured through a planning condition including for the implementation of the CEMP as approved. (W22)

Limited Development Scenario

6.34 Chapter 21 of the ESA provides a summary of the Limited Development Scheme impacts on waste and recycling matters.

6.35 Paragraph 21.6.6 of the ESA states that approximately 108,860 tonnes to construction wastes will be generated by the LDS scheme. This total exceeds the amount of construction wastes identified in paragraph 6.8.28 of the ESA of 94,935 tonnes of waste for the whole development. Clarification on this conclusion in Chapter 21 is sought from the Applicant (W21).

Non-Technical Summary

6.36 The NTS is considered to be an appropriate reflection of the main assessment. However, this may require to be updated in light of the clarifications and further information requests identified.

Table 6.1: Waste Summary

Ref.	Summary of Clarifications Required from Applicant
W1	Clarification is sought from the Applicant as to how the comments made by the GLA on the Scoping Report have been addressed in the ESA.
W2	Clarification as to why properties adjacent to the proposed development site, are not considered to have a high level of sensitivity is sought from the Applicant. Furthermore, under this description of medium sensitivity is reference to potential occupiers of the Revised Scheme during construction in other phases.
W3	Clarification as to why such properties potentially adjacent to construction works, are not considered to have a high level of sensitivity is sought from the Applicant.
W6	Clarification is sought as to why the Applicant considers the generation of inert wastes is considered a benefit of the development.
W7	Paragraph 6.5.18 suggests that where the waste from the proposed development would be in excess of existing capacity in the Borough this would be classified as a medium magnitude effect. Clarification is sought from the Applicant as to why such a scenario is not considered to be an effect with a high magnitude.
W8	Paragraph 6.5.28 of the ESA set out a conversion factor to convert 1m3 of household or commercial waste into 0.21 tonnes in weight. Clarification is sought from the Applicant for the appropriateness of the application of this conversion rate in the assessment.
W9	Clarification as to why organic wastes have not been assumed to arise from the A3 restaurant use is sought from the Applicant.
W10	Clarification is sought from the Applicant as to justifications for assuming that daily collections will be undertaken for non-household wastes.
W11	Clarification is sought from the Applicant as to whether contact has been made with the relevant LPA's to determine if this assumption on weekly collections on household wastes accords with the collections proposals for the Council's in the medium and long term.
W13	Clarification is sought from the Applicant to further explain how this figure of existing waste management capacity within LBTH has been calculated and how this capacity relates to the likely types of waste to be generated by the proposed development.
W14	The Applicant states that there will be targets to achieve waste recycling levels and monthly monitoring of achievement of recycling rates. Clarification is sought as to how achievement of the targets will be enforced and any penalties that will be imposed on contractors that fail to meet the targets set.

Ref.	Summary of Clarifications Required from Applicant
W15	Clarification is sought as to whether there will be sufficient space on-site for demolition and excavation arisings as well as construction wastes to be stored and crushed during the development. A plan showing these locations would be welcomed.
W16	Clarification is sought as to whether the noise from crushing activities on-site have been included for in the noise assessments contained within the ESA.
W17	Clarification is sought as to whether the traffic movements associated with the waste requiring removal from site have been accounted for in the transport assessment contained within the ESA.
W18	Table 6.17 of the ESA provides estimates of waste from construction materials. Clarification is sought from the Applicant on the basis for these volumes presented in Table 6.17.
W21	Paragraph 21.6.6 of the ESA states that approximately 108,860 tonnes to construction wastes will be generated by the LDS scheme. This total exceeds the amount of construction wastes identified in paragraph 6.8.28 of the ESA of 94,935 tonnes of waste for the whole development. Clarification on this conclusion in Chapter 21 is sought from the Applicant.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
W4	Paragraph 6.5.13 of the ESA suggests that the magnitude of impact is only affected as a result of the composition of the waste and not the volumes of waste generated. It is stated that the OWMP would mitigate any increase in magnitude of impact resulting from an increase in waste volumes. Magnitude of impact should have regard to projected increases in waste volumes. Further information is sought from the Applicant on the magnitude of impacts that has regard to proposed increases in waste volumes.
W5	Paragraph 6.5.15 of the ESA indicates when considering magnitude of impact that an average of the magnitude of an impact will be taken. This approach does not appear to have regard to the worst-case scenario of taking the higher level of impact. Having regard to the worst-case scenario would be considered the appropriate methodology to adopt when considering magnitude of impacts. Further information is sought from the Applicant on this matter.
W12	Further information is sought from the Applicant to update the number of recycling and collection bins proposed to ensure that they are sufficient to provide the necessary capacity of the waste arisings from the proposed development
W19	Paragraph 6.8.39 states that the magnitude of the predicted increase in waste generation from the proposed development is low. It is unclear how this assessment conclusion has been reached and further information on this is sought from the Applicant.
W20	It is considered that the magnitude of the increase in waste volumes from the site should have regard to both waste volumes and the waste composition. The greater of these effects should then be used to determine the significance of any impact. Further information is sought form the Applicant as to why the magnitude of the increase in waste volumes from the site does not have regard to both waste volumes and the waste composition.
Ref.	**Potential Planning Conditions**
W22	The CEMP should contain all aspects and mitigation measures as referenced in the ESA including a SWMP and the CEMP should be submitted to and approved by in advance of any commencement of development. The CEMP should be secured through a planning condition including for the implementation of the CEMP as approved.

Chapter 7
Review of Chapter 7: Socio-Economics

Scope of EIA

7.1 Chapter 7 of the ESA considers socio-economics. Appendix C, located in ESA Volume 4, has also been produced to support the chapter and contains baseline information and economic calculations used in the assessment.

7.2 A comprehensive overview of relevant policy and legislation which cover both national, regional and local scales is provided. Distinction between policies within the LBH and LBTH has been made which is welcomed.

7.3 This chapters considers the effects of the proposed development on the impact of the additional housing, employment and other uses associated with the proposed development on the existing populations in the Study Area, LBTH and LBH along with the impacts of the new population on existing facilities, services and employment.

7.4 Section 7.5 lists the Scoping Opinion comments received from LBH, LBTH and GLA in response to socio-economics. In the Scoping Opinion issued by GLA, it recommends that the Socio-economics chapters refers to the draft London Plan 50% Affordable Housing requirement. While there is inclusion of this policy within the LBH and LBTH Local Plans, the Applicant is asked to clarify why the draft London Plan has not been referenced. (SE1)

Baseline

7.5 Section 7.1.1 states that the previous assessment considered baseline information gathered in 2015, however this has now been updated to reflect the current environment with data collected in 2018/2019 being used to inform the assessment. Section 7.4.1 reiterates that the baseline year used is 2019. A list of the sources from which baseline data has been gathered is included.

7.6 Section 7.6 sets out the baseline assessment and identification of key receptors. The assessment draws heavily on the 2011 Census as recommended in the Scoping Opinion issued by GLA and provides a detailed breakdown of demographic social and economic construct of the study area, including population, age, ethnicity deprivation, housing, economic activity and socio-economic status. Figure 7.2

presents the indices of multiple deprivation in LBH and LBTH. The Figure highlights the study area and also shows the red line boundary of the development.

7.7 Section 7.6.2 sets out the study area included within the assessment. Due to the transboundary nature of the site, the baseline has included information on both LBTH and LBH.

7.8 ESA Volume 4, Appendix C also provides further information obtained from the 2011 census and the 2017 ONS Mid-Year Population estimates published in 2018.

7.9 The sensitivity of the baseline environment is assessed throughout Section 7.6 with Table 7.18 detailing the sensitivity of the baseline environment. Receptors such as housing and education are identified with justification for their sensitivity classification also provided.

7.10 The limitations within the baseline and general assessment methodology are set out in Sections 7.4.23 – 7.4.29 and are identifiable within the chapter. This is considered acceptable.

Assessment

7.11 The Assessment Methodology set out in section 7.4 and details the methodology used throughout the assessment.

7.12 It is noted that the Applicant has based their assessment on two scenarios - the maximum and minimum. These scenarios are based on differences between the number of new dwellings and commercial floorspace. A detailed breakdown is provided in Table 7.1.

7.13 The minimum development scenario has been used as worst-case scenario on operational employment and local spend due to lower population levels resulting in lower employment and expenditure.

7.14 The maximum development scenario is used as a worst-case scenario to assess the impact of increased population on existing amenities and open space. This is considered acceptable. The likely significant effects are assessed at the demolitions and construction phase and the operational phase.

7.15 Tables 7.3 and 7.4 set out the methodologies for determining sensitivity and impact magnitude with accompanying descriptions and criteria for assessing impact. This is a coherent approach and provides clarity on the reasons for the determination of significance made during the assessment.

7.16 In order to determine the significance of effect, the ESA has used a matrix based on the sensitivity of the receptor and impact magnitude. This has been applied throughout the assessment. The assessment has also differentiated between temporary and permanent effects associated with the different phases of the proposed development.

7.17 Table 7.19 presents a summary of the effects arising during the construction phase. This has been done for operational as well however this has been incorporated into the summary of residual effects table included in Table 7.25. It would have been helpful to have an isolated table summarising the effects arising during the operational phase.

7.18 Additionally, the assessment details both positive and negative effects relative to their significance.

7.19 Overall, the assessment is considered to be appropriate.

Secondary, Cumulative and Combined Impacts

7.20 Section 7.9 sets out the residual effects associated with the development and 7.10 sets out cumulative impacts.

7.21 Within the residual effects section Table 7.22 outlines the significant residual impacts. Table 7.23 assesses the difference between minimum and maximum development scenarios for each receptor.

7.22 As previously mentioned, the maximum and minimum development scenarios have been used in the worst-case assessment of likely significant effects. This table (Table 7.23) sets out the basis of assessment for worst case scenario which would have been useful in Section 7.7 to clearly identify which scenario was used to assess the various receptors.

7.23 As previously mentioned, Table 7.25 sets out the summary of residual effects. This is helpful and provides an overview of the assessments made throughout this chapter.

7.24 Table 7.24 also compares the residual effects with embedded mitigation measures between the 2015 proposed development and the 2019 Revised Scheme.

7.25 The cumulative effects section provides an overview of the cumulative effects associated with other proposed developments. This focuses on the operational phase of the development and highlights key receptors such as housing, education, health, local economy and expenditure of the addition population.

7.26 This is considered appropriate.

Mitigation and Management

7.27 Mitigation measures are set out within the assessment of likely significant effects. Section 7.7 discusses embedded mitigation measures for demolition and construction and operation. There are no embedded mitigation measures for the demolition and construction phase. Embedded mitigation for the operational phase includes the provision of a GP

surgery (with one GP) to reduce the impact of the effects of the proposed development upon healthcare provision. However, the proposed GP surgery does not appear to be included in the description of development in Chapter 5, and it is not clear which phase of development it would be provided in, or how the provision of a GP would be secured. Clarification is sought (SE2).

7.28 Section 7.8 provides information on the scope for additional mitigation measures. A Community Infrastructure Levy will be paid to LBH and LBTH. Reference is made to the potential for local skills training and placements to encourage local people to access the jobs to be created through the operational phase of the development, but it is not clear if the Applicant is committed to contributing to this; clarification is sought (SE3).

Limited Development Scenario

7.29 The assessment of the Limited Development Scenario, included in Chapter 21 of ESA Volume 2, concludes that the main differences between the LDS and Revised Scheme are the creation of net jobs: the LDS would generate 496 net jobs compared to the 6,231 jobs associated with the Revised Scheme. This is incorrectly referenced in Section 21.6.14 as 6,2531.

7.30 The 6,231 net jobs associated with the Revised Scheme has been assessed as having a moderate-minor beneficial effect in Section 7.7.40. However, in Section 21.6.14 it is stated that the Revised Scheme has a moderate beneficial effect. Clarification is sought as to why the effect relating to net jobs associated with the Revised Scheme has been changed within the LDS (SE4).

Non-Technical Summary

7.31 The NTS is considered to be an adequate summary for the non-specialist reader.

7.32 If there are any changes in the assessment as a result of the request for further information, then these should be summarised in the NTS.

Table 7.1: Socio-economic Summary

Ref.	Summary of Clarifications Required from Applicant
SE1	The Applicant is asked to clarify why the draft London Plan 50% Affordable Housing requirement has not been referenced within the Key Legislation, Policy and Guidance Considerations.
SE2	Clarification is sought on which phase the GP surgery will be provided or how the provision of a GP will be secured.
SE3	Clarification is sought on whether the Applicant is committed to contributing to local skills training and placements.
SE4	Clarification is sought as to why the effect relating to net jobs associated with the Revised Scheme has been changed within the LDS.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
N/A	None.
Ref.	**Potential Planning Conditions**
N/A	None.

Chapter 8
Review of Chapter 8: Ground Conditions

Scope of EIA

8.1 The Scoping Report prepared by the Applicant in 2019 proposed a desk-based review of previous assessments undertaken on the site.

8.2 The GLA's Scoping Opinion in 2019 recommended that the assessment should include consideration of previous site investigation results in the light of the proposed residential land use and should include consideration of ground gases. Consideration should also be given to any geotechnical or other issues associated with ground conditions (for example, geological features, nearby tunnels, ground stability) and these issues scoped out or included in the assessment as appropriate. There is insufficient consideration of the effects of the proposals on land stability associated with tunnels and railway cuttings, and this is discussed further in the text below.

8.3 It was also recommended that a site visit should be included in the assessment. The assessment relies heavily on-site investigation works undertaken in 2008, and a site visit is required to assess if there are any changes to the site status since that time. A site visit has not been undertaken, and it is recommended that this is undertaken as part of supplementary investigations, discussed further in the text below (GC1).

Baseline

8.4 The site is underlain by a variable thickness of Made Ground, underlain by Alluvium, River Terrace Deposits and London Clay. The Alluvium and River Terrace Deposits are secondary aquifers, and the London Clay is non-productive strata. The Chalk, which underlies the London Clay at depth is a Principal Aquifer. Groundwater has been measured at 6m to 7m below ground level (bgl) (or +7m to +8m Ordnance datum (OD)). The closest groundwater abstraction is 119m to the north west and the site is not in a Source Protection Zone.

8.5 Hazards due to Collapsible Ground Stability, Compressible Ground Stability, Ground Dissolution Stability, Landslide Ground Stability, and Running Sand Ground Stability are identified as very low or no hazard; there is a moderate risk of shrinking or swelling clay.

8.6 The River Thames is approximately 1.7km south of the site, and the Regent's Canal is approximately 1.5km north east of the site. The culverted River Walbrook runs below Curtain Road, 100m west of the site.

8.7 Potentially contaminative historic land uses on-site have included railways, a goods yard, fuel use and storage, fuel tanks, electrical transformers and a boiler house associated with a bottling plant.

8.8 Potentially contaminative historic off-site uses include informal sales of liquid paraffin from a large tank in a car park to the north east of the site, unspecified works, railways, brewing/malting activities, car dealers, garage services and repairs. Current off-site potentially polluting land uses within 250m include leather garments and products, car dealers, office equipment service and maintenance, oil and gas exploration supplies and services, printing and copying services, garage services and repairs, chemical manufacturers, engineers, dry cleaners, works, retail units, waste treatment or disposal, and an active fuel station.

8.9 Two Central Line Underground tunnels and an eight-track reserve line underlie the site in addition to utilities infrastructure. Railway tracks on the southern boundary of the site lie in a cutting approximately 6m below pavement level, beyond a retaining wall.

8.10 The area was heavily bombed in WWII, no records of bomb damage are present for the site, but that is likely to be because bomb damage records were not made for railway infrastructure.

8.11 Site investigations were undertaken in 2008 comprising 21 trial pits, two window sampling boreholes, 36 cable percussion boreholes and six rotary boreholes. The 'sliver' area of the site was not investigated. 71 soil samples were analysed for contamination, and 29 leachability tests were undertaken. Six rounds of gas monitoring were undertaken. Two rounds of groundwater sampling were undertaken from four boreholes.

8.12 Previous site investigation and assessment indicates that lead is present in soils that are above screening criteria for residential land use. Total Petroleum Hydrocarbons (TPH) and selenium were detected in groundwater at concentrations above screening values.

8.13 Previous site investigations indicate that no asbestos has been found in soils at the site and that ground gas concentrations were low with very low gas flow rates.

Assessment

8.14 Table 8.8 of the ESA identifies the Principal Chalk aquifer as a very high sensitivity receptor; neighbours, occupiers and the general public immediately adjacent to the Site, demolition and construction workers and scheme end users have all been identified as human health receptors of high sensitivity. This is considered acceptable.

8.15 Potential sources of contamination are identified in paragraph 8.7.2 of the ESA as: contaminated Made Ground and/or natural soils; contaminated groundwater within perched water within the Made Ground; asbestos; and dust and rubble from demolition. Clarification is required regarding whether groundwater within the Alluvium or River Terrace deposits may be a source of contamination (GC2).

8.16 Potentially significant pre-mitigation effects are identified as: major adverse effects on construction and demolition workers arising from soil contamination; moderate adverse effects on the public and nearby residents; moderate adverse effect on controlled waters; a long term major adverse effect on the Chalk aquifer in the event that piling creates a preferential pathway through the London Clay; a moderate adverse effect on underground utilities and infrastructure; and a negligible impact to land stability.

8.17 Underground tunnels are identified below the site, and there is a railway cutting adjacent to the site, to the south. The chapter briefly states that earthworks including excavations for basements and foundations could adversely affect land stability, but states that any settlement would be of small magnitude and effects negligible. Further information is required on how construction methods will ensure that there is no damage, due to excavations, settlement or other activities such as piling, to underground tunnels, the railway cutting to the south or other infrastructure and foundations (GC3).

8.18 Effects arising from contaminated groundwater are not discussed, for example, disposal of contaminated dewatering effluent. Clarification is sought from the Applicant regarding the potential for pollution arising from basement excavation dewatering and whether mitigation is required to manage potentially significant effects (GC4).

8.19 Effects arising from re-use and/or disposal of excavation spoil are not discussed. Further clarification is sought from the Applicant as to how waste soils will be managed, for example by using to the CLAIRE Development Industry Definition of Waste Code of Practice (GC5).

Secondary, Cumulative and Combined Impacts

8.20 The residual cumulative impact of development in the Borough is considered to be negligible to major beneficial, provided that the development is undertaken appropriately, and will add to the beneficial effect of reducing the stock of contaminated land in the Borough.

Mitigation and Management

8.21 Embedded mitigation measures are identified in Table 8.9 of the ESA, these include: an Environmental Risk Management Strategy and Remediation Method Statement; appropriate specification of concrete based on soil sulphate concentrations; appropriate installation of service (water supply) pipes depending on ground conditions; a suitable Piling Method Statement and Risk Assessment; audit trail, testing and verification to ensure chemically suitable materials across the site, in particular in landscaped area and imported materials; installation of gas membranes in 'a number' of buildings across the site; UXO survey and mitigation plan; stockpile management; vehicle maintenance to prevent leaks; wheel washing; PPE; health and safety protocols for demolition and construction workers; disposal of contaminated soil offsite; storage of oils and hydrocarbons to prevent leakage and spills. All the mitigation measures identified in Table 8.9 of the ESA are to be secured through appropriately worded planning conditions. (GC5)

8.22 Additional mitigation measures are identified in Table 8.10 of the ESA, these include: the use of cover systems to mitigate poor quality of the Made Ground; appropriate removal and disposal of any asbestos or asbestos containing materials (ACM) identified during demolition or construction works; operation of the Environment Management Plan to include site maintenance, storage of fuels, chemicals, waste management and emergency response procedures. All the mitigation measures identified in Table 8.10 of the ESA are to be secured through appropriately worded planning conditions. (GC7)

8.23 The assessment of post-mitigation effects is that effects will be negligible, with the exception of effects of contaminated soil and groundwater on human health, which will be minor to major beneficial.

8.24 Clarification is required regarding which structures will be provided with gas protection measures and on what basis (GC6).

8.25 The assessment has not included potential effects of construction on the underground tunnels and railway cutting that may be affected by construction. It is not clear therefore whether mitigation is required to ensure that demolition and/or construction activities do not destabilise these structures. Clarification is required as to whether there will be additional site investigations undertaken to mitigate uncertainty in the ground conditions (GC7).

8.26 The assessment is based on investigations undertaken in 2008, and site conditions may have changed in the intervening 11 years. In consequence, further site investigations should be conditioned to be undertaken to comprise updated ground gas and groundwater data, along with supplementary soils data to confirm the findings of the previous assessment and investigation areas that were previously inaccessible (e.g. the sliver).

Limited Development Scenario

8.27 The limited development scenario is not considered to be substantially different from the full development scenario in terms of effects arising from ground conditions and required mitigation.

Non-Technical Summary

8.28 The NTS states that the CoCP would ensure that construction activities follow procedures that minimise harm to the environment. The CoCP submitted with the ESA does include the significant effects and mitigation identified in the Chapter, and the NTS is considered acceptable.

Table 8.1: Ground Conditions Summary

Ref.	Summary of Clarifications Required from Applicant
GC2	Clarification is required as to whether groundwater in the Alluvium or River Terrace Deposits aquifers are considered a source of contamination.
GC4	Clarification is required as to whether there are any potential effects arising from contaminated groundwater, for example associated with disposal of dewatering effluent, and whether mitigation is required.
GC5	Effects arising from re-use and/or disposal of excavation spoil are not discussed. Further clarification is required on how waste soils will be managed, for example by using to the CLAIRE Development Industry Definition of Waste Code of Practice.
GC6	Clarification is required regarding which structures will be provided with gas protection measures and on what basis.
GC7	Clarification is required as to whether supplementary site investigations will be undertaken to confirm the previous findings and inform the CoCP and remediation method statement.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**

GC1	A site visit as requested in the Scoping Opinion from the GLA in April 2019 is recommended to be undertaken as part of supplementary investigations.
GC3	Underground tunnels are identified below the site, and there is a railway cutting adjacent to the site, to the south. The chapter briefly states that earthworks including excavations for basements and foundations could adversely effect land stability, but states that any settlement would be of small magnitude and effects negligible. The effects of demolition, construction and piling on tunnels and cuttings have not been assessed, and further information is required on potential effects and mitigation.
Ref.	**Potential Planning Conditions**
GC4	Planning conditions should require that supplementary site investigation and risk assessment is undertaken to update the 2008 site investigation and provide assessment of areas of the site that were not accessible during the previous investigation (e.g. the Sliver). Recent gas and groundwater data are required to verify the earlier report. A remediation method statement and verification plan should be submitted for approval by the Local Authority.
GC5	All the mitigation measures identified in Table 8.9 of the ESA are to be secured through appropriately worded planning conditions.
GC6	All the mitigation measures identified in Table 8.10 of the ESA are to be secured through appropriately worded planning conditions.
GC7	A planning condition should require that if unexpected contamination is found during demolition and/or construction, the Local Authority is informed and investigation, assessment, remediation and verification are undertaken with the approval of the Local Authority.
GC8	A planning condition should require that a CoCP is submitted for approval to the Local Authority, taking into account the results of supplementary site investigations. This should include measures to protect workers, the public and groundwater from effects during construction, and be informed by recent site investigation data.
GC9	A planning condition should require that a Piling Risk Assessment is undertaken, and foundation construction methods agreed with the Local Authority and Environment Agency.
GC10	A planning condition should require that a UXO survey and mitigation method statement are submitted to the Local Authority for approval.

Chapter 9
Review of Chapter 9: Traffic and Transport

Scope of EIA

9.1 The scope of the EIA was revisited through the Scoping Opinion Review Report (SORR). The SORR advises what information should additionally or alternatively be presented within the Traffic and Transport chapter. Table 9.8 of the ESA sets out how, with reference to information included in the Transport Assessment (TA) and other documents, the Traffic and Transport chapter responds to the SORR.

9.2 It is widely reported that WSP on behalf of the Applicant has been working with the officers at TfL, LBTH and LBH with regard to transport implications of the submission of amendments to the current planning applications for determination by the current Mayor. No transport scoping report is included as part of the ESA documentation. However it can reasonably be considered that the period over which the proposed development has been discussed and the extent of the involvement of the officers at TfL, LBTH and LBH, taken together with the findings of the SORR, means that all facets of the scheme which would otherwise be included in a transport scoping report have been reviewed and included as required in the TA.

9.3 It is noted that the scheme is intentionally designed to provide virtually no car parking, with good permeability and high-quality public realm along with ample cycle parking spaces. This should help to encourage residents, employees and visitors to the site to walk or cycle for many journeys and reduce car ownership.

9.4 The purpose therefore of the development is to create the best possible conditions for those walking, cycling and using public transport. Accordingly, it is considered that in traffic and transport terms the focus of the ESA should be to show how the conditions for these particular users are affected by the proposed development.

Baseline

9.5 The baseline situation should be more clearly defined in the ESA. As well as describing details of network or service provision for each mode of transport, information relating to the existing use of these transport networks by pedestrians, cyclists, bus users or rail-based public transport as

appropriate should be included (T9). Some of this data appears later in the Traffic and Transport chapter but is only introduced as part of the assessment (e.g. pedestrian flows in Table 9.22).

9.6 As suggested in the SORR, the baseline includes a Pedestrian Comfort Level (PCL) assessment of the relevant existing pedestrian routes around and through the site as a basis for determining pedestrian amenity. This is particularly welcomed.

9.7 Paragraphs 9.5.21 to 9.5.25 refer to the determination of the baseline and appear to reference existing data. There is however reference to a future baseline situation (in 2033) in the TA, for example at paragraphs 13.3.9 and 13.3.11 and later in Tables 13.6 and 13.7 in relation to assessment of PCLs. There is no reference in the Traffic and Transport chapter to a future baseline either as a basis for assessing the effects of the scheme itself or as a basis for assessing cumulative effects. As a result, it is not clear how the TA and the Traffic and Transport chapter of the ESA correlate in terms of the basis upon which impact is assessed (T10).

9.8 In recognition of the important role for those expected to walk to and from the site a Pedestrian Environment Review System (PERS) audit, which investigates the existing conditions in the vicinity of the site for pedestrians, has been undertaken. The PERS audit is appended to the TA however its findings are not referenced in the baseline situation as described in the Traffic and Transport chapter (T1).

9.9 In recognition of the important role for those expected to cycle to and from the site, there is a commitment in Table 9.8 to undertake a Cyclist Environment Review System (CERS) audit. Notwithstanding the above, there is no reference in either the Traffic and Transport chapter or the TA to the findings from a CERS audit (T2).

9.10 The baseline situation described in the TA includes a summary of the findings of a Healthy Streets Check which has been undertaken under the auspices of TfL's Healthy Streets Approach. The Healthy Streets Check is appended to the TA and provides comprehensive background information. Despite their role as a tool to assist with determining the extent of change in the street environment, the findings of the Healthy Streets Check are not referenced in the Traffic and Transport chapter of the ESA (T3).

Assessment

9.11 At paragraphs 9.5.5 it is stated that a quantitative assessment of severance is scoped out but a qualitative review will be included to consider and confirm any potential changes. At paragraphs 9.5.7 and 9.5.12 similar statements are made in respect of assessment of delay as well as for the assessment of amenity, fear and intimidation. These statements refer back to the request, as set out in the first line of entries in Table 9.8, for these matters to be included and to which the Applicant responds that Section 9.9 considers these effects. It is not clear firstly if this reference is correct and secondly, if it is not, where the assessments of severance (T11), delay (T12) together with amenity, fear and intimidation (T13) are set out. The principle of assessing these effects qualitatively rather than quantitatively can be acceptable provided the reasons for doing so and the subsequent assessment are transparent.

9.12 It is noted however that there is considerable opportunity for assessing more than one of these effects quantitatively based on the baseline data presented and the assessments made of the impact of the development. These opportunities arise from the use of PCLs to assess the pedestrian environment as well as the Healthy Streets Check to provide a broader based measure.

9.13 Such an approach would however only be possible if consistency is adopted in the presentation of the impact of the scheme. For example, Tables 9.11 and 9.12, which present the existing scenario, cannot be compared to Tables 9.20 and 9.21, which appear to present the 'with development' scenario together with background growth to 2033. Tables 13.4 - 13.7 in the TA include appropriate data for comparisons to be drawn and consideration should be given to as to how this data could be used in the EIA assessment (T4).

9.14 Significance criteria are presented, but only generically, in paragraphs 9.5.18 to 9.5.20. As PCLs are presented to show how conditions are expected to change for pedestrians as a result of the development, consideration should be given to determining what significance criteria should be applied to PCLs and any changes thereto (T14).

9.15 For public transport users reference is made in the significance criteria to changes to capacity however the assessment provided does not consider public transport impact in terms of capacity but in terms of additional demand. Consideration should be given either to including further details of the existing capacity available on each mode of public transport or to proposing and justifying a bespoke approach to defining significance criteria (T15).

9.16 The means to identify potential receptors of transport effects and their sensitivity criteria are not set out and are simply stated in paragraph 9.6.55. There is no reference to the sensitivity of the stated receptor groups or whether any subsets of these groups have a higher or lower relative sensitivity (T16).

9.17 For the assessment of likely effects and their significance, paragraphs 9.8.6 to 9.8.11 deal first with the effects of the construction phase for which the assessment findings are all of a minor adverse or negligible impact. The

basis for this analysis is however not presented in the Traffic and Transport chapter (T17). It is acknowledged that there is analysis included in the TA regarding the impact of construction vehicles however the baseline data and assessment of impact should be included in the ESA.

9.18 For the assessment of likely effects and their significance for the operational phase paragraphs 9.8.15 to 9.8.17 appear wholly illogically in advance of the analysis that has been undertaken (paragraphs 9.8.18 to 9.8.26) to arrive at the assessments. As a result, it is difficult to determine if the findings of the assessment of effects during the operational phase can be considered to be sound (T5).

9.19 As stated above, there is a lack of clarity in terms of the baseline situation adopted as the basis for the impact assessment. Once this is resolved consideration needs to be given to how the comparative data upon which the findings are based is presented. Furthermore, it is also considered that the clear differences identified in the performances of the sections of pedestrian thoroughfares analysed means that it is inappropriate for the findings in terms of pedestrian amenity to be presented homogeneously (T6).

Secondary, Cumulative and Combined Impacts

9.20 There is a description of the transport impacts of some of the identified committed developments however there is no clarity as to the timeline for these developments relative to the proposed development and therefore what the baseline traffic conditions are against which cumulative effects are being considered (T7).

9.21 There is no cumulative impact assessment presented in relation to the construction phase of the proposed development (T18).

9.22 Any secondary or combined impacts identified in the ESA resulting from the effects of Traffic and Transport are covered elsewhere in the ESA.

Mitigation and Management

9.23 The proposed mitigation measures largely comprise embedded provision for both improved pedestrian connectivity to public transport and significant cycling facilities and are referred to at paragraphs 9.8.12 to 9.8.14 together with paragraphs 9.9.3 to 9.9.6. It is proposed that a Travel Plan should monitor the achievement of sustainable travel targets.

9.24 The mitigation measures are appropriate and appear to be proportional to the scale of the scheme.

9.25 Management of the construction phase includes the preparation of a detailed Construction Logistics Plan based on the Outline Construction Logistics Plan submitted as part of the TA (TA19) (T20)

Limited Development Scenario

9.26 Chapter 21 of the ESA provides a summary of the Limited Development Scheme impacts as these relate to traffic and transport.

9.27 The LDS is considered to create substantially fewer trips than the full development scenario due to the omission of the office element of the proposed scheme. However, the opportunities to improve the public realm in the western part of the site are largely removed resulting in all trips on foot or cycle being routed along existing routes between the site and Commercial Street/Shoreditch High Street.

9.28 In terms of effects arising from the LDS it is considered that the overall impact will be similar to that of the proposed scheme albeit there may be areas where localised mitigation may be appropriate. The more targeted approach to assessing impact suggested above would be instrumental in determining if such additional mitigation would be required to offset impacts on pedestrians and cyclists (T19).

Non-Technical Summary

9.29 The Non-Technical Summary is consistent with the summary and conclusions set out in Chapter 9 of the ESA but should be updated with any additional information added to the assessment on the basis of the comments made above (T8).

Table 9.1: Traffic and Transport Summary

Ref.	Summary of Clarifications Required from Applicant
T1	Consider if the PERS audit, which is appended to the Transport Assessment, should be referenced in the baseline situation of the Traffic and Transport chapter.
T2	Include findings from a Cyclist Environment Review System (CERS) audit or provide a reasoned justification why it is no longer required.

T3	Consider if the findings of the Healthy Streets Check, as a tool designed to assist with determining the extent of change in the street environment, should be referenced in the baseline situation of the Traffic and Transport chapter.
T4	Provide consistency in the approach adopted for the presentation of the impact of the scheme.
T5	Review the assessment of likely effects and their significance for the operational phase and re-order the section on impact assessment so that determination of the effects can be drawn from the findings of the assessment of impact.
T6	Performances of the sections of pedestrian thoroughfares to be presented separately.
T7	Clarify the baseline traffic conditions against which cumulative effects are being considered.
T8	Update Non-Technical Summary as appropriate.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
T9	Existing use of transport networks by pedestrians, cyclists, bus users or rail-based public transport as appropriate to be included.
T10	There is no reference in the Traffic and Transport chapter to a future baseline, however this appears to have been used as a basis for assessing the effects of the scheme.
T11	Provide basis for qualitative assessment of severance and judgement of impact or alternatively refer to quantitative data available.
T12	Provide basis for qualitative assessment of delay and judgement of impact or alternatively refer to quantitative data available.
T13	Provide basis for qualitative assessment of amenity, fear and intimidation and judgement of impact or alternatively refer to quantitative data available.
T14	Review significance criteria in relation to use of Pedestrian Comfort Levels.
T15	Review significance criteria in relation to effects on users of public transport.
T16	Identify potential receptors of transport effects and their sensitivity criteria.
T17	Include the basis for assessment of effects during the construction phase.
T18	Include cumulative impact assessment for the construction phase of the proposed development.
Ref.	**Potential Planning Conditions**
T20	The preparation and implementation should each be secured of the following: • Construction Logistics Plan; • Workplace Travel Plan; • Hotel Travel Plan; • Residential Travel Plan; and • Delivery and Servicing Plan. Any public transport improvement measures required as a result of the development should be secured by S106 agreement.

Chapter 10
Review of Chapter 10: Wind Microclimate

Scope of EIA

10.1 The ESA assesses the likely significant effects of the Revised Scheme on the wind microclimate. The scope of the assessment is well defined, and the Applicant demonstrates an understanding of the requirements of completing a wind assessment, as well as the potential impact on pedestrian comfort and safety.

10.2 The Applicant describes changes to local and regional policies that have occurred since the 2015 ES. Note, policy applicable to assessment remains unchanged from the 2015 ES. Thus, the Applicant demonstrates an understanding of the potential negative impacts on the wind microclimate and how to ensure these are minimised.

10.3 The Applicant addresses comments raised as part of the 2014 Scoping Opinion and the 2019 Scoping Opinion Review as part of the present 2019 ESA.

Baseline

10.4 The baseline was described in wind tunnel model 'Configuration 1: Existing site with Existing Surrounding Buildings'. Mean and peak wind speeds were measured for the windiest season to determine a worst case scenario and the summer season, when the amenity spaces would be most used. These results were combined with long-term meteorological data for the London area gathered from meteorological stations at three London airports (Gatwick, Heathrow and Stansted Airports). This is a typical approach for predicting wind conditions for wind tunnel models. Using BREVe3.2 software the meteorological conditions were adjusted to onsite conditions.

10.5 Furthermore, the Applicant predicts the likely effect of construction and demolition works based on professional judgement. This is an appropriate methodology. However, a mid-construction scenario was also assessed in more detail.

Assessment

10.6 Wind tunnel testing of the 2019 Revised Scheme was undertaken. In particular, the following four configurations were tested:

- Configuration 1: Existing site with Existing Surrounding Buildings;
- Configuration 2: Revised Scheme Buildings 2 and 7 with, Landscaping, Wind Mitigation and the Existing Surrounding Buildings (mid construction scenario);
- Configuration 3: Revised Scheme with Landscaping, Wind Mitigation and the Existing Surrounding Buildings (Full Scheme); and
- Configuration 4: Revised Scheme with Landscaping, Wind Mitigation and the Cumulative Surrounding Buildings (Full Scheme with Cumulative).

10.7 The measured wind speeds at 243 locations were compared against the Lawson Comfort Criteria and strong winds safety criteria for all configurations, which is the industry standard for wind microclimate. Additionally, for off-site locations a comparison of the wind condition with the (existing) baseline conditions was conducted, which is an appropriate methodology.

10.8 The Applicant followed the industry accepted methodology to determine the significance of the effect of wind speeds based on the suitability of the location for its indented use.

10.9 The Applicant initially conducted the testing without any landscaping to provide a worst-case scenario and after identifying breaches in safety levels through iterative wind tunnel tests wind mitigation measures were developed.

10.10 The Applicant lists limitations and assumptions that occur for any wind tunnel testing highlighting scenarios under which the current results may not be accurate, most notable when changes in the geometry or the intended use of a location occur.

10.11 For the baseline, the wind speeds at the measured locations are within the criteria required for their use and there are no instances where the safety criteria are breached.

10.12 The initial testing of the 2019 Revised Scheme identified that whilst comfort conditions were largely achieved across the scheme there were a number of locations that would be windier than desired for both comfort and safety of pedestrians. In particular, the main areas identified as windier than desired were primarily on Shoreditch High Street (mainly below the railway bridge and on the junction with Commercial Street) and in close proximity to Building 2 and the listed wall on Shoreditch High Street.

10.13 For paragraph 10.8.17 further clarification is sought if the Completed development refers to Configuration 2 as described or Configuration 3 as per definition in paragraph 10.5.19. (WM1)

10.14 A comparison of the results in the present 2019 Revised Scheme with the results presented in the 2015 ES shows that for the 2015 proposed development conditions would be more likely to be windier to the north of the site and within the site boundary than the 2019 Revised Scheme, which would be windier to the west of the site. In both schemes mitigation measures are necessary and with the application of these measures there would be no significant residual effects for both schemes. Note, the Applicant does not specify if and how the methodology differs between the present 2019 ESA and the 2015 ES, which would be necessary for a more detailed comparison than currently presented.

Secondary, Cumulative and Combined Impacts

10.15 The following developments, which have commenced construction, were already included in Configurations 1-3: Blossom Street, The Stage (Plough Yard), 201-207 Shoreditch High Street and Silwex House, Quaker Street. The following cumulative schemes, which are located within 360m of the development, were included in Configuration 4: Land within former Truman's Brewery site [12/00090] and Shoreditch Village (183-187 Shoreditch High Street) [2017/0596]. Developments beyond a 360m radius were assumed to not impact the wind microclimate, which seems an appropriate assumption.

10.16 Wind tunnel testing showed that the wind conditions on the ground level of Configuration 3 (with Existing Surrounding Buildings) and Configuration 4 (with Cumulative Surrounding Buildings) are similar and the applicant concluded that the wind conditions on terraces and balcony level amenity spaces would be similar. This seems an appropriate assumption.

Mitigation and Management

10.17 Following the initial wind tunnel testing for the Revised Scheme the Applicant tested a range of over 50 different mitigation measures over a total of eight mitigation workshops and 74 mitigation runs. These mitigation measures were developed to reduce the instances of strong winds at ground and platform levels and improve comfort conditions across the site where necessary. Measures were developed that were suitable and deliverable both practically and in design terms, whilst limiting the impact on the listed structures, and improving wind conditions on and off site to create a safe and comfortable environment for pedestrians. The Applicant gives a list of mitigation solutions required to achieve safety and comfort conditions, namely at paragraph10.13.5. (more details of these measures can be found in paragraphs10.8.6 and 10.8.7). These mitigation solutions were found to be suitable

for Configurations 2-4 for construction as well as operation of each configuration.

10.18 Specifically, for the mid-construction scenario the Applicant determined through iterative testing that mitigation listed in paragraphs 10.8.12 to 10.8.15 (part of the mitigation measures listed in paragraph10.13.5) would be expected to reduce the occurrence of strong winds during the construction phase and that wind conditions at the measured locations would be suitable for the intended use. It was found that these mitigation measures were also effective for the operational phase of the mid-construction scenario, so that with the additional mitigation measures listed in paragraphs 10.8.24 to 10.8.27 (also part of the mitigation measures listed in paragraph10.13.5) all locations would be suitable for their intended use with no instances of strong winds.

10.19 The Applicant states that the embedded wind mitigation measures specified in paragraph10.8.6 would result in wind conditions at the Revised Scheme suitable for the intended pedestrian uses with no significant effects (including residual effects) outstanding (paragraphs10.10.1 and 10.11.1). Note, however, in paragraph 10.8.59 the Applicant states that for Terraces around the western corners of Building 2 a minor adverse (significant) effect is identified following the mitigation measures included in Configuration 3. Clarification is therefore requested why this effect was not classed as a significant residual effect. (WM2) Furthermore, the Applicant states that a railing type perimeter barrier would be required rather than a solid balustrade to ensure no change in reported wind conditions at ground level. The rails should be included within a planning condition.

10.20 The Applicant showed and argued that the wind conditions between Configuration 3 (with Existing Surrounding Buildings) and Configuration 4 (with Cumulative Surrounding Buildings) are similar, so that mitigation measures required for Configuration 3 would also be required for Configuration 4.

Limited Development Scenario

10.21 Wind conditions in the minimum development parameter scenario were assessed qualitatively using the professional judgment of an experienced wind engineer. The Applicant states that it would be expected that wind conditions would be generally similar to those presented for the construction and operational phase of the maximum development parameter scenario of the Revised Scheme discussed above.

Non-Technical Summary

10.22 Generally, the NTS provides a clear and concise summary of the points discussed in the report. However, paragraph 1.7.38 could be rewritten to make it easier to understand. The NTS may require an update subject to the clarification WM2 on re. residual significant effects.

Table 10.1: Wind Microclimate Summary

Ref.	Summary of Clarifications Required from Applicant
WM1	For item 10.8.17 further clarification is sought if the Completed development refers to Configuration 2 as described or Configuration 3 as per definition in item 10.5.19.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
WM2	The Applicant states that the embedded wind mitigation measures specified in 10.8.6 would result in wind conditions at the Revised Scheme suitable for the intended pedestrian uses with no significant effects. However, in item 10.8.59 the Applicant states that for Terraces around the western corners of Building 2 a minor adverse (significant) effect is identified following the mitigation measures included in Configuration 3. Clarification is therefore requested why this effect was not classed as a significant residual effect.
Ref.	**Potential Planning Conditions**
WM3	It was determined that mitigation measures are necessary in several instances to ensure the wind levels do not breech the levels suitable for the intended pedestrian use and to ensure the safety of pedestrians and cyclists. Following iterative tunnel testing, a list of mitigation measures was determined (in item 10.13.5 of the present 2019 ESA) so that the wind conditions were acceptable at all measured locations. These mitigation measures should be secured through a planning condition.

Chapter 11
Review of Chapter 11: Daylight, Sunlight and Overshadowing

The review of this chapter has been carried out by specialists within GLA

Chapter 12
Review of Chapter 12: Air Quality

Scope of EIA

12.1 The assessment considers dust and air quality impacts from emissions of construction vehicles and traffic flow changes once the scheme is operational. These air quality impacts have been considered for existing and future sensitive receptors associated with the residential development. The scope also includes an “air quality neutral” assessment.

12.2 The air quality methodology satisfactorily addresses responses from AQ consultees. In Appendix A the majority of Scoping Opinion comments regarding air quality have been addressed, with the exception of justifications on the fleet mixes in the modelling of construction vehicles. In the Scoping Opinion a preference for the construction traffic fleet mix to be presented was raised. The Applicant states this has been considered and presented within Appendix H, however no information could be found. Clarification on the construction fleet assumed should be provided. This applies to the LBTH and LBH scenario in isolation and cumulatively (AQ1).

Baseline

12.3 The current air quality policy and regulatory obligations have been correctly captured. In addition, the report includes the current review and assessment of air quality by the LBTH and the LBH review includes up to date information on air quality monitoring and air quality management areas (AQMA).

12.4 The current air quality surrounding the site has been established for nitrogen dioxide (NO_2) and particulate matter less than 10 and 2.5 microns in diameter (PM10 and PM2.5). The sources used for this were:

1. Local authority monitoring data within close proximity of the proposed site, in Section 12.6 of the ESA; and
2. Defra modelled background concentrations, in Table 12.8 of the ESA.

12.5 It is unknown whether the suitability of Defra’s background maps was confirmed with a comparison against measured background concentrations. Clarification should be provided on whether the suitability of using Defra background

maps was considered, and if found to be unsuitable, what are the implications for the study (AQ2).

12.6 Defra's modelled NOx concentrations provide contributions from emission sources within and outside the modelled 1km^2 grid squares. It is common practice to remove certain sectors to prevent double counting of emission sources which will be included in the dispersion modelling of the air quality assessment. Knowledge of sector removal helps with interpretation of model verification. It is not clear whether the background concentrations presented in Table 12.8 of the ESA were sector removed, as suggested in LAQM.TG(16) Section 7.69, for use in the verification and modelling of the assessment scenarios. Clarification is required on whether the background concentrations were sector removed (AQ3).

12.7 The baseline set for the current year is considered acceptable. In addition, the approach for setting the future baseline, or future air quality concentrations without the scheme in place is considered acceptable. However, the future baseline sensitivity test outlined within paragraph 12.5.30 of the ES does not satisfactorily represent a stagnation in fleet emission improvements. This is because the sensitivity test assumed that vehicles will be compliant with Euro Standards after 2019. Clarification is required on what the potential implications upon report conclusions are without an Ultra Low Emissions Zone (ULEZ) compliant fleet i.e. based on Defra background concentrations pre-2019. This should be considered in both the LBTH only and LBTH and LBH scenarios (AQ4).

Assessment

12.8 The assessment methodology used (LAQM.TG (16)), the significance criteria adopted (IAQM, 2017) and the methodologies used are all in line with current good practice guidance.

12.9 The Applicant's assessment of dust risk from site activities within Table 12.11 has been undertaken in line with best practice guidance. The recommended mitigation measures proposed within Section 12.9 of the ESA should be secured through a planning condition. (AQ12)

12.10 After reviewing Tables 9 through to 11 of Appendix H (Air Quality) of the ESA, it is considered that the Applicant has included all roads which are estimated to experience a change in traffic flows that could cause a material effect upon air quality. Paragraphs 12.5.16 and 12.5.17 of the ESA demonstrate that the Applicant has considered the cumulative effect of operational traffic from phases completed earlier, with peak construction traffic resulting from construction of later phases. However, it is not clear if Phase 1, 2 and 3's construction traffic has been screened for a detailed air quality assessment upon existing receptors. The Applicant should clarify if Phases 1, 2 and 3 trigger the IAQM assessment screening threshold. If so, these impacts upon local air quality should be quantified through detailed dispersion modelling (AQ5).

12.11 Good dispersion modelling practice has been adopted and street canyons have been incorporated within the dispersion model. From a review of the study area detailed within Figure 6 of Appendix H of the ES, clarification is required on whether Great Eastern Street and Old Street were represented as street canyons in the dispersion model (AQ6).

12.12 It has been noted that monitoring locations within the study area have been excluded from Table 12 of Appendix H of the ESA, model verification. Model verification is a very important step which affects the sensitivity of estimated concentrations and subsequently any conclusions on significance. Good justification for excluding monitoring location 4 from model verification has been provided. However, further clarification (AQ7) should be provided on why the following locations from Table 12.6 of the ESA have been excluded:

- 3 LBTH
- 12 LBH
- 1 LBH
- 11 LBH

12.13 In addition, a model verification year of 2017 has been assumed. This requires all the data inputs to come from a 2017 dataset, this is mostly the case. The exception is London Borough of Tower Hamlet's 2016 monitoring data, which is presented as a 2017 dataset within Table 12.6 of the ESA. Clarification is required on whether LBTH's 2016 measurement data has been used within the 2017 model verification. Should this be the case, commentary should be provided on the implications upon modelled results (AQ8).

12.14 A robust selection of receptors has been chosen to represent air quality impacts at existing receptors. However, the selection of receptors to represent the proposed development does not appear to have incorporated all locations. For instance, Figure 5.1 from Chapter 5 shows that Plot 7a and Plot 3 are adjoined to Commercial Street. Given that the Applicant's estimated concentrations are highest at existing receptor E14 along this Road, concentrations should also be estimated here for the new development. Clarification is required on whether these Plot 7a and Plot 3 are representative of short-term or long-term air quality objectives. If so detailed modelling of estimated concentrations at these locations should be provided to demonstrate that concentrations will be below air quality objectives. If the results show non-compliance, the Applicant should suggest mitigation to achieve air quality objectives (AQ).

12.15 Odour assessment of the proposed A3 property use has been omitted from this ESA. However, the Applicant has suggested that the assessment of this can be secured through

a planning condition once more detail is known regarding the property use (AQ13). This is considered acceptable and a planning condition should secure this assessment and appropriate design to ensure that odour issues can be avoided.

12.16 The development has been demonstrated as air quality neutral. This was achieved by showing that the number of vehicle trips generated by the development are below the assessment benchmarks, and that non-combustion sources (air pump) are used to provide heating.

Secondary, Cumulative and Combined Impacts

12.17 The Applicant has satisfactorily considered the cumulative effects of the proposed development including for any overlap between operational and construction phases with committed developments.

Mitigation and Management

12.18 It is reported within paragraph 12.9.6 of the ESA that the Applicant proposes to use sealed facades, mechanical ventilation with NOx filters and air intake from a suitable location to offset the impact. These measures should be sufficient to offset the adverse impact, but further information is required to prove the efficacy of these measures. As the Applicant suggests, these could be dealt with post-consent and a more detailed assessment should be used to evidence that the proposed measures will achieve compliant NO_2 concentrations along with maintenance programme to ensure compliance is sustained. (AQ14)

Limited Development Scenario

12.19 Within Table 3 of Appendix M of the ESA it appears that some plots will be completed as early as 2023. However, it is not clear if the Applicant has assessed the impact of later construction phases and forecast baseline air quality upon plots which could be operational in 2023. Clarification is required on whether new receptors which are relevant for the annual mean NO_2 air quality objective will be introduced earlier than 2027 (AQ11). If so, further modelling will need to be undertaken to demonstrate that there will be no significant impact. If new receptors will be introduced in 2027, the Applicant should confirm whether the phased assessment in Table 12.12 of ESA chapter 12 could be used as a worst case proxy.

12.20 No assessment of emissions from the limited development scenario's construction vehicles has been undertaken. The Applicant should clarify if any phases' construction traffic triggers the IAQM assessment screening threshold (AQ10). If so, these phases' impacts upon local air quality should be quantified through detailed dispersion modelling.

12.21 Other than the comments set out above, the Applicant has captured locations which represent potential worst case human health exposure at the new development.

Non-Technical Summary

12.22 The NTS is considered an accurate reflection of the air quality ESA. That is, there is a substantial adverse impact upon receptor E14 and that mitigation is proposed to offset this impact.

Table 12.1: Air Quality Summary

Ref.	Summary of Clarifications Required from Applicant
AQ1	In the Scoping Opinion a preference for the construction traffic fleet mix to be presented was raised. The Applicant acknowledges this has been considered and presented within Appendix H, however no information could be found. Clarification on the construction fleet assumed should be provided. This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ2	Clarification should be provided on whether the suitability of Defra's background maps was considered, and if found to be unsuitable the Applicant should provide commentary upon the assessment implications. This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ3	Clarification is required on whether the background concentrations were sector removed. This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ4	The sensitivity test for future baseline concentrations assumes an ultra-low emission zone compliant fleet. Clarification is required on what the potential implications upon report conclusions are without a ULEZ compliant fleet i.e. Defra background concentrations pre-2019. This should be considered in both the LBTH only and LBTH and LBH scenarios.
AQ5	The Applicant should clarify if phases 1, 2 and 3 trigger the IAQM assessment screening threshold. If so, these impacts upon local air quality should be quantified through detailed dispersion modelling. This is for the LBTH and LBH scenario only.
AQ6	Clarification is required on whether these roads were represented as street canyons in the dispersion model: Great Eastern Street and Old Street. This applies to the LBTH and LBH scenario in isolation and cumulatively.

AQ7	Clarification should be provided on why the following locations from table 12.6 of the ESA have been excluded from model verification: • 3 LBTH • 12 LBH • 1 LBH • 11 LBH This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ8	Clarification is required on whether LBTH's 2016 measurement data has been used within the 2017 model verification. Should this be the case, commentary should be provided on the implications upon modelled results. This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ9	Clarification is required on whether Plot 7a and Plot 3 are representative of short-term or long-term air quality objectives. If so detailed modelling of estimated concentrations at these locations should be provided to demonstrate that concentrations will be below air quality objectives. Failing compliance, the Applicant should suggest mitigation to ensure compliance with air quality objectives. This applies to the LBTH and LBH scenario only.
AQ10	No assessment of the Limited development's construction phases impacts upon existing receptors has been undertaken. The Applicant should clarify if any phases' construction traffic triggers the IAQM assessment screening threshold. If so, these phases' impacts upon local air quality should be quantified through detailed dispersion modelling. This applies to the LBTH only scenario.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
AQ11	Clarification is required on whether new receptors which are representative of short-term and long-term air quality objective will be introduced earlier than 2027. If so, further modelling will need to be undertaken to demonstrate that there will be no significant impact. If new receptors will be introduced in 2027, the Applicant should confirm whether the phased assessment in Table 12.12 could be used as a worst-case proxy. This applies to the LBTH only scenario.
Ref.	**Potential Planning Conditions**
AQ12	The recommended mitigation measures proposed within section 12.9 of the ESA should be secured through a planning condition. This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ13	The developer should undertake an odour assessment in respect of proposed A3 property uses with any identified mitigation measures being implemented in full prior to the occupation of any such units. This applies to the LBTH and LBH scenario in isolation and cumulatively.
AQ14	A condition should be secured to ensure that the developer undertakes a further assessment prior to occupation of the development to confirm air quality mitigation measures. These to confirm the suitable location for air intakes and include the use of sealed facades and mechanical ventilation with NOx filters.

Review of the Air Quality Assessment Sensitivity Test Technical Note

Introduction

12.23 In the review of the Air Quality Chapter of the ES Addendum (ESA) back in November 2019 a number of clarifications and requests for further information were raised to be addressed by the Applicant. This included clarification AQ4 relating to the proposed methodology for a future air quality sensitivity test. The details of this clarification and subsequent reviews of further information provided by the Applicant's consultants (Temple) are contained in the review report.

12.24 As the consultant has alluded to within section 2.1 of their sensitivity test report, the previous study calculated vehicular emissions with the Emission Factor Toolkit (EFT) and unadjusted Defra background concentrations. The EFT and Defra's background concentrations assume that all vehicles within London's low emission zone are compliant with euro standard requirement. This was the original reason for Clarification AQ4 in November 2019. AQ4 from the November 2019 review of the ESA stated: 'The sensitivity test for future baseline concentrations assumes an ultra-low emission zone compliant fleet. Clarification is required on what the potential implications upon report conclusions are without a ULEZ compliant fleet i.e. Defra background concentrations pre-2019. This should be considered in both the LBTH only and LBTH and LBH scenarios.'

12.25 Following the latest round of communication with the consultant, these issues were discussed with the consultant. On 8th April 2020 Ricardo agreed with Temple's proposed approach to address this clarification. This methodology is set out below.

Non-compliance

- *"The TfL 6-month report provides a compliance / non-compliance proportion for September 2019 (76.8% compliant / 23.2% non-compliant). We were unable to find any future year projections on compliance an non-compliance in the ULEZ. We therefore decided that any linear extrapolation from the existing data would be arbitrary and would introduce significant uncertainty into the model. As such, we have opted to take the 2019 compliance / non-compliance proportion and apply it to our future year scenarios. We feel this represents an appropriately 'worst-case' approach to assessing ULEZ non-compliance.*
- *In order to apply these complaint / non-compliant proportions, the relative proportions of non-compliant Euro engines remained the same as those in the relevant EFT year but are increased to make aa total proportion of 23.2% overall. Likewise, the relative proportions of compliant Euro engines remained the same as those in the relevant EFT year but are decreased to make a total proportion of 76.8%"*

Euro Standards

- *"As you have proposed, we will conduct the sensitivity test by assigning ULEZ-compliant vehicles to the lowest permissible standard (Euro 4 petrol cars; Euro 6 diesel cars and LGVs). This is in addition to the compliance / non-compliance split previously discussed".*

Fleet Projections

- *"A fleet projection input is available in the latest version of the EFT, however, this is not available for use in London and therefore unfortunately cannot be applied to Bishopsgate Goodsyard. Depending on data availability from the transport consultants working on the project, we will obtain the percentage split between petrol car, diesel car, black cab and LGVs for light duty vehicles within each flow for each road link. Using the 'Alternative Technologies' input option in the EFT we will enter the LDV flows and the percentage split between petrol cars, diesel cars, black cabs and LGVs (which will total 100%) and then enter 0% for other vehicle technologies. Note, the feasibility of this approach will depend on data availability from the transport consultants.*
- *As HDVs have not been requested for sensitivity testing, emissions will be calculated separately in the EFT using the basic split option and 100% HDVs."*

Review

12.26 The consultant to the Applicant submitted an Air Quality Assessment Sensitivity Test Technical Note dated 24th April 2020 (Technical Note) for further review. The following section provides a review of this further information provided by the Applicant.

Methodology

12.27 The assessment scenarios, such as assumed operational years, set out within Section 2 of the above Technical Note are considered acceptable and match those within the ESA.

12.28 In section 2.1 of the Technical Note the Applicant has adopted the agreed % split of vehicles which fall into the compliant and non-compliant categories, 23.2% and 76.8% respectively. In addition, they also assigned the most polluting euro standards permitted within the ULEZ, which for passenger cars is, euro 4 for petrol and euro 6 for diesel.

12.29 The Applicant has provided more detailed information about the vehicle fleet breakdown within section 2.2 of the Technical Note. The updated traffic data includes the % that light goods vehicles (LGVs) or cars make up of total annual average daily traffic. This will result in a more accurate estimate of emissions from road vehicles. A conservative representation of propulsion technology has been considered, as the Applicant has assumed that all vehicles with be either diesel or petrol and have not included for electric or hybrid vehicles.

12.30 The Applicant has used 2018 Defra background concentrations to represent concentrations for the operational scenarios based in both 2027 and 2034, this is considered conservative.

12.31 In Section 2.4 of the Technical Note the latest versions of modelling software and Defra's air quality assessment resources e.g. EFT have been used in this assessment, which is considered acceptable.

12.32 In Section 4.2 of the Technical Note, it is stated that 'Background NO2 concentrations for 2018 exceed the NO2 objective. In addition, the Defra predicted concentrations are higher than monitored background concentrations within the vicinity of the Proposed Development.' The background monitoring location referenced should be clarified, as this is one of the Applicant's justifications for why Defra's background concentrations are overly pessimistic (AQ15).

Results and conclusions

12.33 In Tables 3-1, 3-4, 3-7 and 3-10 of the Technical Note, the Applicant shows that if the most polluting vehicle types allowed into the ULEZ are combined with current (2019) levels of vehicle non-compliance that all receptors will be in exceedance of the annual mean NO2 air quality objective in 2027 and 2034. However, even with the applicant's possible pessimistic assumptions PM10 and PM2.5 concentrations do not exceed air quality objectives. The subsequent comments relate to risks of NO2 concentrations at existing and proposed receptors.

12.34 The Applicant has made the following two statements for impacts upon existing and new receptors:

12.35 Existing receptors – 'Consequently, it is likely that impacts on existing receptors as a result of construction and operation of the proposed development will be closer to those described in the ESA.' (section 4.1 of the Technical Note)

12.36 New receptors – 'It is therefore judged that the predicted concentrations of NO2, PM10 and PM2.5 reported in the original assessment are more representative of the air quality that future receptors will be exposed to.' (section 4.2 of the Technical Note)

12.37 These conclusions appear to miss the point of the sensitivity tests. As it is not possible to say which euro standard will be operating in ULEZ in 2027 or what % of vehicles will be compliant, it is not sufficient to say that the original assessment is more representative of likely impacts. The sensitivity test shows that there is a significant risk of higher impacts than those set out in the November ESA. The impacts will be between those presented within the November ESA and those in this sensitivity test. This means that the risk of significant impacts at additional existing receptors to those set out in the November ESA cannot be ruled out. Additionally, the risk that new receptors introduced by the development could be in breach of the NO2 annual mean objective cannot be ruled out. Consequently, two further information requests come out of this sensitivity test for existing and new receptors:

12.38 The Applicant should provide further information on what mitigation associated with the development will assist in offsetting the development's impacts upon existing receptors (AQ16)

12.39 The Applicant should describe the mitigation to offset impacts due to the risk of air pollution levels being above air quality objectives at new receptors (AQ17)

12.40 If air cleaning systems are proposed, this should include information on the proposed system to demonstrate adequacy for mitigating the potential impacts, and should set out how maintenance will be guaranteed to ensure ongoing efficiency of NOx removal (AQ16 and AQ17)

12.41 This could be accompanied by a proposed protocol for deciding whether additional mitigation is required, in the light of ongoing ambient air quality monitoring and information on emissions profile of vehicles in the ULEZ. (AQ16 and AQ17).

Table 12.2: Air Quality Sensitivity Test Review Summary

Ref.	Summary of Clarifications Required from Applicant
AQ15	The background monitoring location referenced as being lower than Defra's background concentrations should be identified.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
AQ16	The Applicant should provide further information on what mitigation associated with the development will assist in offsetting the development's impacts upon existing receptors. If air cleaning systems are proposed, this should include information on the proposed system to demonstrate adequacy for mitigating the potential impacts, and should set out how maintenance will be guaranteed to ensure ongoing efficiency of NOx removal. This could be accompanied by a proposed protocol for deciding whether this additional mitigation is required, in the light of ongoing ambient air quality monitoring and information on emissions profile of vehicles in the ULEZ.
AQ17	The Applicant should describe the mitigation to offset impacts due to the risk of air pollution levels being above air quality objectives at new receptors. This should include information on the maintenance schedule to maintain the efficiency of NOx removal. If air cleaning systems are proposed, this should include information on the proposed system to demonstrate adequacy for mitigating the potential impacts, and should set out how maintenance will be guaranteed to ensure ongoing efficiency of NOx removal. This could be accompanied by a proposed protocol for deciding whether this additional mitigation is required, in the light of ongoing ambient air quality monitoring and information on emissions profile of vehicles in the ULEZ.

Chapter 13
Review of Chapter 13: Noise and Vibration

Scope of EIA

13.1 Noise and vibration matters identified within the Scoping Opinion have been adequately addressed within the Chapter. These included assessments of railway, aircraft and construction impacts and using acoustic design to meet internal target noise levels using openable windows as far as possible.

Baseline

13.2 Baseline monitoring of ambient noise and vibration has been adequately carried out over appropriate time periods and at relevant locations. Noise levels were measured at four locations over a one-week period, supplemented by ten sets of measurements at attended locations and vibration levels were measured above the underground railway lines. This provided a good coverage of noise and vibration levels across the site.

13.3 The survey procedures and assessment methodology were agreed with the LBTH Environmental Health Officer but on consultation no response was received from LBH

Assessment

13.4 All relevant national and local planning guidelines and technical methodologies relating to noise and vibration have been taken into account for both LBTH and LBH.

13.5 Noise sensitive receptors representative of the area surrounding the site have been identified at 16 locations as shown in Figure 13.2 and described in Table 13.12 of the ESA.

13.6 Consistent descriptors are used for the significance of impact assessment using ‘negligible, minor, moderate and major’ which also take account of Observed Effects Levels as required in the Noise Policy Statement for England and Planning Practice Guidance on Noise.

13.7 Construction noise and vibration calculations have been carried out using the standard methodologies of BS5228:2009, taking account of typical plant and equipment likely to be used for each phase of the development construction. The results are shown in Table 13.15 and the impacts described in paragraphs 13.8.12-13 of the ESA.

13.8 However, it is difficult to assess the extent of potential construction noise impacts towards any one receptor and when they might occur, without cross referencing the criteria of Table 13.3, the map of Figure 13.2, the ambient noise levels of Tables 13,13 and 13.14, as well as the construction noise levels of Table 13.15 of the ESA. It is therefore considered that a table should be provided indicating the predicted duration of noise effects at each receptor and when they might occur. Further clarification is sought on this matter (NV1).

13.9 It is not clear from the assessment whether the impact of later phases of construction on earlier occupants has been considered, further clarification is sought form the Applicant. (NV2).

13.10 Adequate consideration has been given to noise from construction traffic, showing negligible impact, and consideration of the effects of construction noise and vibration on new occupants arising from the phased development has also been included.

13.11 Operational noise levels due to building services plant have been assessed and adequate measures suggested to ensure that the effects are not significant. Measures controlling plant noise will be implemented at the detailed design stage through planning conditions. Planning conditions to control noise effects, which include for the mitigation measures set out in the ESA, should be secured and commence prior to commencement of the development. (NV3)

13.12 Changes to operational traffic noise levels have also been found to be not significant.

13.13 The effects of noise on the internal amenity of the proposed dwellings have been adequately covered as well as the effects on external amenity areas, including balconies.

Secondary, Cumulative and Combined Impacts

13.14 Cumulative effects of eight committed developments within 200m of the proposed development have been listed in paragraph 13.3.5 of the ESA but a significance assessment has not been carried out, apart from stating that contractors will liaise with LBTH and LBH to establish working guidelines. Clarification is sought from the Applicant to confirm those receptors likely to be affected by cumulative noise levels from the nearest committed developments and the significance of any impacts (NV3).

Mitigation and Management

13.15 Measures to control construction noise and vibration are described in paragraph 13.8.3 and Section 13.1 (some error in paragraph numbering is noted in the ESA) in some detail but minor to moderate adverse residual effects would remain at some locations. A CEMP is proposed which would include such measures in agreement with LBTH and LBH. The CEMP and CoCP are to be secured through appropriately worded planning conditions. (NV4)

13.16 Mitigation of operational noise on the proposed development due to environmental sources of aircraft, traffic and railway noise has been adequately described through the provision of acoustic glazing measures to the proposed dwellings as described in Table 13.20. The measures should be confirmed during detailed design and implemented through planning condition.

Limited Development Scenario

13.17 The Limited Development Scenario is not likely to affect the significance of noise and vibration effects in terms of absolute construction noise levels at receptors although a reduced duration could potentially result in lower impacts at receptors during works located near the site boundaries, based on the adopted impact criteria. Operational effects would remain as not significant.

Non-Technical Summary

13.18 The noise and vibration summary in the NTS adequately reflect the findings of the assessment.

Table 13.1 Noise and Vibration Summary

Ref.	Summary of Clarifications Required from Applicant
NV1	Provision of a table summarising the predicted duration of construction noise effects at receptors and when they might occur.
NV2	It is not clear from the assessment whether the impact of later phases of construction on earlier occupants has been considered, further clarification is sought form the Applicant.
NV3	A quantitative assessment of potential cumulative effects due to nearby committed developments.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
N/A	None.

Ref.	Potential Planning Conditions
NV4	Prior approval by LBTH/LBH of schemes for building services noise mitigation, noise and vibration controls in the CEMP and CoCP and glazing/ventilation strategy for meeting internal noise criteria. Mitigation measures to include all noise and vibration mitigation measures identified in the ESA and associated CoCP.

Chapter 14
Review of Chapter 14: Water Resource and Flood Risk

Scope of EIA

14.1 The Applicant clearly states that this ESA has been presented as an update the previous AECOM planning application submitted in 2015. The scope of this chapter of the ES also has regard to the Scoping Report prepared by the Applicant in 2019. The Scoping Opinion from the GLA in April 2019 makes reference to the comments from LBTH about the need to have regard to updated EA climate change allowances (2019). It is unclear from the ESA whether the Applicant has had regard to the updated EA climate change allowances as set out in the GLA's Scoping Opinion in April 2019. Clarification on this point is sought from the Applicant (WRFR1).

14.2 Section 14.2 of the ESA provides a brief, clear outline of the scope of the EIA as supported by the FRA and Outline Drainage Strategy in Appendix J.

Baseline

14.3 Section 14.3 of the ESA refers to the relevant legislation, national and local planning polices and technical guidance. The main policies are highlighted, such as the LBTH and LBH core strategies and Strategic Flood Risk Assessments (SFRA). The Applicant has undertaken a suitable review of appropriate information and it is evident that these have been reflected throughout the ESA. The FRA also indicates that local guidance and policy has been consulted, such as the local SFRA, which is considered good practice.

14.4 Section 14.4 of the ESA gives an overview of the consultation process with some further detail provided in Table 14.1 providing a summary of the comment and where these have been addressed with the ESA and/or appendices. The scoping and consultation points are also outlined in Section 3.2 of Chapter 3, EIA Methodology.

14.5 General assumptions and limitations with regards to the EIA methodology are outlined in Section 3.2 of Chapter 3 and by topic in paragraphs 14.5.9 and 14.5.10 of the ESA. The assumptions and limitations of the ESA are few and do not include any in relation to data and its availability/integrity. The Clarification is sought from the Applicant as to whether there are any assumptions and limitations with regards to use of

publicly or privately (purchased reports) available data or data supplied by any authority, such as the Environment Agency (EA) (WRFR2).

14.6 Section 14.6 of the ESA provides a summary of the baseline conditions with regards to surface water, groundwater and water resources infrastructure. Due to the heavily urban nature of this site, it is considered appropriate that these three topics are considered in the baseline, due to an absence of surface water features within the spatial scope of the proposed development (1km radius of the proposed development). The full baseline assessment of flood risk is considered in the FRA.

14.7 The ESA states that there are no existing hydrological connections between the proposed development and any surface water features (including the culverted, subterranean river Walbrook) and an understanding of designations and abstractions and discharges is also present which is welcomed. The proposed development is not within a designated Critical Drainage Area (CDA) and it is noted that there is an indirect link (via the sewer network) to the River Thames, however this is felt to be insignificant. The importance assigned to the key receptors in Table 14.6 of the ES are considered appropriate.

14.8 The ESA states that the proposed development does not lie in a groundwater Source Protection Zone (SPZ) and two aquifers have been identified, River Terrace Deposits (Taplow Gravel) designated as a secondary A aquifer and the Thanet Sand and Chalk deposits which are designated as a principal aquifer for water supply. The ESA states that the Taplow Gravels are already, due to the nature of the site and the porous nature of the upper and made ground, likely to contain pathways (hydrological connectivity) for pollutants/water. The importance assigned to the key receptors in Table 14.6 of the ESA are considered appropriate.

14.9 With regards to water resources infrastructure, the ESA discusses the Thames Water Utilities assessment for growth within the London Water Resources Zone and rightly indicates that policies have been designed to provide London with water and sewerage services in line with anticipated growth requirements. It is therefore acceptable to assume that the Revised Scheme, with a lower number of residential dwellings will have a lesser impact on local water utilities and is therefore considered acceptable.

14.10 The ESA does not consider future baseline/implications of climate change on water resources and flood risk. Clarification is sought from the Applicant as to the likely evolution of the baseline environment with regard to climate change without the implementation of the proposed development and indicate how the development may have an effect on the future baseline (WRFR3).

14.11 Chapter 14 of the ESA does not make any reference to climate change and mitigation. It is noted that Chapter 18 of the ES does contain some consideration of climate change with regard to water resources, however it is felt that this detail should also be reflected in the water resources chapter.

14.12 The FRA, presented in Appendix J, outlines the nearby hydrological features and flood risk in relation to fluvial, surface water, ground water, canals, reservoirs and includes mention of water supply infrastructure. The assessment of flood risk to the site is correctly defined, with surface water the most variable and important risk at the site which is considered appropriate.

14.13 The Drainage Strategy, presented in Appendix J, gives an overview of the baseline conditions with relation to geology and hydrogeology, existing watercourses and surface and foul water drainage. Due to the heavily urban nature of the Proposed Site no existing watercourses are present but surface water and foul drainage is shown to be evidently more complex with information detailed from a Thames Water Sewer Summary. The report states that existing drainage infrastructure only surrounds the site, with no infrastructure currently present at the site.

Assessment

14.14 The assessment methodology indicates the identification of hydrologically connected sites and drainage using a 1km radius (the spatial scope), which in a heavily developed urban area is considered appropriate. A list of data sources is stated ranging from consultation to publicly and privately available information, such as EA data and Envirocheck Reports. The Applicant has shown that a wide range of data sources have been used in the assessment.

14.15 The assessment approach is outlined in Chapter 3 in detail but is discussed more succinctly in Section 14.5 of the ESA. This approach outlines the assessment of potential impacts to water resources and flood risk as a result of the Revised Scheme, indicating the use of the pollutant, pathway receptor philosophy in assessment and evaluation of the impacts. The approach and the determination of receptor value/sensitivity and impact magnitude and effect is considered acceptable. Furthermore, the methodology assesses the adverse impacts and beneficial effects of the construction and operational phase – demolition is not considered in this assessment.

14.16 Section 14.7 of the ESA gives a brief description of the changes likely to arise due to the construction and operation of the proposed development. These are widely regarded as standard effects of development and are considered appropriate at this stage of the assessment.

14.17 Section 14.8 of the ESA discusses the assessment of the likely significant effects for the construction and operational phase of the proposed development the conclusions drawn by the assessment of the likely significance of effects are considered appropriate.

14.18 Flood risk is assessed in the section titled 'suitability of the revised scheme' in the FRA with regards to the National Planning Policy Framework Sequential and Exception Test. As per Table 4 of the Planning Policy Guidance it is clear that the Applicant's conclusion is appropriate, and the proposed development is considered to be in line with planning guidelines.

14.19 Climate change is not considered in the FRA; however, it is considered in the Outline Drainage Strategy with regards to surface water runoff calculations, required for the determinations of appropriate design of SuDS and discharge. Clarification is sought from the Applicant as to why the FRA does not appear to include information with regards to climate change (WRFR4).

14.20 The Outline Drainage Strategy contains a brief SuDS options appraisal, with justifications and conclusions that are considered appropriate for the proposed development. Paragraph 5.1.7 of the Outline Drainage Strategy indicates that a number of SuDS options will be utilised, which is aligned with the London Plan. A flow control device will be used to discharge all surface water into the local foul water network, as this is the only justifiable option. These conclusions are considered appropriate for the proposed development in this setting. The use of SuDS outlined for this location should be secured as a planning condition in the detailed design stage of the proposed development. (WRFR6)

14.21 The Outline Drainage Strategy rightly states that in line with local policies and the London Plan the proposed development will utilise SuDS in order to reduce surface water discharge to greenfield runoff rates. The surface water calculations for the existing runoff rates and proposed surface water calculations for all catchments within the proposed development area are provided. Climate change allowances of an increase of 40% in peak rainfall is also considered and included in calculations. Clarification is sought from the Applicant as to whether the climate change allowances referenced in the Outline Design Strategy have been agreed with all relevant local authorities (WRFR5).

14.22 Conclusions drawn in the ESA are succinctly summarised in Section 14.13 of the ESA and additionally in Table 20.1 of Chapter 20: Conclusions.

Secondary, Cumulative and Combined Impacts

14.23 The cumulative effects are defined and discussed in Section 14.11 of Chapter 12 of the ESA. The chapter is short and refers the reader to Section 3 of Chapter 3 where a list and map (Figure 3.4) showing of the zone of influence shows a large number of potential developments, that may have a cumulative impact. The spatial scope of this assessment is considered appropriate.

14.24 The Applicant has indicated in the section titled 'Interactive Effects' of Chapter 3 that 40 external schemes have been included in this assessment but does not state agreement or discussions on the topic with LBTH and LBH. The list of schemes, shown in Table 38, includes valuable information such as development type and current status.

14.25 The Applicant has concluded that due to the conclusion of the beneficial impact of the proposed drainage on the surface water runoff cumulative impacts are expected to be negligible. This is considered acceptable provided the Applicant is conditioned to ensure that there is a reduction in surface water runoff rates and capturing excess run off at site (WRFR8). Cumulative impacts are discussed for groundwater, clean and foul water utilities and the impacts on the River Thames, all are considered appropriate.

Mitigation and Management

14.26 Section 14.8 of the ESA discusses the mitigation and management for the construction and operational phase of the proposed development. With regards to the construction phase the Applicant outlines the intention to enact the standard embedded mitigation measures to be included in an appropriate Construction Environmental Management Plan (CEMP). Furthermore, for the construction phase a detailed section with regards to the anticipated effects is discussed. A robust CEMP should be developed that incorporates all the mitigation included in the ESA and be secured as a planning condition. (WRFR9)

14.27 It is understood that an outcome of the Revised Scheme is a reduction in high rise buildings and therefore reduction in the depth of the proposed piles, thus reducing the risk of piling works extending into the Thanet Sands (a principal aquifer), which is welcomed. Where there are piles that will extend into these productive strata, a piling assessment should be made a planning condition to gain a greater understanding of the potential hydrological connection, practical mitigation measures, where practical decommission any existing boreholes that may exist on site. (WRFR10) This subject is discussed further in Section 14.9 (scope for additional mitigation measures) and reinforces the need for a greater understanding of piling.

14.28 Section 14.8 of the ESA also details the embedded mitigation and anticipated effects of the operational phase, due to the reduction of residential units in the development it is expected that the proposed development will have a lesser impact on local water supply and effluent and that a suitably design drainage system can have a beneficial effect too. The conclusions drawn are considered acceptable.

14.29 Mitigation measures discussed in the ESA are succinctly summarised in Section 14.13 of the ESA and additionally in Table 20.1 of Chapter 20, Conclusions. All mitigation measures identified in the ESA should be secured through appropriately worded planning conditions. (WRFR11)

Limited Development Scenario

14.30 The Limited Development Scenario conclusions drawn by the Applicant state that the baseline, mitigation measures and likely effects do not differ substantially from the Revised Scheme. On the consideration of the Limited Development Scenario and the information provided in the ESA, this is considered an appropriate conclusion.

Non-Technical Summary

14.31 The NTS provides a short and succinct overview of the baseline, anticipated effects, mitigation and residual effects with regards to Water Resources and flood risk. The information presented here is reflective of the ESA and the FRA and is considered adequate.

Table 14.1: Water Resources and Flood Risk Summary

Ref.	Summary of Clarifications Required from Applicant
WRFR1	Clarification is sought as to whether the Applicant has had regard to the updated EA climate change allowances as set out in the GLA's Scoping Opinion in April 2019.
WRFR2	Clarification is sought as to whether there are any assumptions and limitations with regards to use of publicly or privately (purchased reports) available data or data supplied by any authority, such as the Environment Agency.
WRFR3	Clarification is sought from the Applicant as to the likely evolution of the baseline environment with regard to climate change without the implementation of the Proposed Development and indicate how the development may have an effect on the future baseline.
WRFR4	Clarification is sought from the Applicant as to why the FRA does not appear to include information with regards to climate change.
WRFR5	Clarification is sought from the Applicant as to whether the climate change allowances referenced in the Outline Design Strategy have been agreed with all relevant local authorities.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
N/A	None.
Ref.	**Potential Planning Conditions**
WRFR7	The use of SuDS outlined for this location should be secured as a planning condition in the detailed design stage of the Proposed Development.
WRFR8	The development should be conditioned to ensure that there is a reduction in surface water runoff rates and to ensure that excess run off is captured at the site.
WRFR9	A robust CEMP should be developed and agreed with the relevant local planning authorities prior to commencement of the development. The mitigation measures identified in the ESA should be contained in the approved CEMP.
WRFR10	A piling assessment should be made a planning condition to gain a greater understanding of the potential hydrological connections, practical mitigation measures and, where practical decommission any existing boreholes that may exist on site.
WRFR11	All mitigation measures identified in the ESA should be secured through appropriately worded planning conditions.

Chapter 15
Review of Chapter 15: Archaeology

Competent Experts

15.1 EIA regulations require that the environmental statement is prepared by competent experts and that a statement outlining the relevant expertise of qualifications of these experts is included. However, no statement of expertise appears to be included in Chapter 1 Section 1.5 of the ESA in relation to archaeology. The Applicant is to clarify who has prepared the chapter and to ensure that all information provided is by a competent expert archaeologist (ARCH1).

Scope of EIA

15.2 The scope of the assessment is clearly set out at Section 15.2. It is stated that the chapter will report on the likely significant effects of the proposed scheme to buried heritage assets (archaeology). It does not cover built heritage; this is addressed separately in Chapter 16. Both archaeology and built heritage are covered by the same policy and guidance and are assessed in relation to heritage significance, and so are best dealt with in combination. Nonetheless, the separation of the two topics is considered acceptable.

15.3 Construction effects form the focus of the assessment with operational effects scoped out on the basis that ground intrusive activity that would affect archaeology would not take place after construction. However, Historic England explicitly requested that the potential for effects on archaeology as a result of alterations to drainage patterns be assessed. Changes to drainage patterns would start as a result of construction and continue with the operation of the development. The Applicant is to clarify that they have considered this as both a construction and operational effect (ARCH2b).

15.4 As appropriate, a summary of consultation is included at section 15.3. Much of this is more relevant to the built heritage chapter, but it is indicated that the Greater London Archaeology Advisory Service (GLAAS) requested that effects to drainage pattern and the decomposition and destruction of below ground remains be assessed. The Applicant has provided an assessment of this at paragraph 15.6.2, however, this appears to focus on drainage in a general sense and further detail should be provided in relation to the potential for the decomposition/ damage of archaeology as result of dewatering and changes to groundwater drainage patterns (ARCH2a).

Baseline

15.5 At paragraphs 15.4.6 – 15.4.8 the method for determining the baseline is discussed. A full list of the sources consulted for the baseline is not included and this is to be provided by the Applicant (ARCH3).

15.6 The limitations and assumptions indicate that the baseline data used for the assessment is that compiled in 2014-2015 by MoLA. Whilst it is acknowledged that the baseline is largely informed by site investigations (see below) this remains inappropriate as Historic Environment Record (HER) data is used not only to inform the baseline, but to understand the significance of assets. Since Greater London Historic Environment Record (GLHER) data licences are only valid for 12 months new data should have been obtained given the time that has elapsed (4-5 years since search), as such the Applicant is to request a new GLHER data search and to ensure that their baseline and assessment of significance is up to date (ARCH4).

15.7 Given the scale of the development and its siting within a Tier 2 Archaeological Priority Area (APA), pre-consent works are usually required to help clarify the archaeological potential of the site and the baseline. However, this requirement appears to have already been fulfilled by a series of archaeological field investigations, including watching briefs in 2003 and 2008, and an evaluation between 2005 and 2007, undertaken by MoLA during earlier demolition activity on the site. As appropriate, the baseline has been informed by the results of these site investigations.

15.8 The baseline assessment and identification of key receptors is presented at section 15.5. There is reference to a technical Appendix in the 2015 ES that includes the full archaeological and historical context for the site. It is unclear as to why this has not been included as a technical appendix to support the current ESA chapter. The Applicant is to include the report as a technical appendix to this ESA in order to aid understanding of the site context and baseline conditions (ARCH5).

15.9 The IEMA EIA Quality Mark ES review criteria require that an appropriate range of maps and figures be included to aid the reader's understanding of the assets and their assessment. In this regard, the two figures showing the excavated trenches and the location of the investigations are welcomed. However, it is best practice to include a figure indicating the location of baseline receptors within the site and study area. No such figure has been included and the Applicant is to provide one (ARCH6). The assets must be individually referenced (e.g. with the NHLE, HER numbers or Gazetteer references as appropriate) and labelled on the figure to allow for cross-referencing between the text and figure.

15.10 A colour-coded map showing the potential for archaeological survival (e.g. high – low depicted via green to red) would also be helpful visual aid, given the nature of past impacts to the site. This could also show the plot divisions of the site to help aid the reader's understanding of the later assessment of effects, which is described on a plot by plot basis. The Applicant is advised to provide such a figure (ARCH7).

15.11 The site is situated in the Spitalfields and Brick Lane APA which contains evidence of extramural activity from the Roman period including that which may be peripheral to the adjacent Tier 1 APA of St Mary Spital, which includes a Roman cemetery and the scheduled remains of the medieval Augustin Priory and St Mary Hospital. The Spitalfields and Brick Lane APA also has a high potential for later urban and industrial activity.

15.12 However, the baseline assessment concludes that there is the following archaeological potential:

- A low potential for prehistoric remains (only residual flints were found during the investigations);
- A low potential for Roman remains (Shoreditch High Street follows the route of a Roman Road, but no associated remains were found during investigations other than residual finds);
- A low potential for early medieval remains (no evidence found during investigations);
- A moderate potential for late medieval remains (pits and deposits were identified during investigations);
- A high potential for post-medieval remains (investigations have identified the remains of houses and associated features); and
- A very high potential for remains relating to the mid-19th century railway station (identified during investigations, with some still extant aboveground).

15.13 It is unclear why the potential for later medieval remains is judged to be lower than that of the post-medieval remains when both have been identified during site investigations. The Applicant is to provide clarification on this, explaining whether it is due to the number of features found, post-depositional disturbance, etc. (ARCH8).

Assessment

15.14 Paragraph 15.2.22 states that the original assessment was carried out to standards specified by the Chartered Institute for Archaeologist (CIFA), Historic England, and GLAAS. However, the references for these guidance documents are out of date. The Applicant is to clarify that the recent assessment was undertaken in accordance with the

most up to date and relevant guidance and should provide a list of the guidance used (ARCH9).

15.15 The assessment methodology is set out at Section 15.4. It is stated at paragraph 15.4.12 that the significance of assets is assed in accordance with the heritage values set out in Historic England's Conservation Principles guidance document (2008). However, the significance of the receptors identified is never articulated beyond a score and not in relation to the guidance referenced (e.g. in terms of clearly stating the evidential value and research questions that may be answered). The Applicant is to provide further information on the heritage values and significance of the receptors identified, particularly clarifying the interpretation of the later medieval pits and horizons which are stated both to be agricultural, and indicative of settlement along Shoreditch High Street (ARCH10a). Furthermore, in order to comply with current methods of assessment as required by EIA regulation 18 4(b), this is to include a statement on if, and how, setting contributes to that significance. In particular, the setting of the railway remains should be considered in relation to the above ground extant railway structures (ARCH10b).

15.16 Table 15.2 sets out the sensitivity of heritage assets and the relationship with designation. It should be noted that the criteria are problematic as they fail to recognise that all designated assets included on the National Heritage List for England are of national importance and should be entirely separate to assets of regional importance. However, since no remains of either level of significance are anticipated no action to redress this error is required.

15.17 The criteria for magnitude to change are set out in Table 15.3. These are poorly worded and unclear, but broadly acceptable.

15.18 The method of calculating the significance of effect is set out at paragraph 15.4.16. This is calculated using the matrix set out at Table 15.4, which measures the magnitude of effect against the sensitivity (significance) of the asset.

15.19 The criteria for significance of residual impacts is set out at 15.4.17 and in Table 15.5. These are considered broadly acceptable.

15.20 Impacts are outlined at section 15.6. These are not particularly comprehensive and are poorly articulated. But more detail is provided in the assessment of effects set out at Section 15.7.

15.21 As indicated already above (ARCH11), the assessment of effects is discussed plot by plot and it would be helpful to the reader to have a figure illustrating the location of the plots discussed.

15.22 In summary, a major magnitude of impact is predicted to archaeology in Plots 1 and 2 where demolition, basements, and piling is proposed. In Plots 3, 4, 5, 6, 8a and 10a moderate magnitude of impact is anticipated due to the proposed piling. In Plots 7, 8 and 11 the effects are proposed to be negligible as the construction would not involve new foundations or basements. However, paragraph 15.7.15 is unintelligible and there is no explanation of how the demolition of both listed and unlisted structures would not affect archaeology. The Applicant is to clarify both these points (ARCH12).

15.23 It is stated at paragraph 15.7.1 that there is a potential impact on palaeoenvironmental deposits as a result of piling. The palaeoenvironmental potential of the site is not highlighted in the baseline or otherwise mentioned throughout the assessment. The Applicant is to provide further information on the palaeoenvironmental potential of the site, its significance and any effects to it (ARCH13).

Secondary, Cumulative and Combined Impacts

15.24 Cumulative effects are discussed at section 15.11. This focuses on inter-project effects. Intra-project effects between disciplines are discussed in Chapter 21. It is considered broadly acceptable.

Mitigation and Management

15.25 Mitigation is discussed in several places throughout the chapter.

15.26 It is stated at paragraph 15.4.17 that mitigation for impacts to archaeological assets includes either in-situ preservation or preservation by record. The Applicant should note that preservation by record is not mitigation; as the archaeological resource is still lost, and with it any opportunity for further investigation using new techniques or more advance research agendas that may alter our understanding of its significance. As such, preservation by record only helps to off-set the impacts to archaeology.

15.27 Embedded mitigation is discussed at paragraph 15.7.1. Here it is stated that, if necessary, a geo-archaeological survey of the site could be undertaken. This would not constitute embedded mitigation, i.e. something that is inherent in the design of the scheme, but additional mitigation. The Applicant is to amend the description of this piece of archaeological works (ARCH14).

15.28 Additional mitigation is discussed at section 15.8. Assuming that no remains of high value are encountered[7] the programme of recording outlined is considered broadly

[7] Such remains require preservation in-situ.

acceptable but would need to be agreed by GLAAS and secured by an appropriately worded planning condition. (ARCH18)

15.29 It should be noted that the last sentence of paragraph 15.8.2 states that: '*Archaeological work would be the responsibility of LBH and LBTH under advice from archaeological advisers at GLAAS*.' It is assumed that this is a typographical error, but to be clear any archaeological work is the responsibility of the developer. However, GLAAS and the relevant local authorities would have to agree the Written Scheme of Investigation and ensure the planning condition is discharged to their satisfaction. The Applicant is advised to reword this accordingly (ARCH15).

15.30 Residual effects are discussed at section 15.9. It is stated that there would be no residual effect on archaeology as all effects are reduced to negligible as a result of the proposed preservation by record. In line with the assessment's own criteria in Table 15.3, which state that a negligible effect is: '*Negligible change or no material change to the asset. No real change in ability to understand and appreciate'* the residual effects appear to be under reported. Furthermore, they fail to take into account GLAAS guidance[8] which states that preservation in situ is normally preferred for assets of archaeological interest. This is because archaeology is a finite resource and preservation by record does not mitigate, but only offsets, the loss of evidential value. Records are merely an interpretation of the archaeological evidence at a given point in time in accordance with current understanding and research agendas. However, these may change over time, and records do not deliver the understanding of context provided by the original heritage asset (i.e. the archaeological deposits), nor in some cases the sensory experience[9]. The Applicant is to revisit their assessment of residual effects taking the above into account (ARCH16). In doing so the Applicant is to be mindful that both the NPPF (2019: para 199), the PPG (2019), and GLAAS guidance[10] clearly state that the ability to investigate and record a heritage asset is not a factor in deciding whether consent for its destruction should be given.

Limited Development Scenario

15.31 Assessment of the limited development scenario is presented in Chapter 21 paragraphs 21.6.43 – 21.6.49. The assessment presented is broadly acceptable, but there are some points raised herein that may lead to minor changes (ARCH17a).

Non-Technical Summary

15.32 The findings of the archaeology assessment are presented at paragraphs 1.7.92 to 1.7.95. It represents a fair summary of the assessment findings as they currently stand. However, there are requests herein that may result in some changes that would need to be updated (ARCH17b).

Table 15.1: Archaeology Summary

Ref.	Summary of Clarifications Required from Applicant
ARCH2	The Applicant is to provide further information in relation to the potential for the decomposition/ damage of archaeology as result of dewatering and changes to groundwater drainage patterns. This should make clear that any such effects would arise as a result of construction activity but continue with the operation of the development, and therefore be considered as a constructional and operational effect.
ARCH3	The Applicant is to clarify the sources consulted for the baseline.
ARCH5	The technical Appendix to the 2015 ES that includes the full archaeological and historical context for the site should be included in the new ESA, in order to aid understanding of the site context and baseline conditions.
ARCH6	It is best practice to include a figure indicating the location of baseline receptors within the site and study area. No such figure has been included and the Applicant is asked to provide one. The assets must be individually referenced (e.g. with the NHLE or HER numbers) and these must be included as labels on the figure, as well as where the assets are discussed in the text to allow for cross-referencing between the two. Alternatively, cross-referencing could be to a gazetteer of assets.
ARCH7	A colour-coded map showing the potential for archaeological survival (e.g. high – low depicted via green to red) would also be helpful visual aid, given the nature of past impacts to the site. This could also show the plot divisions of the site to help aid the readers understanding of the later assessment of effects, which is described on a plot by plot basis.

[8] Historic England Greater London Archaeological Advisory Service. 2015. *Guidelines for Archaeological Projects in Greater London*, p. 8-9, paragraph 1.2.30.
[9] Historic England (2015). Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning 2, pp. 9, paragraph 33.
[10] Historic England Greater London Archaeological Advisory Service. 2015. *Guidelines for Archaeological Projects in Greater London*

ARCH8	It is unclear why the potential for later medieval remains is judged to be lower than that of the post-medieval remains when both have been identified during investigations. The Applicant is to provide clarification on this explaining whether it is due to the number of features found, post-depositional disturbance, etc.
ARCH9	The Applicant is to clarify that the recent assessment was undertaken in accordance with the most up to date and relevant guidance and should provide a list of the guidance used.
ARCH11	Paragraph 15.7.15 is not complete and there is no explanation of how the minor demolition of both listed and unlisted structures would not affect archaeology. The Applicant is to clarify both of these points
ARCH12	It is stated at paragraph 15.7.1 that there is a potential impact on palaeoenvironmental deposits as a result of piling. The palaeoenvironmental potential of the site is not highlighted in the baseline or otherwise mentioned throughout the assessment. The Applicant is to provide further information on the palaeoenvironmental potential of the site, its significance and any effects to it (ARCH10).
ARCH13	Embedded mitigation is discussed at paragraph 15.7.1. Here it is stated that, if necessary, a geo-archaeological survey of the site could be undertaken. This would not constitute embedded mitigation, but additional mitigation. The Applicant should amend this.
ARCH15	The last sentence of paragraph 15.8.2 states that: '*Archaeological work would be the responsibility of LBH and LBTH under advice from archaeological advisers at GLAAS*.' It is assumed that this is a typographical error, but to be clear any archaeological work is the responsibility of the developer. However, GLAAS and the relevant local authorities would have to agree the Written Scheme of Investigation and ensure the planning condition is discharged to their satisfaction. The Applicant is advised to reword this accordingly.
ARCH16	The assessment of residual effects does not appear to consider the fact that policy and best practice guidance indicate that preservation in situ is normally preferred for assets of archaeological interest and that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. Archaeology is a finite resource and preservation by record only partially offsets the loss of evidential value. Records are merely an interpretation of the resource at a given point in time and do not deliver either the understanding of context provided by the original heritage asset, nor the sensory experience. The Applicant should revisit their assessment of residual effects taking the above into account.
ARCH17	The assessment of the limited development scenario (LDS) is broadly acceptable, but actioning of the clarifications/ potential Regulation 22 requests may lead to minor changes that need to be reflected in the LDS. Similarly, it may be that some minor edits are required to the NTS. This clarification is raised as a precaution only, and no action is initially required by the Applicant.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
ARCH1	EIA regulations require that the environmental statement is prepared by competent experts and that a statement outlining the relevant expertise of qualifications of these experts is included. However, no statement of expertise appears to be included in Chapter 1 Section 1.5 of the ESA in relation to archaeology. The Applicant is to clarify who has prepared the chapter and to ensure that all information provided is by a competent expert archaeologist.
ARCH4	The Applicant should request a new GLHER data search to ensure that their baseline and assessment of significance is up to date.
ARCH10	The Applicant is to provide further information on the heritage values and significance of the receptors identified, particularly clarifying the interpretation of the later medieval pits and horizons which are stated both to be agricultural, and indicative of settlement along Shoreditch High Street. Furthermore, in order to comply with current methods of assessment this is to include a statement on if, and how, setting contributes to that significance. In particular, the setting of the railway remains should be considered in relation to the above ground extant railway structures.
Ref.	**Potential Planning Conditions**
ARCH18	An appropriately worded planning condition will be needed to ensure all archaeology is investigated and recorded prior to the commencement of the development.

Chapter 16
Review of Chapter 16: Built Heritage

Scope of EIA

16.1 It is welcomed that the built heritage assessment is presented separately from the townscape and visual assessments, as the topics fall under separate legislation and policy areas and assess impacts to different receptors. However, it is noted that the Townscape and Visual Impact Assessment (TVIA) (Volume 4) identifies built heritage receptors that are assessed according to the sensitivity of their 'townscape setting'. This not normal practice: in accordance with policy and best practice guidance 'heritage significance' is what is assessed in relation to heritage receptors. Accordingly, this element of the TVIA has not been reviewed and should not be confused with the heritage assessment presented in Chapter 16. Any effects reported in the TVIA in relation to heritage assets should be disregarded. To prevent any confusion, it is recommended the Applicant remove the built heritage sections in the TVIA as they constitute duplicate assessments that do not conform with current methods of assessment. (BH1).

16.2 As appropriate, a summary of consultation is provided at section 16.4. However, this does not provide a full summary of the recommendations made for the assessment in the scoping response. The Applicant is to clarify whether any further consultation responses have been omitted and, if so, to provide further information on who the consultee was, what issue(s) they raised and how they have addressed the issue(s) (BH2).

16.3 In response to the request that scheduled monuments be considered it is stated that this would be done in the archaeology chapter. Consideration of potential effects to significance through changes to the setting of scheduled monuments has not be included therein as the focus is on construction effects, and operational effects have been scoped out. The Applicant is to provide further information on the potential for setting change to scheduled monuments as a result of the proposed development (BH3).

Baseline

16.4 The determination of baseline is discussed at paragraphs 16.5.1 to 16.5.2. A 500m study area has been used to collate data; this is very small for the scale of development. The

scoping response requested that a rationale be provided for the study area and that in accordance with best practice guidance[11], it be informed by a Zone of Theoretical Visibility (ZTV). The Applicant is to clarify whether a ZTV has informed the study area and to provide a rationale as requested (BH4).

16.5 The scoping response also requested that the assessment be informed by Historic Environment Record (HER) data to both identify non-designated heritage assets and to understand the significance of the assets. This source is not listed in the sources consulted and a search of the Greater London HER (GLHER) should be made by the Applicant. This data should be reviewed to ensure that it does not affect the assessment and findings presented in terms of the assets assessed and the understanding of their significance (BH5).

16.6 The other sources stated as having been consulted are broadly acceptable.

16.7 The baseline is summarised at section 16.6 and detailed in Appendix A (Audit of Historic Structures and Heritage assets) and B (Context appraisal) of the updated (2019) Heritage Statement. These are included alongside a series of condition survey reports in Technical Appendix K.

16.8 The baseline includes information describing the heritage assets, their significance and setting. There are some photos and figures included, and appropriately cross-reference within the text. However, there is no single heritage asset plan that clearly details the location of all the assets discussed. This is highly problematic in terms of understanding the interaction of the assets and the scheme. The Applicant is to provide a figure showing the location of all the assets assessed; the assets must be individually labelled on the figure (e.g. with NHLE and HER numbers) so as to be cross-referenceable to the text (BH6).

16.9 The method by which heritage significance is assessed is not articulated in the ESA, or the supporting documents. In some documents it appears to be via comparison of designation criteria and in others via consideration of the values set out in Historic England's (2008) *Conservation Principles*. This inconsistency is unhelpful to the reader. The Applicant is to provide clarification on their method for determining the significance of heritage receptors (BH7).

16.10 The baseline articulation of significance is somewhat light touch and often fails to specify exactly what features of the asset underpin the heritage values identified, particularly when discussing setting. This is problematic for the assessment section as the effects need to be clearly understood in relation to the asset's heritage significance. This was requested in the scoping response in order to accord with policy and best practice. To ensure that there is the information required for reaching a reasoned conclusion on the significant effects of the development on the environment, the Applicant is to provide a table summary of the assets assessed, with additional information on what specific attributes of the asset and its setting contribute to each heritage value that makes up its significance (BH8). The information provided on setting also needs to include consideration of the relationship of the remaining railway structures and the archaeological remains of the former railway station.

16.11 In the summary table significance should be articulated in a single, consistent way. It is suggested that this be in line with Historic England's (2008) *Conservation Principles* as the existing baseline information articulated in this manner is clearer and has a better understanding of the contribution of setting, so less work is likely to required.

16.12 The heritage assessment includes an internal and external balancing exercise that is inappropriate for the Applicant to have undertaken. As clearly stated by policy and guidance, such an exercise is for the decision-maker alone to undertake. The Applicant's participation in this cannot be impartial or objective and their balancing exercises should be disregarded by the reader/ decision-maker.

Assessment

16.13 The methodology for determining impacts is set out in paragraphs 16.5.4 to 16.5.6. In relation to both construction and operation impacts it is stated that 'visual impacts' are considered. Consideration of visual impacts alone is not sufficient to assess the full impact of a scheme on the significance of a heritage asset; the assessment also needs to consider the physical effects (short and long-term) on the heritage assets as well as changes to its setting, which include visual impacts but also other aspects such as historical, functional, spatial, symbolic, etc., relationships[12]. It is concerning that this has not been articulated.

16.14 Assumptions and limitations are stated at paragraph 16.5.7. This correctly observes that the reserved matters (for all development other than that on Plot 2) may alter the findings of the assessment undertaken to date. To minimise the potential for materials and final design details to exacerbate any adverse effects, the subsequent reserved matters application(s) relating to appearance, landscaping, layout and scale should be discussed and agreed in close

[11] Historic England (2017 2nd ed.). Historic Environment Good Practice Guidance 3: The Setting of Heritage Assets, p9; and • Historic England (2015). Tall Buildings.

[12] Historic England (2017 2nd ed.). Historic Environment Good Practice Guidance 3: The Setting of Heritage Assets

consultation with the relevant local authority's conservation officers.

16.15 A matrix approach as set out in Table 16.2 has been used to determine the significance of impact. The magnitude of change is determined using professional judgement and the criteria for this are set out at paragraph 16.5.13. This is considered broadly acceptable.

16.16 Sensitivity to change is discussed at paragraphs 16.5.11 to 16.5.12. It appears to be based on a combination of heritage significance and proximity to the site rather than how, and how much, an assets' setting contributes to its significance. This is problematic as an asset can have a setting that makes it highly sensitive to change, even if at a distance to the site. The Applicant is to clarify their method of determining asset sensitivity. If it does not take account of the contribution of setting to the significance of the asset it will need to be revisited to ensure compliance best practice guidance (e.g. Historic England's (2017) guidance on setting) (BH9).

16.17 The criteria for the magnitude of impact is set out at paragraph 16.5.13. These appear to measure change to the fabric and setting of an asset, rather than its heritage significance which is what legislation, policy and guidance calls for. The scoping opinion explicitly stated that heritage significance was to be assessed and, accordingly, the Applicant is to revisit these criteria. (BH10).

16.18 There is a similar issue with the criteria for determining the significance of impacts, which is focused on improvement or degradation to the setting or structural condition of heritage assets. The criteria very clearly indicate a misunderstanding of setting, equating it to 'visual amenity' and discussing its 'quality'. This does not accord with Historic England's (2017) best practice guidance on setting, which was to be used in determining significance, as per the scoping opinion. These assessment criteria need to be revisited (BH11).

16.19 The assessment of effects is set out at section 16.8. Construction effects are discussed at paragraphs 16.8.7 – 16.8.9. The impacts of demolition are unclear and a figure illustrating the proposed demolition relating to heritage assets is to be provided (BH12).

16.20 No specifics are given in relation to what part of the assets' heritage significance is being affected, or how. The magnitude of impact and significance of effect is also not stated in relation to the assets' in the wider area. Given the proposed level of demolition and construction that will take place in relation to heritage assets, and the loss of the archaeological remains relating to the listed structures, further information is required to understand the reasoning behind how the scheme will have a minor adverse to moderate beneficial effect (BH13a). This further information needs to clarify the status of the structures to be demolished (BH13b). The Heritage Statement puts forward the argument that they are not curtilage listed, in which case it is unclear why they have not been considered as separate non-designated heritage assets, the demolition of which would result in a significant negative effect.

16.21 No consideration of vibration effects is presented. Since vibration could potentially result in significant structural damage to the listed and non-designated heritage assets on site, these should be considered as part of the construction effects (BH13c).

16.22 Operational effects are presented at paragraphs16.8.11 to 16.8.40 and the minimum development parameter effects considered in paragraphs 16.8.41 to 16.8.43. A range of adverse and beneficial effects are reported; however, the information provided does not allow the reader an understanding of the reasoning behind them. For example, it is stated that the viaduct will be significantly enhanced through repair and reuse. Whilst it is acknowledged that it is "*beneficial"* that the viaduct, a building at risk, will be repaired and given a new long-term use, it is unclear how its heritage significance (e.g. its architectural and historical significance) will be "*enhanced"*.

16.23 Similarly, it is stated in paragraph 16.8.35 that the new development would improve the relationship between the South Shoreditch Conservation Area and the site and enhance the conservation area's setting. Here, it needs to be explained how the connection between the site and conservation area is important to the conservation area's special interest and how the site itself contributes to that special interest (or the understanding of that special interest).

16.24 Another example is the Boundary Estate Conservation Area assessment. Here a minor adverse effect is predicted, but it is stated at paragraph 16.8.36 that: "*Although visible the revised scheme would not hinder an appreciation of the areas quality and significance*." No information presented accounts for the effect predicted.

16.25 In addition to the above, there is an issue with the assessment of setting, which appears to have been treated in townscape/ visual terms and not in relation to its contribution to heritage significance. For example, in the assessment of Commercial Street Centre - a group of listed buildings including the grade I Christ Church - the development is assessed as having a minor beneficial effect as a result of it "*positively contributing to the modern larger scale buildings that form part of the listed buildings setting*" (paragraph 16.8.20). It is highly unlikely that modern development contributes to the heritage significance of the listed buildings discussed, or any of the others in the assessment, but if it does, then the Applicant needs to explain how.

16.26 Demonstrating the link between effect and significance is very important in order to substantiate the assessment findings and demonstrate that EIA Regulation 18 (4) has been met. As such, the Applicant is to revisit their assessment of effects and provide additional information on what aspect of the receptor's heritage significance is affected and how (BH13). Where 'visual impacts' are highlighted throughout the assessment of effects, what they are and how they specifically affect the heritage values of the asset needs to be explained. For ease, it is suggested that this information be tabulated.

16.27 There is a further issue with the assessment of impacts as it is unclear as to whether in some instances (e.g. Elder Street and Folgate Street listed buildings) there is a weighing of adverse and beneficial effects being undertaken by the Applicant. If so, it is not acceptable. The Applicant is to provide clarification on this matter (BH14) and to ensure that any adverse or beneficial effects are presented separately so the balancing exercise can be undertaken by the decision-maker (BH13d).

16.28 Since no additional mitigation is proposed the residual effects remain the same as those initially assessed. These are presented in Table 16. 3. Three significant effects (e.g. moderate or above) are reported: these relate to the listed structures on site (Braithwaite Viaduct and the Oriel gate) and the Brick Lane and Fournier Street Conservation Area. Other reported effects range from minor adverse to minor beneficial. As stated above, these require clear substantiation.

Secondary, Cumulative and Combined Impacts

16.29 The assessment of cumulative effects is presented in tabular form at section 16.11. Three significant moderate adverse effects are reported as a result of cumulative effect with the Principal Tower development, the Stage development and the 201-207 Shoreditch High Street development. What the effect is on or what it is, is not stated. Otherwise, a range of minor adverse to minor beneficial effects are reported. The Applicant needs to provide additional information on the cumulative developments (e.g. in terms of building heights and massing) and what receptors are being affected, and how (BH15a). A location plan of the cumulative developments – or signposting to such a plan – is also needed (BH15b). The comments above, regarding distance and effect and setting, should be borne in mind when providing this.

Mitigation and Management

16.30 Embedded mitigation is discussed at paragraphs 16.8.4 – 16.8.6 and at 16.8.10. This states that "*on site heritage structures will be protected*". The Applicant is asked to provide clarification on the protective measures that will be undertaken (BH16). In addition to any protective measures, a condition to ensure an appropriate level of building recording is undertaken of the assets to be demolished will be required.

16.31 Those measures relating to the operational phase are stated to include mitigation by design. Whilst it is acceptable for the Applicant to highlight how the design of the proposed scheme has evolved to reduce harm this should be done in the design and access statement or, if done in response to a consultee request, in the consultation summary. It should not be included in the technical assessment because the submitted scheme is that being assessed, and how the scheme might have been is not a relevant consideration in this context. As such, it is misleading to refer to it as embedded mitigation.

16.32 No Additional mitigation is proposed in relation to off-site assets. However, as previously stated the reserved matter will need to be discussed and agreed in close consultation with the relevant local authority's conservation officers.

Limited Development Scenario

16.33 The limited development scenario (LDS) is discussed in paragraphs 21.6.57 to 21.6.61. A significant beneficial effect is reported in relation to the listed Braithwaite Viaduct and a significant negative one in relation to the Oriel Gate, which would not be integrated into the LDS. This assessment is odd, as it is stated here that the design of the LDS has been undertaken to mitigate any harmful impacts. If that were the case, then this effect would not be possible. It is likely that the Applicant means that the Oriel Gate would continue to deteriorate, but this is not an effect of the scheme. The Applicant is to clarify their assessment of the LDS and to provide a more detailed assessment of the effects (BH17).

Non-Technical Summary

16.34 In Table 1 it is stated that the site lies partly within the Brick Lane and Fournier Street Conservation Area and that four other conservation areas are nearby. This is not explicitly stated in the technical chapter nor in the NTS section on Built Heritage (paragraph 1.7.96) which indicates that there are five conservation areas in close proximity to the site (paragraph 16.6.10). The Applicant is to reword both the technical chapter and NTS to make it clear that the site includes part of a conservation area (BH18).

16.35 As required the NTS clearly states the significant effects of the scheme. It also presents a summary of the non-significant effects. It should be noted that the NTS may require updating in light of the further information requested herein (BH19).

Table 16.1: Built Heritage Summary

Ref.	Summary of Clarifications Required from Applicant
BH2	The Applicant is to clarify whether any consultation has been omitted and, if so, to provide further information on who the consultee was, what issue(s) they raised and how they have addressed the issue(s).
BH4	The scoping response requested that a rationale be provided for the study area and that in accordance with best practice guidance, it be informed by a Zone of Theoretical Visibility (ZTV). The Applicant is to clarify whether a ZTV has informed the study area and to provide a rationale as requested.
BH6	There is no single heritage asset plan that clearly details the location of all the assets discussed. This is highly problematic in terms of understanding the interaction of the assets and the scheme. The Applicant is to provide a figure showing the location of all the assets assessed; the assets must be individually labelled on the figure (e.g. with NHLE and HER numbers) so as to be cross-referenceable to the text.
BH16	The Applicant is asked to provide clarification on the protective measures that will be undertaken in relation to construction effects.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
BH1	The Townscape and Visual Impact Assessment (TVIA) (Volume 4) identifies built heritage receptors that are assessed according to the sensitivity of their 'townscape setting'. This not normal practice: in accordance with policy and best practice guidance 'heritage significance' is what is assessed in relation to heritage receptors. To prevent any confusion, it is recommended the Applicant remove the built heritage sections in the TVIA as they constitute duplicate assessment that does not conform with current methods of assessment.
BH3	The setting of scheduled monuments has not been considered. The Applicant is to provide further information on the potential for setting change to scheduled monuments as a result of the proposed development (BH2).
BH5	The scoping response also requested that the assessment be informed by Historic Environment Record (HER) data to both identify non-designated heritage assets and to understand the significance of the assets. This source is not listed in the sources consulted and a search of the Greater London HER (GLHER) should be made by the Applicant. This data should be reviewed to ensure that it does not affect the assessment and findings presented.
BH7	The method by which heritage significance is assessed is not articulated in the ESA, or the supporting documents. In some documents it appears to be via comparison of designation criteria and in others via consideration of the values set out in HE's (2008) Conservation Principles. This inconsistency is unhelpful to the reader. The Applicant is to provide clarification on their method for determining the significance of heritage receptors.
BH8	The baseline articulation of significance is somewhat light touch and often fails to specify exactly what features of the asset underpin the heritage values identified, particularly when discussing setting. This is problematic for the assessment section as the effects need to be clearly understood in relation to the asset's heritage significance. This was requested in the scoping response in order to accord with policy and best practice. To ensure that there is the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, the Applicant is to provide a table summary of the assets assessed, with additional information on what specific attributes of the asset and its setting contribute to each heritage value that makes up its significance. This information provided on setting also needs to include a consideration on the relationship of the remaining railway structures and the archaeological remains of the former railway station. In the summary table significance should be articulated in a single consistent way. It is suggested that this be in line with Historic England's (20018/ 2017) Conservation Principles as the existing baseline information articulated in this manner is clearer and has a better understanding of the contribution of setting, so less work is likely to required.
BH9	Sensitivity to change is discussed at paragraphs 16.5.11 to 16.5.12. It appears to be based on a combination of heritage significance and proximity to the site rather than setting. This is problematic as an asset can have a setting that makes it highly sensitive to change, even if at a distance to the site. The Applicant is to clarify their method of determining asset sensitivity. If it does not take account of the contribution of setting to the significance of the asset it will need to be revisited to ensure compliance best practice guidance (e.g. Historic England's (2017) guidance on setting).
BH10	The criteria for the magnitude of impact is set out at paragraph 16.5.13. These appear to measure change to the fabric and setting of an asset, rather than its heritage significance which is what legislation, policy and guidance calls for. The scoping opinion explicitly stated that heritage significance was to be assessed and, accordingly, the Applicant is to revisit these criteria.
BH11	There is a similar issue with the criteria for determining the significance of impacts, which is focused on improvement or degradation to the setting or structural condition of heritage assets. The criteria very clearly indicate a misunderstanding of setting, equating it to 'visual amenity' and discussing its 'quality'. This does not accord with HE's (2017) best practice guidance

	on setting, which was to be used in determining significance, as per the scoping opinion. These assessment criteria need to be revisited.
BH12	The impacts of demolition are unclear and a figure illustrating the proposed demolition relating to heritage assets is to be provided.
BH13	Demonstrating the link between effect and significance is very important in order to substantiate the assessment findings and demonstrate that the EIA regulations have been met. As such, the Applicant is to revisit their assessment of effects and residual effects and provide additional information on what aspect of the receptor's heritage significance is affected and how. The additional information needs to consider the full range of construction and operational effects, as well as include the following: It must state the magnitude of impact and significance of effect for the construction effects to assets in the wider area. It must explain the reasoning behind how the construction of the scheme will have a minor adverse to moderate beneficial effect on the two listed structures on site. It must clarify the status of the structures to be demolished and whether they are part of the listed buildings or non-designated heritage assets. If the latter then they must be assessed accordingly. A consideration of vibration effects must be included, since vibration could potentially result in significant structural damage to the listed and non-designated heritage assets on site. All adverse and beneficial effects must be separately listed and not balanced. For ease, it is suggested that this information be tabulated.
BH14	There is a further issue with the assessment of impacts as it is unclear as to whether in some instances (e.g. Elder Street and Folgate Street listed buildings) a weighing of adverse and beneficial effects is being undertaken by the Applicant. If so, it is not acceptable. The Applicant is to provide clarification on whether effects have been weighed in the round, or not.
BH15	The Applicant needs to provide additional information on the cumulative developments (e.g. in terms of building heights and massing) and what receptors are being affected, and how. A location plan of the cumulative developments or signposting to such a plan is also needed. Comments above, regarding distance and effect, and setting should be borne in mind when providing this.
BH17	The Applicant is to clarify their assessment of the LDS and to provide a more detailed assessment of all effects, including the moderate adverse effect to the listed Oriel Gate.
BH18	In Table 1 of the ESA chapter it is stated that the site lies partly within the Brick Lane and Fournier Street Conservation Area and that four other conservation areas are nearby. This is not explicitly stated in the technical chapter nor in the NTS section on Built Heritage (paragraph 1.7.96) which indicates that there are five conservation areas in close proximity to the site (paragraph 16.6.10). The Applicant is to reword both the technical chapter and NTS to make it clear that the site includes part of a conservation area.
BH19	EIA regulations require that the NTS includes a description of the likely significant effects of the scheme. In case the additional information requested necessitates the updating of the NTS this potential Regulation 22 request has been made. However, no action is required by the Applicant until the responses have been reviewed.
Ref.	Potential Planning Conditions
BH20	Historic building recording will be required of any heritage assets to be demolished. This will need to be undertaken by qualified professionals in accordance with industry best practice. To minimise the potential for materials and final design details to exacerbate any adverse effects, the subsequent reserved matters application(s) relating to appearance, landscaping, layout and scale should be discussed and agreed in close consultation with the relevant local authority's conservation officers.

Chapter 17
Review of Chapter 17: Ecology

Scope of EIA

17.1 Table 17.1 provides the relevant parts of the Ecology section of the EIA Scoping Opinion (both the original 2014 Scoping Opinion and the 2019 review) and how these have been responded to within the ESA. The issues identified have been sufficiently addressed within the Ecology chapter of the ESA.

17.2 Section 17.2 clearly sets out the information covered within the Ecology chapter. The scope of the assessment is appropriate and considers all the ecological receptors which would be expected of such a project (including statutory and non-statutory designated sites, habitats and flora and fauna) and covers an appropriate geographical scale. Appropriate legislation, policy and guidelines have been used and referenced.

Baseline

17.3 The baseline information is mostly considered sufficient to support the ESA, given the nature of the site, the surrounding landscape and the Revised Scheme. In line with the request set out in the EIA Scoping Opinion, the relevant ecological baseline studies have been provided in ESA Volume IV, Appendix L: Ecology. These include: reports of the original ecological surveys completed in 2013; a report of the updated ecological surveys conducted in 2017; and an updated Preliminary Ecological Appraisal, prepared in May 2019.

17.4 These reports provide clear descriptions of the methodology used, with references to and confirmation of adherence to appropriate best practice guidance where relevant; and confirmation that surveys were led by experienced and suitably qualified surveyors. The baseline data collected is considered relevant and appropriate for the site and scale of development, however further information in respect of hibernating bats is required, as outlined below.

17.5 A series of underground archways were identified as having features with low and moderate Bat Roost Potential. As a result, bat emergence and re-entry surveys and static detector surveys were conducted during the 2013 and 2017 active seasons. Static detector surveys were also conducted

in October (during thunderstorms and heavy winds) and November 2013, to identify swarming activity and entering of hibernation roosts. Surveys at this time of year were not undertaken again in 2017 and therefore the results for October and November are no longer considered to be valid due to the length of time that has passed[13]. According to the reports, no surveys or inspections were conducted between December and February inclusive, which is considered to be the most appropriate time of year to detect hibernating bats.[14] (ECO4)

17.6 The timing of the above bat surveys is therefore considered appropriate to conclude that use of the site by roosting bats is unlikely during the spring, summer and autumn; however, very limited evidence or justification is provided to support the conclusion that the site is not used by roosting bats during hibernation. If the potential for the arches to be used by hibernating bats cannot be reasonably ruled out on the basis of the available information, then further bat surveys during the hibernation season will be required. Mitigation and compensation measures to minimise impacts to hibernating bats will also be required, such as sensitive timing of works to avoid the hibernation period. (ECO5)

17.7 The assemblage of commuting and foraging bats within the site has been assessed to be of local importance, which is considered appropriate. The features within the site have been assessed to be of negligible importance for roosting bats, which requires further evidence/ justification, as outlined above.

17.8 Bird surveys (including black redstart surveys) and invertebrate surveys were conducted in 2013 and subsequently updated in 2017, which is considered acceptable. It is noted that a precautionary approach has been taken in the assessment of these species groups, due to limitations with the timings and/or number of surveys conducted. The black redstart and invertebrate assemblages on site have been assessed to be of borough importance; and the assemblages of other bird species on site has been assessed to be of local importance.

17.9 Reptile surveys conducted in 2013 determined the likely absence of these species. The extent of scrub within the site has increased since 2013, which likely further reduces the suitability of the site for reptiles. Further surveys were therefore not conducted, and reptiles are not considered further in the assessment, which is considered appropriate.

17.10 An Extended Phase 1 Habitat survey was undertaken in 2013 and then updated in 2017 and 2019. Open Mosaic Habitat on Previously Developed Land, which is a Habitat of Principal Importance in England, was identified as being present at the site, though the extent of this habitat has significantly decreased in recent years, due to scrub encroachment. Based on the size of the remaining area, its current sub-optimal condition and the potential for enhancement through scrub clearance, this habitat has been assessed to be of borough importance in line with a precautionary approach, which is considered to be appropriate.

Assessment

17.11 Paragraphs 17.5.19 – 17.5.27 set out the principles of the assessment methodology adopted. This is in line with best practice guidelines and is considered to be appropriate. Section 17.7 outlines the impacts associated with the construction and operational phases that are predicted to occur in the absence of mitigation, which is also considered to be appropriate.

17.12 In the absence of mitigation, likely significant effects have been identified for foraging and commuting bats, nesting birds, black redstart, invertebrates, Open Mosaic Habitat on Previously Developed Land and the Spitalfields City Farm and Allen Gardens Borough SINC, ranging from an effect at the site to the borough level. With appropriate mitigation in place, these will be limited to negligible effects, with the exception of a temporary minor adverse effect on invertebrates during the construction phase.

17.13 This assessment is considered to be proportionate and appropriate, with the exception of hibernating bats. Further information on hibernating bats is required in order to determine whether any significant effects on this ecological receptor, if present, are likely to occur.

Secondary, Cumulative and Combined Impacts

17.14 Cumulative schemes are outlined in **ESA**, **Volume 2, Chapter 3 EIA Methodology, Table 3.8** and five schemes of relevance to ecology are summarised and considered in Section 17.11 of the Ecology chapter. The assessment of cumulative effects is considered to be appropriate. The cumulative impact of the Revised Scheme and other nearby schemes is considered to be minor beneficial, as a result of habitat creation, including an overall increase in living roofs

Mitigation and Management

17.15 Section 17.8 provides details on the mitigation, which is welcomed and considered to be appropriate. The mitigation measures are described in more detail in paragraphs where

[13] CIEEM (2019). Advice Note: On the Lifespan of Ecological Reports and Surveys. Chartered Institute for Ecology and Environmental Management, Winchester.

[14] Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd (edn). The Bat Conservation Trust, London.

they relate to each ecological receptor to provide further clarity. Table 17.4 provides a summary of the amount and type of habitat to be lost and created as part of the Revised Scheme.

17.16 Section 17.9 describes *"potential additional mitigation measures"* and their likely effectiveness in preventing adverse effects. Due to the wording of the section and subsection headings ("additional" and "potential"), it is unclear whether these mitigation measures will be committed to. Impacts on commuting and foraging bats, invertebrates and the Spitalfields City Farm and Allen Gardens Borough SINC have been assessed as permanent neutral effects on the basis of this mitigation being implemented and therefore it is misleading to refer to it as potential mitigation. (ECO3)

17.17 To mitigate for the loss of suitable black redstart breeding opportunities, bird boxes are to be provided. As noted in paragraph 17.8.4, these bird boxes should be of a suitable design and placed at a suitable location to support black redstart (ECO7).

17.18 Sensitive timings of works to features which could be used by nesting birds and roosting bats have been recommended. Pending further information, this may need to include avoiding impacts to features with Bat Roost Potential during the hibernation season.

Limited Development Scenario

17.19 The limited development scenario (LDS) is discussed in paragraphs 21.6.62 and 21.6.63 in Chapter 21 of the ESA and is broadly considered acceptable though the contents of the Ecology Summary in Table 17.1 below still apply.

Non-Technical Summary

17.20 The NTS accurately summarises the content of the ES, though inconsistencies are noted with the levels of importance assigned to ecological receptors. Black redstart and invertebrate populations were assessed in the Ecology chapter to be of borough importance; however, in the NTS the former is described as being of importance at the local level and the latter is not mentioned (which in the context of the paragraph implies that it has been assessed to be of site importance only). Clarification is required from the Applicant (ECO1)

17.21 In paragraph 1.7.107 a minor adverse effect on invertebrates during the construction phase is noted, however, this is not reflected in Table 8. Clarification is required from the Applicant (ECO2).

Table 17.1: Ecology Summary

Ref.	Summary of Clarifications Required from Applicant
ECO1	Black redstart and invertebrate populations were assessed in the Ecology chapter to be of borough importance; however, in the NTS the former is described as being of importance at the local level and the latter is not mentioned (which implies that it has been assessed to be of site importance only). Clarification is required.
ECO2	In paragraph 1.7.107 of the NTS a minor adverse effect on invertebrates during the construction phase is noted, however, this is not reflected in Table 8. Clarification is required.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
ECO3	Clarification is required as to whether the mitigation measures outlined in Section 17.9 are to be implemented, as these measures have been used to assess the likely significant effects on foraging and commuting bats, invertebrates and the Spitalfields City Farm and Allen Gardens Borough SINC. These measures are currently described in the section heading as "potential".
ECO4	It is stated in the Ecology chapter of the ESA and the survey reports provided in ESA Volume IV, Appendix L: Ecology that the underground archways have features with low and moderate Bat Roost Potential (BRP). Given the nature and location of these archways, it is likely that the BRP features are suitable for use by bats during the hibernation period. This is reflected in the 2013 bat surveys, which were extended into October and November to look for swarming activity and bats entering hibernation. These surveys are no longer considered to be valid, due to the length of time that has elapsed; and the 2017 update bat surveys did not include surveys in October and November. According to the reports, no surveys have been conducted during December to February inclusive, which is considered to be the most appropriate time of year to detect hibernating bats
ECO5	Hibernating bats are not mentioned in the ESA and the site is described as being of negligible importance for roosting bats. It is considered that insufficient evidence has been provided to support this conclusion. It is therefore recommended that further surveys are conducted during the bat hibernation season, in order to draw robust conclusions on the value of the site for roosting bats and whether significant effects on roosting bats are likely to occur.
Ref.	**Potential Planning Conditions**

ECO6	Submission, approval and implementation of a Construction Management Plan (CMP), which should be worded to make specific reference to the protection of ecological receptors; including nearby designated sites, breeding birds and refuge habitat provided or retained during the construction phase. If possible, a single CMP should cover the entire site
ECO7	To mitigate for the loss of suitable black redstart breeding opportunities, bird boxes are to be provided. As noted in paragraph 17.8.4, these bird boxes should be of a suitable design and placed at a suitable location to support black redstart
ECO8	Provision of a lighting strategy, to minimise light-spill onto retained and newly-created habitat features, as outlined in paragraph 17.9.1.
ECO9	Provision of full details of the mitigation, habitat creation, landscaping design and enhancement measures outlined in Chapter 17 of the ESA. These should be secured through appropriately-worded planning conditions.
ECO10	Submission, approval and implementation of a Landscape and Ecological Management Plan (LEMP), describing full details of the long-term management and monitoring of habitats within the site. If possible, a single LEMP should cover the entire site.

Bishopsgate Ecology Response to the Applicant's submission of a Bat Mitigation Strategy

17.22 The Applicant has provided a Bat Mitigation Strategy (BMS) which is well reasoned and covers all of the aspects which would be expected, given the nature of the site and the potential impacts to bats which could result from the proposed development. The BMS outlines precautionary measures that will be implemented in order to avoid or reduce impacts during the construction and operational phases of the development, which are considered to be appropriate.

17.23 It is recognised that finalised specifications for bat mitigation, in the form of retained and enhanced features with potential for bat hibernation or new bat roost creation, cannot yet be provided, due to the outline stage of the scheme and the iterative nature of the development proposals. Section 5 of the BMS states that in the first instance, the scheme will seek to retain and enhance existing subterranean tunnels with hibernation potential in Biodiversity Protection Zone 3 (BPZ3, as shown in Appendix 3, Figure 1 – Ecological Constraints and Opportunities Plan of the BMS). If it is not possible to retain these structures (for example due to structural requirements of the proposed development), then a suitable replacement bat roost site will be provided within a subterranean area elsewhere on site. If a replacement bat roost site cannot be provided on site, then as a last resort, a suitable replacement roost site will be provided in an off-site location. This is considered to be an acceptable approach at this stage.

17.24 Section 5 of the BMS provides appropriate considerations on the requirements for the bat hibernation roost site, to ensure that these are suitable for hibernation, to increase the likelihood of use by bats, and to ensure that sufficient mitigation is provided. This includes a recommendation that the roost site (if provided on site) is located at a subterranean level, with access to the railway line. This is considered important to increase the suitability and likelihood of use by bats. Appropriate recommendations for bat boxes and bat bricks to be incorporated into the roost site are also provided in Appendix 1 of the BMS. A sufficient number of these should be incorporated, in order to provide sufficient mitigation for the loss of available features with roosting potential that are currently present within the site.

17.25 Section 5 of the BMS recommends that a minimum of two openings are created to allow access into the bat roost, with approximate dimensions of 25 millimetres (mm) high by 16mm long. While these dimensions are in line with good practice guidance, as referenced in the BMS, we are concerned that they are too small to reflect the large openings of the tunnels and archways that are currently present on site. In the context of the site, this may reduce the likelihood of bats finding and utilising the roost; and we would therefore recommend that a larger opening is provided. Grills, louvres or baffles could be fitted to prevent unauthorised access and to minimise the ingress of light, wind and rain, if required.

17.26 The provision of bat mitigation, as specified in the BMS, should be secured through a suitably worded planning condition. The final location and specifications of the bat roost site should be designed in consultation with the LPA

Chapter 18
Review of Chapter 18: Climate Change Adaption and Mitigation

Scope of EIA

18.1 The scope of the assessment is clearly set out in Section 18.2. It is stated that the chapter will focus on climate change mitigation and adaption. It is noted that the chapter has been divided into two sections which address adaption and mitigation respectively

18.2 The chapter also includes a comprehensive overview of relevant policy and legislation which cover both national, regional and local scales.

18.3 It is noted that the Applicant refers to the UK Climate Change Act 2008. However, the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on the 26th June 2019, now states that the net UK carbon account for 2050 must be at least 100% lower than the 1990 baseline as opposed to 80%.

Baseline

18.4 In relation to Climate Change Mitigation, the baseline has used greenhouse gas emissions (GHG) covering several relevant sectors such as transport, domestic and industrial/ commercial which represent similar uses to the proposed development when operational. These GHG emissions have been calculated for both LBTH and LBH.

18.5 Volume 4, Appendix C also contains information on embodied carbon within construction materials as well as construction and operational traffic movements associated with the scheme.

18.6 A *"Do minimum"* scenario has not been considered as the site is currently undeveloped and there would be no scope to assess this. The baseline concerning Climate Change Mitigation is considered acceptable.

18.7 Regarding Climate Change Adaption, it is noted that the ESA has used UKCP09 data to inform the future baseline as the UKCP18 projections were not available during the preparation of the chapter. The future baseline has used a medium emissions scenario for the 2080's, taking the lifespan of the project into account.

18.8 Table 18.4 includes information on the central estimates of climate change projections for temperature and precipitation

in both summer and winter in London. This is considered acceptable.

18.9 There has been demonstration of the sensitivity of the baseline in section 18.8.7 which provides an overview of the potential impacts of the changing climate on several environmental factors such as flooding and air quality. This is considered acceptable.

Assessment

18.10 In relation to Climate Mitigation, Section 18.5 clearly sets out the assessment methodology. The study boundaries, information and assumptions as well as significance criteria is set out. The significance criteria have been prepared in line with IEMA guidelines with the magnitude of change having a larger steer on the significance of effects associated with the project. This is considered acceptable.

18.11 It is recognised that the assessment of climate change differs from other assessments within EIA. As such, appropriate justification has been provided

18.12 Section 18.5.5 and 18.5.9 states that a quantitative assessment has not been carried out due to the projects outline nature and the assessment has been based on professional judgement. This is in line with IEMA guidance which states:

"It should also be recognised that qualitative assessments are acceptable, for example: where data is unavailable or where mitigation measures are agreed early on in the design phase with design and engineering teams"

18.13 This is considered acceptable.

18.14 Section 18.7 sets out the impact assessment and mitigation which covers the construction, operational and end of life phases of the proposed development. This is considered acceptable.

18.15 The construction phase covers embodied carbon within construction materials as well as Greenhouse Gas (GHG) emissions associated with construction plant and traffic.

18.16 The assessment considers the scale and significance at the local level with reference to local targets and within the wider context of London. This is considered acceptable.

18.17 Assessments relating to carbon emissions associated with the construction phase are broadly considered to have a minor adverse and significant impact. This is considered acceptable.

18.18 Section 18.8 sets out the assessment methodology associated with Climate Change Adaption.

18.19 This refers to the future baselines projections which have previously been referred to in this report. It also considers the receptor types assessed in the ESA and identifies which are most sensitive to climate change. It is noted that this has been based upon professional judgement.

18.20 Additionally, there is some identification of the potential effects in the individual technical chapters detailed throughout the ESA.

18.21 Section 18.9 details the sensitivity of receptors in response to climate change.

18.22 Section 18.9.1 states that "*ecology and landscape will also be sensitive to climate change but have not been assessed in this ES Addendum and therefore excluded from Table 18.4*". It is noted that ecology has been assessed in the ESA and is included in Table 18.5.

18.23 However, Table 18.4 refers to the UKCP09 Climate Change Projections. This is referenced again in Section 18.9.2 and 18.11.1. It is assumed that the Applicant is referring to Table 18. 5..

Secondary, Cumulative and Combined Impacts

18.24 Table 18.6 provides a summary of residual effects associated with climate change however the column titled "Potential impact including significance" does not accurately reflect the impact and significance as stated earlier in the chapter.

18.25 For example, construction traffic is considered to have a minor adverse effect and is significant against local targets in section 18.7.14. However, Table 18.6 states that this is minor adverse and not significant. The Applicant is requested to clarify why there is a difference between effects written within the table and the preceding text. (CC1)

Mitigation and Management

18.26 Mitigation measures are addressed in both the Climate Change Adaption and Climate Change Mitigation sections of the chapter.

18.27 In relation to Climate Change Adaption, this section of the chapter addresses measures proposed to be implemented to reduce or offset significant effects. This includes the use of lower carbon building materials and the implementation of an energy strategy. There are no measures proposed to avoid carbon emissions entirely as this type of development will inevitably lead to an increase in emissions.

18.28 The language used to address mitigation within Section 18.10.1 uses non-committal language such as "could" or "consider" in relation to the potential preparation of a Climate Change Adaption Plan. Subsequently the ESA does not set out how mitigation measures are to be secured and

implemented and with whom the responsibilities for their delivery lies. (CC2)

18.29 Additionally, the mitigation within Table 18.6 uses non-committal language such as “consider”. As this table has not explicitly stated which mitigation measures will be put in place to address any potential impacts, it is not appropriate to show the residual effects as lower than the potential effects. This also relevant in Table 18.7 in the “Additional Mitigation” column.

18.30 The Applicant is requested to clarify what mitigation measures will be put in place to reduce and offset emissions. (CC2)

18.31 The Applicant should also clearly state the measures which will be put in place to adapt to climate change. (CC2)

Limited Development Scenario

18.32 The Limited Development Scenario presented in Chapter 21 is unlikely to affect the significance of effects on climate change.

Non-Technical Summary

18.33 The NTS adequately reflects the assessment findings as they currently stand. However, there are requests herein that may result in some changes that would require the NTS to be updated. (CC3)

Table 18.1: Climate Change Mitigation and Adaption Table

Ref.	Summary of Clarifications Required from Applicant
CC2	The Applicant should clarify what mitigation measures; and how these mitigation measures are to be secured and implemented and with whom the responsibilities for their delivery lies for: a. climate change adaption and; b. climate change mitigation.
CC3	Applicant to confirm if the NTS requires updating as a result of the clarifications above.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
CC1	The Applicant is requested to clarify why there is a difference between the significance of effects written within Table 18.6 and the preceding text set out in Section 18.7.
Ref.	**Potential Planning Conditions**
N/A	None.

Chapter 19
Review of Chapter 19: Effect Interactions

Scope of Assessment

19.1 ESA Chapter 19 considers the likely cumulative effects as a result of the proposed development. The chapter considers both Type 1 Effects (the combination of individual likely significant environmental effects resulting from the Development in isolation upon sensitive receptors, e.g. noise and dust from one development) and Type 2 Effects (impacts from several developments which when considered together could result in a significant cumulative impact).

19.2 ESA Volume 2, Chapter 3 sets out the scope of the assessment. Schemes within 1km of the proposed site boundary have been assessed, however it is noted that this varies throughout different chapters, for example Townscape and Visual Impact considers schemes within up to 2.7km of the proposed site boundary.

19.3 Section 3.5.56 states that schemes were included based on the following criteria:

- Approved but uncompleted projects, and;
- Projects for which an application has been submitted and is under consideration by the relevant consenting authority

19.4 Figure 3.4 details the location of the schemes detailed in Table 3.8, however this is referenced as Figure 3.5 in the text of Section 3.5.60. The schemes listed in Table 3.8 span several local authorities, namely LBH, LBTH and City of London (CoL).

19.5 An additional scheme known as Huntingdon Industrial Estate (28-32 Redchurch Street PA/19/00294) has also been included within the cumulative assessment upon discussion with GLA. This has been qualitatively assessed.

19.6 The Scoping Opinion received from GLA provided a list of schemes which should have been included. However, the following schemes are not present within Chapter 3, Table 3.8.

- Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/17/01920).
- 100-136 Cavell Street, London (PA/16/00784).
- South East block Of Goodman's Fields, 74 Alie Street, London (PA/14/02817).

- Site Bound by Raven Row, Stepney Way Sidney Street, London E1 (PA/15/01789).
- Site Bound by Raven Row, Stepney Way Sidney Street, London E1 (PA/18/00917
- Land bounded by King John Street, Holywell Lane, New Inn Yard, ELL Viaducts (2013/3567).
- Land bounded by Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street (2012/3871).
- 1-2 Broadgate London EC2M 2QS (18/01065/FULEIA).

19.7 These have not been included within the full list of schemes set out in Chapter 3, Table 3.8. The Applicant is requested to provide clarification as to why these schemes have not been included, in line with the GLA Scoping Opinion which also requested full justification for any omission. (EF1)

Type 1 (Intra Project) Effects

19.8 The assessment of Type 1 effects has been set out in section 19.3 and covers the effects associated with the construction and operational phases of the Revised Scheme.

19.9 Table 19.1 sets out the sensitive receptors, residual effects and the potential for intra-project effects during the construction phase while Table 19.2 details the Type 1 effects anticipated during the operational phase. Both tables contain adverse and beneficial effects.

19.10 Effects have been based on the findings of the relevant technical assessments. Residual effects that are beneficial or adverse in nature and those of varying scales such as minor, moderate or major in scale have been considered.

19.11 The Type 1 assessment has also considered the impacts upon new residents who will occupy the development before the scheme has been fully constructed. This is stated in Section 19.3.1:

"There is potential during both construction and operation of the Revised Scheme for a combination of environmental effects to arise at the same time, affecting the same receptor or location."

19.12 Table 19.1 identifies impacts associated with noise, daylight and sunlight on new residents during the construction phase. The Type 1 assessment is considered to be acceptable.

Type 2 (Inter Project) Effects

19.13 The likely significance of Type 2 cumulative effects has been assessed through a combination of quantitative and qualitative means, as appropriate. These reflect the findings of the specific technical chapters and comments on the cumulative assessment are included in the preceding sections of this report.

19.14 However, given the exclusion of schemes listed within Section 19.6 of this report, there may be implications for the assessment of Type 2 effects. This may have to be revisited if these schemes comply with criteria set out in ESA Chapter 3, Section 3.5.56.

19.15 This is subject to any points raised in relation to the Type 2 Effects assessments within the topic reviews of this report.

Non-Technical Summary

19.16 The NTS presents a summary of the Type 1 and Type 2 cumulative effects which reflects the detailed findings in the main ESA document. This should be updated if any changes arise from the comments made in this review. (EF2)

19.17 The NTS includes the cumulative effects (both Type 1 and Type 2) identified through the main text of the ES and the likely significant effects of each effect. The list of the cumulative schemes assessed is cross referenced to the relevant topic chapter. However, it would have been helpful if a figure showing the location of the cumulative schemes was included so the reader would not have to access the technical main report.

Table 19.1: Effect Interaction Summary

Ref.	Summary of Clarifications Required from Applicant
N/A	None.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
EF1	The Applicant is requested to provide clarification as to why the schemes listed within in section 19.6 of the ESA and as stated in the EIA Scoping Opinion issued by GLA have not been included.
EF2	The NTS presents a summary of the Type 1 and Type 2 cumulative effects which reflects the detailed findings in the main ES document. This should be updated if any changes arise from the comments made in this review.
Ref.	**Potential Planning Conditions**

N/A	None.

Chapter 20
Review of Chapter 20: Residual Effects and Conclusions

20.1 ESA Volume 2, Chapter 20 provides a summary of the mitigation measures identified through the assessment of the environmental topics included within the ESA. This chapter also includes the subsequent residual effects anticipated after the implementation of the proposed mitigation measures.

20.2 Table 20.1 details the proposed embedded and additional mitigation measures. This is separated by environmental topic and further divided between the construction and operational phases.

20.3 Section 20.3 addresses the significant residual effects of the proposed development. Table 20.2 provides a summary of residual effects identified in each technical chapter.

20.4 The duration and significance of residual effects at both the operational and construction stages are clearly set out. Where no residual effects are anticipated this has also been included, providing a clear overview of the findings from each technical chapter.

20.5 Section 20.4 provides a brief overview of the proposed development including details on the current site, Section 20.4 provides a brief overview of the proposed development including details on the current site, the construction period and the building uses.

20.6 This section also provides a summary of the potential beneficial and adverse effects associated with the proposed development.

20.7 Should the potential Regulation 22 requests / clarifications result in any changes to the effects as currently reported, this chapter and the NTS would need to be updated. (REC1)

Non – Technical Summary

20.8 The NTS accurately summarises the content of the ESA.

Table 20.1: Residual Effects and Conclusion Summary

Ref.	Summary of Clarifications Required from Applicant
N/A	See individual topic chapter reviews.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**

REC1	Should the potential Regulation 22 requests / clarifications result in any changes to the effects as currently reported, this chapter and the NTS would need to be updated.
Ref.	**Potential Planning Conditions**
N/A	None.

Chapter 21
Review of ESA Volume 3: Townscape and Visual Impact Assessment

Scope of EIA

21.1 The scope of the Townscape and Visual Impact Assessment (TVIA) is appropriate and accords with what was set out in the Scoping Report.

21.2 This review focuses on the TVIA of the whole revised scheme rather than the limited development scenario.

21.3 It should be noted that this section reports on the impact of the proposed development on conservation areas and the settings of listed buildings which should be set out in the built heritage chapter rather than the TVIA, and so those assessments have not been reviewed in this section.

Baseline

21.4 The TVIA describes the current condition of those aspects of the environment that are likely to be significantly affected by the development. This includes townscape character areas (which are mapped and described within an appropriate distance of the site) and 66 representative viewpoints (which are mapped, photographed and described). The assessment states that visual receptors "*are taken to be the general public affected by development, taking into account the differing interests and expectations likely to be found in residents, visitors and those who work in a place. For example, people who walk in a park in their leisure time are likely to have a higher sensitivity than people at their place of work*".

21.5 The representative assessment viewpoints appear to be an appropriate spread and number (noting that we have not reviewed all the viewpoint locations on the ground).

21.6 The townscape character areas and views are evaluated in terms of sensitivity. The method for assessing sensitivity is set out in paragraphs 2.19-2.28 of ESA Volume 3. This is not particularly clearly explained due to the visual and townscape criteria being rather muddled up (should paragraph 2.28 come before paragraph 2.26?). This is not helped by the inclusion of the word 'townscape' in paragraph 2.20 – it is assumed that paragraph 2.20 should not include the word 'townscape' (as townscape sensitivity criteria are separately set out in paragraph 2.28). However, this should be clarified by the Applicant. In fact, this whole section could do with being

reviewed and clarified in terms of the separation between the method for assessing sensitivity of townscape character areas and the method for assessing sensitivity of views (and/ or visual receptors as appropriate). (TVIA1)

21.7 It should be noted that the TVIA baseline includes a comment on the sensitivity of the 'townscape settings' of listed buildings as a separate assessment from the sensitivity of the townscape character area. Assessment of the settings of heritage assets should form part of the built heritage assessment and so this review does not review those assessments.

Assessment

21.8 The method used to predict the magnitude of change is set out in paragraph 2.31. The TVIA identifies likely significant effects according to sensitivity and magnitude and uses a matrix to do this which is acceptable. Moderate effects and above are considered likely to be significant. This section of the ESA refers to the The Town and County Planning (Environmental Impact Assessment) Regulations 2011; the Applicant is requested to clarify this (TVIA2), noting ESA para. 1.2.15-1.2.17.

21.9 Magnitude of change is predicted as a deviation from the established baseline conditions for townscape character areas and for each view which is appropriate. Each effect is also classified as beneficial, adverse, or neutral. Most effects are neutral or beneficial although there are two major adverse effects identified:

- on view 49 Folgate Street on axis of Elder Street (set out on page 227), and
- on the townscape character/ setting of listed buildings around Elder Street and Fleur De Lis Street (set out in paragraph 10.54).

21.10 The adverse effect on VP49 is because "*the effect on this view is likely to generate strong differences of opinion given the contrast in scale. In light of this and the cohesive nature of the existing view along this street, and the uniform townscape derived from the common elevation details, it is considered that on balance the effect on this view will be adverse*" (para. 6.336). Could this be said for other viewpoints e.g. VP32 and 34? (TVIA3)

21.11 Accurate Visual Representations (AVRs) are helpful and clearly presented (orange outline = detailed scheme; yellow outline = maximum parameters). They are unlikely to accord with the latest guidance for 'Visual Representation of Development Proposals' published by the Landscape Institute in September 2019 in terms of the size at which the images are presented although there is a grace period for implementing this new guidance. Nevertheless, the new guidance should be borne in mind for future assessments.

21.12 Views 28 and 51 do not show the full height of the building which makes it difficult to judge the effect on these views, it would be helpful if the Applicant could provide a model or image that includes the full height of the building to understand the height of the development from these viewpoints. (TVIA6)

21.13 The photos are taken at different times of year. Photos with leaves on trees which might reveal more of the development in winter include viewpoints 27, 41 and 48 although all together the photos present enough information to understand the extent and nature of impacts.

Secondary, Cumulative and Combined Impacts

21.14 The cumulative assessment focuses on the effect of the development in the context of other proposed developments that have planning consent, consented developments are the most certain to be built and therefore it is appropriate to focus the cumulative assessment on the proposed development alongside other proposed developments that have planning consent.

21.15 Cumulative schemes are shown in the visualisations, which is helpful, and a descriptive assessment is provided for each viewpoint.

21.16 It appears that the Applicant has reported 'combined' cumulative effects (rather than 'additional' cumulative effects). The reason for assuming this is that even where the proposed development will not be visible (e.g. VP9), there are reported cumulative effects. However, this should be clarified by the Applicant. There are no hard and fast rules for cumulative assessment, but GLVIA3 describes the difference between 'additional' cumulative effects and 'combined' cumulative effects (at paragraph 7.18 of the guidance). (TVIA4)

Mitigation and Management

21.17 Mitigation measures have been designed into the scheme in terms of the massing of the buildings. The design of the new buildings and public realm will be managed through the design guidelines which address the detailed design and architectural expression of the outline plots (all but Plot 2 which is submitted in detail) and these will be subject to consideration by the local planning authority during the reserved detailed applications. This is an appropriate approach. (TVIA7)

Non-Technical Summary

21.18 The Townscape and Visual Section of the NTS reports the significant adverse impact on view 49 'Folgate Street on axis of Elder Street'.

21.19 The NTS does not mention the adverse impact on the townscape character/ setting of listed buildings around Elder Street and Fleur De Lis Street that is reported in the main assessment at paragraph 10.54 and summarised in the Table on page 311. However, it is not clear if this is a heritage impact rather than a townscape impact and requires clarification. If the impact is a townscape impact it should be reported in the townscape and visual section of the NTS. If it is a heritage impact it should be reported in the built heritage chapter and the built heritage section of the NTS. (TVIA5)

Table 21.1: Townscape and Visual Impact Assessment Summary

Ref.	Summary of Clarifications Required from Applicant
TVIA1	Clarify the approach to assessing sensitivity and the difference between the method for assessing sensitivity of townscape character areas and the method for assessing sensitivity of views (and/ or visual receptors as appropriate). For example, it is assumed that paragraph 2.20 should not include the word 'townscape' (as townscape sensitivity criteria are set out in paragraph 2.28). This should be clarified by the Applicant.
TVIA2	This assessment description section of the ESA refers to the The Town and County Planning (Environmental Impact Assessment) Regulations 2011; the Applicant is requested to clarify this.
TVIA4	Clarify the approach to the cumulative assessment (in particular whether the cumulative assessment reports on the 'additional' or 'combined' cumulative effects and what baseline is assumed for the cumulative assessment). Information about approaches to cumulative assessment including a definition of additional and combined effects can be found on page 124 of GLVIA3.
TVIA5	The NTS does not report the adverse impact on the townscape character/ setting of listed buildings around Elder Street and Fleur De Lis Street that is reported in the main assessment at paragraph 10.54. However, it is not clear if this is a heritage impact or a townscape impact and therefore whether it should be reported in the townscape and visual section of the NTS, or if it is a heritage impact it should be reported in the built heritage chapter and the built heritage section of the NTS. This should be clarified by the Applicant.
Ref.	**Summary of Potential Regulation 22 Requests from Applicant**
TVIA3	The adverse impact on VP49 is because *"the effect on this view is likely to generate strong differences of opinion given the contrast in scale. In light of this and the cohesive nature of the existing view along this street, and the uniform townscape derived from the common elevation details, it is considered that on balance the effect on this view will be adverse"* (para. 6.336). Could this be said for other viewpoints e.g. VP32 and 34?
TVIA6	Views 28 and 51 do not show the full height of height of the building which makes it difficult to judge the effect on these views – it would be helpful if the Applicant could provide a model or image that includes the full height of the building to understand the height of the development from these viewpoints.
Ref.	**Potential Planning Conditions**
TVIA7	The design of the new buildings and public realm to be subject to consideration by the local planning authority during the reserved detailed application(s).

Chapter 22
Assessment of Regulation 22 Requests/ Clarifications

22.1 This section considers the Applicant's response, submitted in September 2019, to the clarifications/potential Regulation 22 information requests identified during the initial review of the ESA (December 2019). The Applicant's response sets out additional information which addresses the clarifications and the Potential Regulation 22 requests.

22.2 Table 22.1 below provides a judgement as to the acceptability of the information provided in response to the clarifications/Regulation 22 requests. 3+

Table 22.1: Potential Regulation 22 and Clarification Judgements

Reference	Request Type	Original Request (December 2019)	Applicant Response (January 2020)	Reassessment conclusion (February 2020)
Construction Overview Summary				
CD1	Clarification	Clarification on which Phase of construction will contain the development of aspects of the open space, recreation and green infrastructure aspects of the Revised Scheme.	Appendix A Figure 'Public Realm Completions Ground Level' - shows indicative areas that we would propose to complete with each phase of works. This plan is the basis of the assessment though may be subject to alteration at reserved matters stage at which point if necessary, this would be considered further within the assessments.	**Acceptable** The Applicant has supplied an additional Figure in Appendix A. This Figure when viewed alongside the text in paragraphs 5.2.18-5.2.67 in Volume 2 of the ES and Figure 5.21, helps to determine when different aspects of green infrastructure will be constructed relative to each plot. No further clarification is required.
CD2	Clarification	Clarification is sought from the Applicant as to when there would be new receptors created i.e. occupiers following the development of each phase.	New receptors would be introduced in line with the occupation of each phase.	**Acceptable** The Applicant has confirmed that new receptors would be added in line with the occupation of each phase, the timelines of these phases are set out in Table 5.6 of the ESA. No further clarification is required.

CD3	Clarification	Clarification is sought that the assessments have had regard to these new receptors in the technical assessments contained in the ESA.	Interim assessments considering newly introduced on site receptors during the construction phase have been provided where relevant throughout the ESA.	**Acceptable** The Applicant has confirmed that the new receptors have been taken in to account in the ESA. No further clarification is required.
CD4	Clarification	Clarification sought on whether the Phasing Scenario described in Figure 5.21 is a fixed Programme or whether it represents worst case scenario as requested by the Scoping Opinion.	The phasing plans in Figure 5.2 - 5.14 are based on a programme of 12 years from 2021 to 2023 and a show a worst-case scenario as requested by the Scoping Opinion.	**Acceptable** The Applicant has confirmed that a worst-case scenario has been assumed for the construction period. The ESA does show the development being completed in Q1 of 2034 as opposed to 2023 and assume this is a typo by the Applicant. No further clarification is required.
CD5	Clarification	Clarification is sought from the Applicant why details of the scope of works associated with the site clearance and enabling works have not been described in the ESA.	The broad detail of the enabling works and site clearance are included within the ES and have been used to inform the assessments. This is presented in Chapter 5, Tables 5.9, 5.11 and paragraphs 5.3.34 – 5.3.42 The detailed application was limited to Building 2 and Building 7, with the remaining buildings being defined by Parameter Plans and block diagrams. Because of this the full scope of enabling works had not yet been defined and were not fully identified within the phases. In addition, the full scope of enablement and site clearance will be subject to: ■ further detailed site surveys; ■ the detailed sequencing of the works and need to allocate enabling works to the individual phases, and; ■ the timing and phasing of the installation of primary infrastructure services and drainage which may necessitate temporary installations and diversions of existing services. This detailed scope will be established by the main works contractor when appointed.	**Acceptable subject to condition** The Applicant has provided further details on how the scope of enablement and site clearance will be developed. This includes further survey work. The results of these surveys and the full scope of the site enabling and clearance works should be detailed in the Construction Environmental Management Plan (CEMP) and approved in advance of the commencement of development. No further clarification is required.
CD6	Clarification	Clarification is sought as to whether every construction stage described in Table 5.7 and paragraphs 5.3.5 to	They have been included as a worst-case scenario where detailed phase-by-phase construction has not yet been defined. The exceptions to this are as follows: Phases 2 concerns the restoration and conversion to retail uses of the arches underneath the Braithwaite	**Acceptable** The clarification provided is deemed to be acceptable, presenting a worst-case scenario where more accurate information

		5.3.15 are needed for all Phases 1-8.	Viaduct and the non-listed arches to the south of London Road, as well as the establishment of the open space at the podium level above the viaduct. The extent of the substructure works in this instance will be limited.	is not available. This is an acceptable method of assessing potential impacts. No further clarification is required.
CD7	Clarification	Clarification sought regarding the significance of Figures 5.27 and 5.28 and how they relate to the construction methodology.	Figures 5.27 and 5.28 show indicative construction traffic routes from the site. These routes form the basis of the estimates of construction traffic flows that inform the following topic assessments: Traffic and Transport, Air Quality, Noise and Vibration.	**Not Acceptable** It has been stated that these are indicative traffic routes but the reasons behind why these routes were chosen over others, and the significance of both Silvertown and Rainham remains unclear. Further clarification is required.
CD8	Clarification	Table 5.8 shows average numbers of vehicle movements per day for each of the phases. It is not clear if the information presented reflects the overlap between phases of the development as shown in figure 5.21. Clarification on this matter is sought from the Applicant.	Table 5.8 presents the average number of vehicle movement per day which does take into account the overlap between the phases.	**Acceptable** Further clarification has been provided by the Applicant to confirm that the overlap between the phases has been taken into account in the assessments undertaken. No further clarification is required.
CD9	Clarification	Clarification is sought from the Applicant that the assessments contained in the ESA are based on the maximum traffic movements (not averaged traffic levels) and that these estimated have regard to all traffic movements related to the removal of wastes from the site.	We can confirm that the assessment contained with the ESA are based on maximum traffic movements which include traffic movements associated with the removal of waste from the site. The average vehicle movements provided in table 5.8 are intended to show the relative scale of the traffic movements for each phase and have not been used for the basis of the assessments.	**Acceptable** Further clarification has been provided by the Applicant to confirm that maximum traffic levels have been used, which include for waste removal movements in the assessments undertaken. No further clarification is required.
CD10	Clarification	Clarification sought on whether the construction labour force commuting to the site via car has been	Chapter 5 states that all staff will be encouraged to use public transport and specific travel plans will be put in place to facilitate this. Chapter 7 confirms that no staff car parking will be provided on site and as such it has been assumed that minimal construction staff will be travelling to the site via car and this assumption forms part of the assessment.	**Acceptable** Further clarification has been provided by the Applicant to confirm that minimal construction staff have been assumed to travel by car in the assessments

		assessed in Chapter 9: Traffic & Transport.		undertaken. The site is well served by public transport; however, the decision maker will need to consider if this assumption is realistic and consider measures to ensure that car use by construction staff is minimised with no construction staff car parking proposed on the site. No further clarification is required.
CD11	Clarification	Paragraph 5.3.38 of the ESA references crushing of materials will be undertaken on the site. Clarification is sought from the Applicant that these activities have been considered in the air quality and noise and vibration assessments contained within the ESA.	While there will likely be some on-site crushing of materials on site, the overall quantity of material for demolition and site clearance is expected to be low. The dust risk assessment takes into account the potential for effects from demolition which includes the crushing of materials. The construction noise assessment is based on the indicative plant and equipment list provided in Table 5.7 of Chapter 5, which includes concrete crushers.	**Acceptable** Further clarification has been provided by the Applicant to confirm that crushing activities have been considered in the assessments undertaken. No further clarification is required.
CD12	Clarification	The NTS does not include details on maximum traffic levels during the construction phase or the employment numbers during this phase. Clarification is sought from the Applicant as to why this detail is not considered relevant to the NTS.	This information whilst informative dos does not result in the formulation of any significant effects and therefore, they have not been provided in the NTS. They are however provided in the full relevant assessment chapters. The NTS has however been updated and is appended to this response for information.	**Acceptable** The Applicant has updated the NTS to provide additional details. No further clarification is required.
CD13	Potential Regulation 22	Further information is sought from the Applicant relating to construction site plans, detailing, for example, locations of site compounds, welfare facilities and staff parking) as requesting in the Scoping Opinion and	It is envisaged that the plots will stand alone in terms of compounds and site welfare to allow maximum flexibility for the plots to be built independently of one another. Once greater understanding of the detailed works required for the outline plots and the detailed scope of the site clearance and the enabling works has been formulated the appointed contractor will be able to specify the location of the construction compounds. It will be an objective in planning the works that site compounds and welfare facilities will be located within each plot.	**Acceptable subject to a planning condition** The Applicant has provided further details on how each plot will be developed in isolation. The full scope of the site compound and welfare facility locations should be detailed in the CEMP and

		comments from the GLA and LBTH.	As will any other inner-city site, each plot will be segregated from the adjacent plots by hoarding where the two have separate contractors. It is not currently envisaged that any one plot will be dependent upon another for welfare or project office space. Staff parking will not be permitted on site as explained in Chapter 7: Traffic and Transport.	approved in advance of the commencement of development. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
CD14	Potential Regulation 22	Further details around crane requirements are sought from the Applicant.	It is likely that a combination of Tower Cranes and Mobile Cranes will be required during the construction of the Proposed Development. The exact locations of these will be determined by the relevant contractor deemed to be the most appropriate to serve the buildings in the most efficient manner. Tower Crane heights will be evaluated on a building by building basis they will not be of a height that has the potential to interact with London City Airport Physical Safeguarding Zone. The cranes will likely have luffing jobs to minimise the extent that they are able to oversail adjacent properties and/ or rail assets. And they will have limit switches and systems to eliminate oversail of any sensitive neighbours.	**Acceptable subject to a planning condition** The Applicant has provided further details on how each plot will be developed on a building by building basis with regard to crane use. A planning condition to require confirmation to be obtained from the London City Airport that there is no conflict for each of the proposed cranes for each plot prior to the construction of the cranes on each plot should be sought. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
CD15	Potential Regulation 22	It is recommended that further information is inserted into Chapter 21 on revised timescale for phasing for the Limited Development Scenario, with Table 5.6 and Figure 5.21 of the ESA replicated containing the revised information.	In the limited development scenario, Plots 1,2, 3 and 8a along with accompanying open space would not be constructed. A table the equivalent of Table 5.6, but for the limited development scenario, is provided in Table 3 in Appendix M: Limited Development Scenario. Figure 5.21, the construction programme, provides no information beyond that provided by Table 5.6.	**Acceptable** The Applicant has provided further clarification, although it is noted in the response that reference is made to Plot 8a not being developed in the limited development scenario, however Plot 8a is identified in Table 3 of Appendix M. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
CD16	Potential Regulation 22	Information required on how the following would differ from the Revised Scheme, in the Limited Development	The required plant would be as in Chapter 5, as stated. The worst-case vehicle movements, predicted labour force numbers, and quantities of waste created are all outlined in Appendix M.	**Acceptable**

		Scenario: required plant, worst case vehicle movements, predicted labour force numbers, quantities of waste created, or quantities of resources needed.		The Applicant has provided further clarification. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
CD17	Planning condition	The Sustainability Strategy (5.2.68-5.2.70), Energy Strategy (5.2.71-5.2.76), Crime Reduction Strategy (5.2.77-5.2.78), Lighting Strategy (5.2.79), Fire Safety Strategy (5.2.80-5.2.85), Drainage Strategy (5.2.86-5.2.89) and Operational Waste Strategy (5.2.90-5.2.97) should all be enforced via planning condition following review and approval from the Local Planning Authority(ies).	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
CD18	Planning condition	The Construction Environmental Management Plan (CEMP) and Construction Logistics Plan (CLP) should be prepared and agreed in writing by the relevant local planning authority prior to the commencement of the development. These plans should include all the mitigation measures referenced in the ESA as well as the measures detailed in Section 1.5 of the Code of Construction Practice.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.

CD19	Planning condition	The anticipated core working hours stated in paragraph 5.3.30 of the ESA are to be enforced via planning condition, alongside the requirement to seek prior agreement to work outside these hours.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
CD20	Planning condition	Secure agreement to undertake an asbestos survey on site before works commence and survey is to be completed by the applicant.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
CD21	Planning condition	Secure agreement to the undertaking of the community liaison activities described in 5.3.30	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
Waste				
W1	Clarification	Clarification is sought from the Applicant as to how the comments made by the GLA on the Scoping Report have been addressed in the ESA	Table 6.1 of the Waste and Recycling ES chapter outlines the comments received in the 2014 Scoping Opinion and the 2019 Scoping Opinion Review and where they have been addressed within the documentation. To summarise: Paragraph 4.37 of 2014 Scoping Opinion: *"The ES should identify who is responsible for the Site Waste Management Plan.",* this is presented within the Construction assessment section of the Waste and Recycling ES chapter, within Paragraph 6.8.4. Paragraph 4.38 of 2014 Scoping Opinion: *"The ES chapter should identify the current capacity at waste disposal sites and identify whether there is sufficient capacity for the development and cumulatively."* this is presented within the baseline (Paragraphs 6.6.4 to 6.6.41) and cumulative effects (Paragraph 6.11.13) sections of the Waste and Recycling ES chapter respectively. Paragraph 4.39 of 2014 Scoping Opinion, updated in 2019 Scoping Opinion Review: *"When estimating total waste arisings regard is to be given to the types and volumes of demolition, excavation and construction wastes likely to be generated. For each waste types the ES should*	**Acceptable** The Applicant has provided further clarification. No further clarification is required.

			clarify how the wastes are to be managed, for example re-used, recycled, landfilled and whether such activities are to be undertaken on-site or off-site." This is discussed within the construction phase effects section of the Waste and Recycling ES chapter, specifically within Paragraph 6.8.16 to 6.8.26. The information is also presented within ES Volume 2, Chapter 5: Proposed Development and Construction Overview Paragraph 4.41 of 2014 Scoping Opinion*: "The mode of waste transfer should be identified and where this is by road, the number of vehicle movements should be taken into account in the traffic impact assessment."* This is presented within ES Volume 2, Chapter 5: Proposed Development and Construction Overview 2019 Scoping Opinion Review: *"…the baseline environment including existing levels of waste generated at the site will be examined…"* This is presented within the baseline section of the Waste and Recycling ES chapter, specifically within Paragraphs 6.6.1 to 6.6.3.	
W2	Clarification	Clarification as to why properties adjacent to the proposed development site, are not considered to have a high level of sensitivity is sought from the Applicant. Furthermore, under this description of medium sensitivity is reference to potential occupiers of the Revised Scheme during construction in other phases.	*"Clarification as to why properties adjacent to the proposed development site, are not considered to have a high level of sensitivity is sought from the Applicant."* - as discussed within Table 6.2 of the 2019 ES Addendum, only those receptors with direct dermal contact with waste are deemed highly sensitive receptors: construction-site workers, future on-site users, and the local waste management infrastructure (under certain circumstances). This has been based on professional judgement, as there is no formal guidance for the identification of sensitive waste and recycling receptors. Presenting neighbouring receptors as highly sensitive would 'down-play' the sensitivity of the future on-site workers and construction-site workers, and due to the nature of the waste and recycling technical assessment would also be an over-assumption of the sensitivity of this receptor group. *"Furthermore, under this description of medium sensitivity is reference to potential occupiers of the Revised Scheme during construction in other phases."* - the introduced receptors (i.e. residents who occupy built-out phases when other phases are undergoing construction) are also considered to have a medium sensitivity to construction waste (during the demolition and construction phase). This because, as per the reasons above, the introduced residential receptors would not have direct contact with the waste, and would, in reality, not be affected by waste produced during this phase of the Proposed Development, only by the secondary effects (e.g. construction traffic effects on air quality, construction dust from waste-producing activities, noise from waste-producing activities).	**Acceptable** The Applicant has provided further clarification on the categorisation of the waste sensitivity. No further clarification is required.
W3	Clarification	Clarification as to why such properties potentially adjacent to construction works, are not considered to have a high	See response to comment W2 above.	**Acceptable** The Applicant has provided further clarification on the categorisation of the waste sensitivity.

		level of sensitivity is sought from the Applicant.		No further clarification is required.
W4	Potential Regulation 22	Paragraph 6.5.13 of the ESA suggests that the magnitude of impact is only affected as a result of the composition of the waste and not the volumes of waste generated. It is stated that the OWMP would mitigate any increase in magnitude of impact resulting from an increase in waste volumes. Magnitude of impact should have regard to projected increases in waste volumes. Further information is sought from the Applicant on the magnitude of impacts that has regard to proposed increases in waste volumes.	This assumption made in this statement is incorrect. *"Magnitude of impact should have regard to projected increases in waste volumes."* – Agreed. The magnitude of impact is indeed affected by both volumes of waste and waste composition, as discussed within paragraphs 6.2.2 and 6.5.13 – 6.5.18. However, these are applied differently to the different sensitive receptors: The volume of waste should only have an effect on the sensitive receptor of the local waste management infrastructure; the volume of waste could directly impact the capacity of local waste management infrastructure. Therefore, the magnitude of change based on the volume of waste has been applied to this sensitive receptor. The magnitude of change based on the composition of waste has also been applied to this sensitive receptor. ■ An overall magnitude of impact is determined when considering both composition and volume of waste. For example, if the volume of waste is considered to have a high magnitude of impact, but waste composition is considered to have a low magnitude of impact, the overall magnitude of impact will be medium. In the event that an average magnitude of impact cannot be determined in this way (i.e. volume of waste is deemed to have a low magnitude of impact and waste composition is considered to have a medium magnitude of impact), the higher magnitude of impact will be defaulted to, in order to provide a worst-case approach to the assessment. ■ The magnitude of change based on the composition of waste has been applied to the sensitive receptors of the local waste management infrastructure (as above), future on-site users, sensitive neighbouring receptors, and construction-site workers. ■ As all handling, storage and waste management will be in line with applicable legislation, guidance and practice requirements, these receptors are unlikely to be impacted by the volume of waste generated as a result of the Revised Scheme. *"Further information is sought from the Applicant on the magnitude of impacts that has regard to proposed increases in waste volumes."* – see paragraphs 6.8.27 – 6.8.31, and 6.8.38 – 6.8.39.	**Not Acceptable** The assessment does not consider that volumes of waste are applicable to the assessment of magnitude with regard to on-site uses, sensitive neighbouring receptors or construction workers. The stated reason for this is due to the implementation of the operational waste management strategy. This approach is questioned since there will be an increase in waste arisings from zero currently at the site, in terms of construction and demolition wastes, and the operational waste management strategy does not cover the construction period when some 95,000 tonnes of waste will be generated. It is also considered inappropriate for the magnitude to be averaged to assess a worst-case scenario, the greater magnitude of impact should be adopted. Further information is sought from the Applicant.
W5	Potential Regulation 22	Paragraph 6.5.15 of the ESA indicates when considering magnitude of impact that an average of the magnitude of an impact will be taken. This approach does not appear to have regard to the worst-case	As discussed above, the methodology discussed (in paragraph 6.5.15) that: Scenario 1) an overall 'average' magnitude of impact would be sought with regard to volume and composition of waste (e.g. high magnitude of impact + low magnitude of impact would be averaged as an overall magnitude of impact of medium), and Scenario 2) where an average magnitude of impact cannot be determined in this way (e.g. low + medium, very low + low), the higher magnitude of impact would be defaulted to, in order to provide a worst-case approach to the assessment. *"This approach does not appear to have regard to the worst-case scenario of taking the higher level of impact."* – it is considered that where one level of magnitude of impact separates the final	**Not Acceptable** As discussed above, the assessment should consider volumes of waste in the assessment of magnitude with regard to all receptors including on-site uses, sensitive neighbouring receptors or construction workers. It is not clear with this reassessment whether Scenario 1 as

		scenario of taking the higher level of impact. Having regard to the worst-case scenario would be considered the appropriate methodology to adopt when considering magnitude of impacts. Further information is sought from the Applicant on this matter.	magnitude of impact (Scenario 2 of the paragraph above e.g. very low + low), the reasonable worst-case scenario would be to assume the higher as the final magnitude for impact to assess effects against. Where two levels of magnitude of impact separate the final magnitude of impact (Scenario 1 e.g. very low + medium), it is considered that assuming the higher would result in an unreasonable worst-case scenario, in which effects assessed would be much greater than in those anticipated to be experienced in reality. Therefore, an 'average' magnitude of impact has been assessed in this circumstance, as it is considered that this provides for a more reasonable assessment scenario. Regardless, only Scenario 2 has been used within the Waste and Recycling ES chapter: a very low magnitude of impact was identified with regard to waste composition, and a low magnitude of impact was identified with regard to waste volume. Thus, an overall magnitude of impact of low was applied to the sensitive receptor of the local waste management infrastructure (Paragraph 6.8.36 and 6.8.45), therefore providing a worst-case assessment.	provided in the response from the Applicant would apply or not. It is considered inappropriate for the magnitude to be averaged and to assess a worst-case scenario, the greater magnitude of impact should be adopted. Further information is sought from the Applicant.
W6	Clarification	Clarification is sought as to why the Applicant considers the generation of inert wastes is considered a benefit of the development.	*"Clarification is sought as to why the Applicant considers the generation of inert wastes is considered a benefit of the development."* - the generation of inert waste in itself is not considered a benefit of the Proposed Development. As per Table 6.3, the generation of inert waste is only considered a benefit if there is an increase in the proportion of this waste steam relative to the baseline proportion, resulting in a decrease in the proportion of hazardous/specialised waste streams requiring specialist management, disposal and treatment. A change from the baseline waste streams would be deemed as positive as there would be a decrease in the proportion of hazardous/specialised waste streams requiring specialist management, disposal and treatment. It could therefore be assumed that, as a proportion, respective vehicle trips would reduce as more waste could be collected from fewer waste streams at a time, and it could be assumed that as there would be a decrease in specialist waste management and treatment, more waste could be sent for recycling, thus aiding in the meeting of borough/GLA recycling targets. No discernible change from the baseline waste streams to the proposed waste streams would neither be beneficial nor adverse, but a neutral nature of effect. This is what was identified for the Proposed Development.	**Acceptable** The response provided by the Applicant provides further clarification and this approach is considered reasonable. It is recognised on the basis of the clarification provided that the conclusions would not be altered, however, the approach set out in the ESA varies from the response provided by the Applicant and should ideally be amended to provide clarity. No further clarification is required.
W7	Clarification	Paragraph 6.5.18 suggests that where the waste from the proposed development would be in excess of existing capacity in the Borough this would be classified as a medium magnitude effect.	*"Clarification is sought from the Applicant as to why such a scenario is not considered to be an effect with a high magnitude"* - there is no formal guidance for the assessment of waste and recycling effects, thus professional judgement has been used in the formulation of identifying significance criteria.	**Acceptable** The response provided by the Applicant provides further clarification and this approach is considered reasonable. It is recognised on the basis of the clarification provided that the conclusions

		Clarification is sought from the Applicant as to why such a scenario is not considered to be an effect with a high magnitude.	The criteria for determining magnitude of impact (with regard to waste volume) needs to account for boroughs / district councils with no waste management infrastructure / no reference to existing capacity or future waste management strategy ('high' magnitude of impact). A medium magnitude of impact would be identified with regard to waste volume should the borough not have the capacity to manage waste generated by proposed development and has to outsource its waste. This would be classified as medium magnitude of impact under the circumstance that there is an appropriate future waste management strategy in place/being prepared by the borough which sets out a clear strategy and targets for the borough, with waste management sites identified. Therefore, the 'high' magnitude of impact is essentially the 'medium' magnitude of impact with the exception of no future strategy prepared for the borough in question. As discussed above, an element of professional judgement is made when determining the magnitude of impact with regard to local waste management infrastructure. Regardless, the baseline review identified that the LBTH and NLWA have sufficient capacity to manage waste apportionment targets and have identified a number of future strategies for the management of waste arising from the boroughs. In addition, a number of new sites have been built / safeguarded for future use (e.g. the EfW facility located within Edmonton). Therefore a 'low' magnitude of impact was applied with regard to waste volume.	would not be altered, however, the approach set out in the ESA varies from the response provided by the Applicant and should ideally be amended to provide clarity. No further clarification is required.
W8	Clarification	Paragraph 6.5.28 of the ESA set out a conversion factor to convert 1m^3 of household or commercial waste into 0.21 tonnes in weight. Clarification is sought from the Applicant for the appropriateness of the application of this conversion rate in the assessment.	*"Clarification is sought from the Applicant for the appropriateness of the application of this conversion rate in the assessment."* – the application of this conversion rate is entirely appropriate in the context of the Proposed Development; 0.21 is a standard conversion rate for mixed municipal waste, as presented within Waste and Resources Action Plan (WRAP), (2014), 'A Guide to Volume Mass Conversion Factors and List of Waste Categories' [conversion factor 0.21 used for Mixed Municipal Waste LOW Code 20 03 01]. Located within the WRAP 'Waste Volume to Mass Conversion Factors' Tool [downloaded from URL: www.wrap.org.uk/content/waste-conversionfactors- wrap-construction-tools]	**Acceptable** The Applicant has provided further clarification on the conversion factor applied. No further clarification is required.
W9	Clarification	Clarification as to why organic wastes have not been assumed to arise from the A3 restaurant use is sought from the Applicant.	*"Clarification as to why organic wastes have not been assumed to arise from the A3 restaurant use is sought from the Applicant."* - this is an incorrect statement. As per Table 6.6, for restaurant/café facilities proposed for detailed plots (A3 use class), food waste has been calculated separately based on the following percentages; 50% recyclable waste, 30% organic food waste and 20% residual waste. As per paragraph 6.5.34, for the outline elements, where flexible retail space is proposed (A1-A5 / A, A1+, A3), all flexible retail proposed has been assessed as A3 use class, as this use class generates	**Not Acceptable** In Table 6.6 the A3 restaurant row has an assumption of a 50:50 split between mixed dry recyclables and residual waste has been calculated. It is unclear why organic wastes have not been assumed to arise from the A3 restaurant use.

			the largest quantity of waste and thus provides a worst case scenario with regards to waste volumes, and subsequent waste storage requirements. For these outline plots, a 50:50 split between mixed dry recyclables and residual waste has been calculated. At the reserved matters stage the waste strategy for the outline plots will be revisited, and there should be sufficient space within the allocated waste stores (as a result of the flexibility built into the outline operational waste management strategy) for a number of waste streams and receptacles. For the outline elements where restaurant/café facilities have been proposed only (i.e. A3 use class, not flexible retail space), food waste has been calculated separately as per for the detailed plots, based on the following percentages; 50% recyclable waste, 30% organic food waste and 20% residual waste.	Further clarification is required.
W10	Clarification	Clarification is sought from the Applicant as to justifications for assuming that daily collections will be undertaken for non-household wastes.	*"Clarification is sought from the Applicant as to justifications for assuming that daily collections will be undertaken for non-household wastes."* - a daily collection frequency for all plots has been assumed for non-residential waste, with the exception of Plot 7, which is split into individual small retail units, for which a twice weekly collection frequency has been assumed. This collection frequency has been built into the waste strategy which has been agreed by the Applicant. The Applicant will arrange for the collection of non-household wastes via private waste contractor as per the relevant waste collection frequencies. It should be highlighted that, to allow for potential missed collections as a result of strike action, adverse weather conditions, bank holidays etc., a two-day storage capacity has been provided for within the non-residential waste stores being collected on a daily basis. In addition, by assuming all flexible-retail space is restaurant (A3 use class) space (as this use class generates the largest quantity of waste), flexibility has been built into the waste strategy so as to allow for potential future changes at the reserved matters stage. Further to this, no compaction of recyclable waste has been assumed, and compaction of residual waste has only been assumed within Plots 1 and 2 (non-residential waste) and at a 2:1 compaction ratio only. In reality, a number of waste minimisation techniques could be applied to the non-residential waste, and the compaction units identified can compact at a much higher ratio. The above allow for flexibility within the waste strategy and allows for future consideration of less frequent waste collection. The waste strategy will be revisited and refined at the reserved matters stage.	**Acceptable subject to a planning condition** The Applicant has provided further clarification. The requirement for daily non-household collections should be included within the waste management strategy which should be secured through a planning condition. No further clarification is required.
W11	Clarification	Clarification is sought from the Applicant as to whether contact has been made with the relevant LPA's to	All residential uses are proposed within the LBTH, thus LBTH methodology has been used in the calculation of residential waste. LBTH guidance for the calculation of residential waste storage	**Acceptable**

		determine if this assumption on weekly collections on household wastes accords with the collections proposals for the Council's in the medium and long term.	requirements (as presented within the Tower Hamlets Local Plan 2031) was used to calculate waste arising from the residential units proposed, assuming full occupancy. The LBTH methodology allows for eight days' worth of waste within the calculation methodology, and assumed a weekly collection of waste streams, as outlined within the OMWS prepared for the Proposed Development. This weekly waste collection frequency is in line with the frequency of current household collections made by the LBTH1. Further to this, The Local Plan 2031 sets out policies for the borough until 2031, and thus it is assumed that the collection guidance set out by the LBTH accords with their medium- and long-term goals.	The Applicant has provided further clarification on the assumptions and approach adopted. No further clarification is required.
W12	Potential Regulation 22	Further information is sought from the Applicant to update the number of recycling and collection bins proposed to ensure that they are sufficient to provide the necessary capacity of the waste arisings from the proposed development.	Waste storage requirements have been calculated for both residential and non-residential waste streams in line with relevant policy and guidance requirements: The LBTH Local Plan 2031 has been used for the calculation of residential waste storage requirements; The LBTH Local Plan 2031 and British Standards 5906:2005 have been used for the calculation on non-residential waste storage requirements. Space for corresponding numbers of waste storage receptacles has been designed into the Proposed Development and presented on plans. The Operational Waste Management Strategy (located within ES Addendum Volume 4: Appendix B Waste) presents this information, including plans and tables depicting the location of waste stores and quantity of waste storage receptables provided.	**Not Acceptable** Appendix 2 of the OWMS contains calculations for the waste storage requirements of the proposed development. On review of the residential storage requirement tables there appears to be some errors in the number of storage bins required. For example, with Plot 4 and Plot 8a the volume of the recycling bins proposed would not appear to cover the volumes of waste estimated to be generated at these plots. Further information is sought from the Applicant to update the number of bins proposed to ensure that they are sufficient to provide the necessary capacity of the waste arisings from the proposed development.
W13	Clarification	Clarification is sought from the Applicant to further explain how this figure of existing waste management capacity within LBTH has been calculated and how this capacity relates to the likely types of waste to be generated by the proposed development.	*"Clarification is sought from the Applicant to further explain how this figure of existing waste management capacity within LBTH has been calculated […]"* - LBTH capacity was calculated using information presented within a number of documents and local/regional plans and reports: ■ GLA (2016) The London Plan, The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (Policy 5.17 Waste Capacity, specifically Table 5.2 and 5.3); ■ GLA (2017) The Draft London Plan, The Spatial Development Strategy for Greater London Draft for Public Consultation (Policy SI8, specifically Table 9.1 and Table 9.2);	**Acceptable** The Applicant has provided further clarification on the sources of information used in the assessment. No further clarification is required.

			■ LBTH, (2017); LBTH Local Plan 2031 (Chapter 10: Managing our Waste); ■ LBTH draft Area Action Plan sites; ■ LBTH (2019); Waste Management Evidence Base Review 2017 (Chapters 3 and 4, and Appendix 4-8), and; ■ LBTH (2013); Managing Development Document (Policy DM14, Chapter 3 Site Allocations, Appendix 2.3, 3, 5 and 6). *"[…] and how this capacity relates to the likely types of waste to be generated by the proposed development."* - the waste capacity reviewed relates to the waste generated by the Proposed Development in that the waste facilities accept waste streams accepted by the Proposed Development (no specialist waste streams are anticipated to be produced from the use classes proposed for the Proposed Development).	
W14	Clarification	The Applicant states that there will be targets to achieve waste recycling levels and monthly monitoring of achievement of recycling rates. Clarification is sought as to how achievement of the targets will be enforced and any penalties that will be imposed on contractors that fail to meet the targets set.	The Applicant will instruct the production of a Site Waste Management Plan (SWMP) for the demolition and construction of the Proposed Development, which will form part of the overall Construction Environmental Management Plan (CEMP), which will be secured via planning condition. The CEMP will include roles and responsibilities, detail on control measures and activities to be undertaken to minimise environmental impact and monitoring and record-keeping requirements. A commitment will be made to periodically review the CEMP and undertake regular environmental audits of its implementation during the construction phase of the Proposed Development. The CEMP will be prepared and agreed with LBH and LBTH prior to the commencement of any on-site works. An appropriate person (i.e. the Principal Contractor) will be responsible for producing the document, implementing and updating the document throughout the development process, in agreement with LBH and LBTH. *"Clarification is sought as to how achievement of the targets will be enforced and any penalties that will be imposed on contractors that fail to meet the targets set."* - in the event of non-compliance of CEMP actions, the Environmental Manager and/or Construction Contractor can request corrective action to make amends and to ensure construction activities are in accordance with legislative and best practice environmental actions and requirements and agreed mitigation measures. This will be issued to the relevant contractor via an CEMP Corrective Note, stating what action is needed. **Measures within the Mitigation Schedules** - any breaches of legislative requirements will be immediately acted upon to cease activity (if necessary) and reported to the relevant authorities within 24 hours.	**Acceptable** The Applicant has provided further clarification including details to be contained in the SWMP and CEMP, including a CEMP Corrective Note. These further details should be required to be included in these documents, which will be secured through planning conditions. No further clarification is required.

			Results of the Monitoring - should any non-compliance be identified this will be recorded in site inspection records and copied at Project Manager level for action.	
W15	Clarification	Clarification is sought as to whether there will be sufficient space on-site for demolition and excavation arisings as well as construction wastes to be stored and crushed during the development. A plan showing these locations would be welcomed.	Initial review of the site indicates that sufficient space will be available on site for on-site crushing of demolition arisings. Crushing facilities will generally be located within the areas within which they are generated. Excavation arisings that are not to be re-used will be removed from site at the earliest opportunity and will only be stockpiled for short periods. Construction waste will be held locally to the phased site area within which they arise and will be removed from site at the earliest opportunity to avoid any significant stockpiling on site. Crushed waste will be held temporarily on the site within the area where they are to be generated and transported within the site to the areas within which they will be used to suit the phasing of the works.	**Acceptable** The Applicant has provided further clarification on land availability for waste storage. The identification and protection of these areas should be required to be included in the SWMP and CEMP documents, which will be secured through planning conditions. No further clarification is required.
W16	Clarification	Clarification is sought as to whether the noise from crushing activities on-site have been included for in the noise assessments contained within the ESA.	The construction noise assessment is based on the indicative plant and equipment list provided in Table 5.7 of Chapter 5, which includes concrete crushers.	**Acceptable** The Applicant has provided further clarification on the noise assessment. No further clarification is required.
W17	Clarification	Clarification is sought as to whether the traffic movements associated with the waste requiring removal from site have been accounted for in the transport assessment contained within the ESA.	The construction traffic movements assessed include those associated with the removal of the waste materials from site.	**Acceptable** The Applicant has provided further clarification including details on waste removal movements. No further clarification is required.
W18	Clarification	Table 6.17 of the ESA provides estimates of waste from construction materials. Clarification is sought from the Applicant on the basis for these volumes presented in Table 6.17.	The estimates of waste detailed in the ESA have been calculated by Avison Young. These have been assumed based on calculated material required by the quantity surveyor for the cost plan and professional experience from similar types and scale of schemes.	**Acceptable** The Applicant has provided further clarification on how waste arisings have been calculated. No further clarification is required.
W19	Potential Regulation 22	Paragraph 6.8.39 states that the magnitude of the predicted increase in waste generation	*"It is unclear how this assessment conclusion has been reached and further information on this is sought from the Applicant "* - as discussed within paragraph 6.5.18, a "low magnitude of impact would be applied to the sensitive receptor of the local waste management infrastructure should LBTH/LBH, along with other Boroughs within the GLA with which LBTH/LBH have an agreement with	**Acceptable** The Applicant has provided further clarification on the assessment of the magnitude of waste generation during

		from the proposed development is low. It is unclear how this assessment conclusion has been reached and further information on this is sought from the Applicant.	or is part of a waste authority, have the capacity to manage the waste generated by the Revised Scheme". The Proposed Development is anticipated to generate approximately 7,803 tonnes of waste per year as a result of its operation. This volume of waste is typical of a development of this scale and nature. From a review of the baseline information, it is anticipated that additional operational waste arisings can be managed within the existing LBTH and LBH/North London Waste Authority (NLWA) waste management infrastructure and framework. As discussed within paragraph 6.8.37, *"All measures embedded into the design of the Revised Scheme, and its' operation, relating to the production, storage and servicing of waste and recycling are discussed within the OWM Strategy presented within ES Addendum Volume 4 Appendix B Waste. To avoid repetition, these measures have not been reiterated here, and this ES chapter should be read in conjunction with the OWM Strategy."*	operation from the development on existing waste management capacity. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required. .
W20	Potential Regulation 22	It is considered that the magnitude of the increase in waste volumes from the site should have regard to both waste volumes and the waste composition. The greater of these effects should then be used to determine the significance of any impact. Further information is sought form the Applicant as to why the magnitude of the increase in waste volumes from the site does not have regard to both waste volumes and the waste composition.	*"It is considered that the magnitude of the increase in waste volumes from the site should have regard to both waste volumes and the waste composition."* – the magnitude of impact has been assessed with regard to both volume and composition of waste. Paragraph 6.8.39 identifies that *"The magnitude of impact in relation to waste volume is low"* and Paragraph 6.8.42 identifies that *"it is expected that there will be a very low magnitude of change with regards to waste composition compared to baseline conditions".* *"The greater of these effects should then be used to determine the significance of any impact."* – the greater of the two (low magnitude of impact) has been applied to the receptor sensitive to the increase in waste volume: the local waste management infrastructure (see Paragraph 6.8.44). The low sensitivity of this receptor and the low magnitude of change with respect to waste composition and waste volume (combination of the very low magnitude of impact regarding waste composition and the low magnitude of impact regarding waste volume) results in an effect which is negligible, and not significant. *"Further information is sought form the Applicant as to why the magnitude of the increase in waste volumes from the site does not have regard to both waste volumes and the waste composition."* – as discussed above, the magnitude of impact does have regard to both waste volumes and waste composition, and was applied against the sensitive receptor of the local waste management infrastructure, which was the only receptor identified as potentially being directly affected by increases in waste volumes (see response to W2).	**Acceptable** The Applicant has provided further clarification on the assessment of the magnitude of waste increases during operations including confirmation that this has had regard to waste volumes and composition in respect of the assessment of impacts on existing waste management capacity. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
W21	Clarification	Paragraph 21.6.6 of the ESA states that approximately 108,860 tonnes to construction wastes will be	The figure quoted in Chapter 21 for volume of construction waste is incorrect, it should read 55,649 m^3 as presented in Appendix M. The conclusions presented in Chapter 21 are based on a 55,649 m^3 volume.	**Acceptable**

		generated by the LDS scheme. This total exceeds the amount of construction wastes identified in paragraph 6.8.28 of the ESA o 94,935 tonnes of waste for the whole development. Clarification on this conclusion in Chapter 21 is sought from the Applicant.		The Applicant has provided further clarification on the correct figures to be adopted. No further clarification is required.
Socio-Economics				
SE1	Clarification	The Applicant is asked to clarify why the draft London Plan 50% Affordable Housing requirement has not been referenced within the Key Legislation, Policy and Guidance Considerations.	The below should be included in paragraph 7.3.22 which lists the emerging London Plan policies of relevance to the chapter. Policy H5: delivering affordable housing – The strategy target is for 50% per cent of all new homes delivered across London to be genuinely affordable.	**Acceptable** Upon review of paragraph 7.3.22 the reviewer could not find a reference to Policy H5; however the Applicant has acknowledged the policy. No further clarification is required.
SE2	Clarification	Clarification is sought on which phase the GP surgery will be provided or how the provision of a GP will be secured.	The GP surgery would be delivered in Plot 5: the surgery space would therefore become available at the end of Phase 3. This is around the same time the first residential units are delivered through the scheme and in advance of the majority of the residential units. This will be secured as part of the s106 agreements.	**Acceptable** The Applicant has provided the requested information No further clarification is required.
SE3	Clarification	Clarification is sought on whether the Applicant is committed to contributing to local skills training and placements.	Commitments of the Applicant to contributing to local skills and training are provided in Section 1.4 of the Regeneration Strategy submitted in support of the Application in Paragraphs 1.4.10 – 1.4.14 and repeated below for convenience. *"The Applicant is committed to working with local partners such as JobCentre Plus, New City College, Hackney Works and Tower Hamlets WorkPath to deliver an Employment, Skills and Enterprise Strategy (see Appendix B). This includes opportunities for pre-employment training and*	**Acceptable** The Applicant has provided the requested information. No further clarification is required.

			recruitment roadshows. The Applicant has a community Manager who will lead on delivery of commitments related to employment and skills. *The Applicant and their supply chains will use reasonable endeavours to ensure that a minimum of 25% of labour employed across the development is to be local during construction. Local in tis instance means LBTH, LBH and neighbouring boroughs. All construction site vacancies will be sent to LBH and LBTH brokerage (Hackney Works and WorkPath) in the first instance to ensure local residents are able to access roles.* *Apprenticeships will be created during the construction phaser. Apprentices are either directly employed by the Applicant or by one of our sub-contractors. An apprentice working on this development would be working alongside industry experts who are dedicated to nurturing talent whilst providing opportunities to grow skills and help develop a career in construction. Applicant is committing to 150 apprentices working on the scheme during construction (this includes new and existing apprentices).* *As well as trade apprenticeships, the Applicant will provide opportunities for local young people to undertake higher Apprenticeships in various professions including Surveying, Construction Management and Design.* *The Applicant has extensive experience of working with LBTH on apprentice and pre-apprentice programmes. The Applicant was chosen to partner WorkPath and Tower Hamlets College to run a pilot Pre-Apprenticeship Programme to support local students move from fulltime education into employment.* *The programmes was a major success with the Applicant placing eight students into employment with its own supply chain."*	
SE4	Clarification	Clarification is sought as to why the effect relating to net jobs associated with the Revised Scheme has been changed within the LDS.	Chapter 21 is a summary of the LDS which is presented in Appendix M and Paragraph 1.5.13 of the Socio- Economic section of the LDS states that the magnitude of the impact is considered moderate, resulting in a “moderate-minor beneficial effect, which is significant”. This is in line with the conclusions of the Socio- Economic chapter.	**Acceptable** The Applicant has provided the requested information. No further clarification is required.
Ground Conditions				
GC1	Potential Regulation 22	A site visit, as requested in the Scoping Opinion from the GLA in April 2019, is recommended to be undertaken as part of supplementary investigations.	A site visit has been undertaken. The site conditions in terms of ground conditions remain broadly unchanged from the previous site visits undertaken in 2013 and 2015. The site will require further site investigations to support the enabling works and the detailed design, and it is assumed that this will form a condition on the planning permission.	**Acceptable** The Applicant has provided further details on the site visit undertaken and further works to be subject to a planning condition. This is considered acceptable and does not constitute ‘further information’ under

				Regulation 22 of the EIA Regulations. No additional information is required
GC2	Clarification	Clarification is required as to whether groundwater in the Alluvium or River Terrace Deposit aquifers are considered a source of contamination.	Based on the data available, there is no evidence to suggest that either the Alluvium or River Terrace Deposits should be treated as a source of contamination. It is also noteworthy that the land quality of the Site will be re-assessed through a suitable pre-commencement planning condition as it is acknowledged that this has not occurred since 2008.	**Acceptable** The Applicant has provided further clarification and clarifies that a pre-commencement planning condition will be accepted for the development. The GLA should ensure that the investigations required by planning conditions are sufficiently robust to assess groundwater quality in the Alluvium and River Terrace Deposits. No further clarification required.
GC3	Potential Regulation 22	Underground tunnels are identified below the site, and there is a railway cutting adjacent to the site, to the south. The chapter briefly states that earthworks including excavations for basements and foundations could adversely affect land stability, but states that any settlement would be of small magnitude and the effects negligible. The effects of demolition, construction and piling on tunnels and cuttings have not been assessed, and further information is required on potential effects and mitigation.	With the exception of an outline foundation statement (WSP, February 2019), no further information is available at this stage. Further site investigation and assessment will be undertaken to inform foundation and basement design criteria, but mitigation measures will include deep piled foundations which will transfer loads to below all tunnels and basements will be suitably propped to prevent land instability. Suitable consultation will be undertaken with all necessary stakeholders including Network Rail and TfL to ensure that settlement and land instability do not pose an issue as part of either temporary or permanent works. Consultations have begun with Network Rail and TfL (London Overground and central Line). Asset protection Agreements will be required in respect of any works that have the potential to impact upon the tunnels, existing structures and live running railways. Prior to the commencement of any such works full site investigations will be carried out which will include: ■ Soil investigations to determine and understand how the piling and foundations will interact with the existing tunnels and structures. ■ Desktop and structural investigations to understand the form and condition of the existing tunnels and structures. ■ Where necessary any areas requiring repair prior to the start of the works will be carried out in advance.	**Acceptable** The Applicant has provided further details on the further works and consultations to be undertaken. Further works to be subject to a planning condition. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

			■ Dimensional surveys to establish and agree baseline conditions will be set up as well as monitoring procedures to check for any potential on-going movement of structures during the works. ■ A full Ground Movement assessment will be carried out to simulate and assess the impacts of the works on the existing tunnels and structures. ■ Movement monitoring procedures will be agreed with Network rail and TfL and set up prior to the commencement of the works (usually monitored for a 3-month period prior to the start of works). ■ Vibration monitoring equipment will also be set up to obtain baseline conditions against which vibration will be monitored during the works. ■ The process of design information release and discussions with NR and TfL will define any special protection measures required for the existing structures and tunnels. These measures will be agreed in principle during design approvals. ■ The physical items of protection be they non-working zones or temporary structures will be developed by the contractor(s) and will be subject to NR and/or TfL's approval processes. ■ During the above processes NR/TfL will set out their requirements and restrictions in terms of any works likely to impact upon the running of the railway. It will be the responsibility of the contractor(s) to draw up working plans to ensure that the works are carried out within the time windows available and agree the details with regard to working methods, access, and compounds where the works could impact on the working railways Both Network Rail and TfL have detailed Asset Protection procedures which have approvals gateways which will be followed by the project's consulting engineers and contractors when appointed.	
GC4	Clarification/ Potential Planning Condition	**Clarification** Clarification is required as to whether there are any potential effects arising from contaminated groundwater, for example associated with disposal of dewatering effluent, and whether mitigation is required. **Potential Planning Condition**	Significantly impacted groundwater has not been recorded at the Site during previous investigations. However, further investigation, sampling and assessment will be undertaken via a suitable planning condition which will determine the current groundwater quality and discuss the requirements for dewatering and groundwater discharge including permits (if required).	**Acceptable** The Applicant has confirmed that further works will be subject to a planning condition. The GLA should ensure that the investigations required by planning conditions are sufficiently robust to assess groundwater quality, and that the CoCP includes mitigation measures for dealing with the risks associated with groundwater contamination as appropriate.

		Planning conditions should require that supplementary site investigation and risk assessment is undertaken to update the 2008 site investigation and provide assessment of areas of the site. Significantly impacted groundwater has not been recorded at the Site during previous investigations. (e.g. the Sliver). Recent gas and groundwater data are required to verify the earlier report. A remediation method statement and verification plan should be submitted for approval by the Local Authority		Future site assessment reports should include data, conclusions and regulatory review comments where available from Arup's initial ground contamination assessment in 2008 and Aecom's summary report from 2015. No further clarification required.
GC5	Clarification/ Potential Planning Condition	**Clarification** Effects arising from re-use and/or disposal of excavation spoil are not discussed. Further clarification is required on how waste soils will be managed, for example by using to the CLAIRE Development Industry Definition of Waste Code of Practice. **Potential Planning Condition** All the mitigation measures identified in Table 8.9 of the ESA are to be secured through appropriately worded planning conditions.	It is likely that a small amount of demolition and excavation material will be reused on site where possible or as back fill where appropriate. This will be undertaken in accordance with current best practice and under Duty of Care Regulations. The CoCP Part A has outlined the likely management which has been repeated below for clarification. *"The Contractor will make provision for a waste storage area on the site that will include containers for the collection and segregation of waste and will be clearly labelled as per the Institution of Civil Engineers (ICE) colour coding. This is to facilitate re-use, recycling and recovery of waste. Containers will be covered with sheeting or lids. Plastic sheeting will be used where there is a need to store excavated materials and aggregates where these are not contained within a container. Liquid wastes will be stored on hard-surfaced areas with secondary containment systems to prevent spillages. Waste will not be stored within 10m of any controlled watercourse, borehole, well, spring, surface water drainage system or foul water drainage system.* *The Contractor will comply with approved guidance and procedures in the identification, handling, storage, and management of waste. The Contractor will also comply with the measures set out in section 10 regarding discharges to controlled waters and wastewater."*	**Acceptable** The Applicant has confirmed that further details on material reuse will be subject to a planning condition (CoCP). No further clarification required.

GC6	Clarification/ Potential Planning Condition	**Clarification** Clarification is required regarding which structures will be provided with gas protection measures and on what basis. **Potential Planning Condition** All the mitigation measures identified in Table 8.10 of the ESA are to be secured through appropriately worded planning conditions.	Necessary gas protection measures will be designed and implemented on a building specific basis following additional site investigation and assessment undertaken via suitable planning condition.	**Acceptable** The Applicant has confirmed that further works will be subject to a planning condition. The GLA should ensure that the investigations required by planning conditions are sufficiently robust to allow appropriate gas protection measures are installed and verified in accordance with best practice. This may require independent verification. No further clarification required.
GC7	Clarification/ Potential Planning Condition	**Clarification** Clarification is required as to whether supplementary site investigations will be undertaken to confirm the previous findings and inform the CoCP and remediation method statement. **Potential Planning Condition** A planning condition should require that if unexpected contamination is found during demolition and/or construction, the Local Authority is informed and investigation, assessment, remediation and verification are undertaken with the approval of the Local Authority.	This will be undertaken to supplement/ confirm the previous works, inform the proposed development design and construction mitigation measures including the CoCP and CEMP.	**Acceptable** The Applicant has confirmed that further site investigations will be undertaken to confirm the previous findings and inform the CoCP and CEMP. No further clarification required.

<table>
<tr><th colspan="6">Traffic and Transport</th></tr>
<tr><td>T1</td><td>Clarification</td><td>Consider if the PERS audit, which is appended to the Transport Assessment, should be referenced in the baseline situation of the Traffic and Transport chapter.</td><td>Pedestrian conditions were set out in the Transport Assessment using a range of methods including counts of pedestrian flows as well as Pedestrian Comfort Level (PCL) calculations.

In addition, the baseline pedestrian environment was evaluated by means of a PERS audit, the results of which are contained in Appendix F of the TA.</td><td>Acceptable

No further clarification required</td></tr>
<tr><td>T2</td><td>Clarification</td><td>Include findings from a Cyclist Environment Review System (CERS) audit or provide a reasoned justification why it is no longer required.</td><td>Discussions are taking place with the local authorities, TfL and GLA during January 2020 to define the proposed provision of cycle routes and infrastructure as part of the Proposed Development. It is considered that, once these have been agreed, the decision as to whether a CERS audit is required can be made jointly by all relevant parties.</td><td>Not Acceptable

Insufficient clarification has been provided by the Applicant.

This clarification request remains.</td></tr>
<tr><td>T3</td><td>Clarification</td><td>Consider if the findings of the Healthy Streets Check, as a tool designed to assist with determining the extent of change in the street environment, should be referenced in the baseline situation of the Traffic and Transport chapter.</td><td>Discussions are taking place with the local authorities, TfL and GLA during January 2020 to define the proposed provision of cycle routes and infrastructure as part of the Proposed Development. It is considered that, once these have been agreed, the decision as to whether a CERS audit is required can be made jointly by all relevant parties.</td><td>Not Acceptable

Insufficient clarification has been provided by the Applicant.

This clarification request remains.</td></tr>
<tr><td>T4</td><td>Clarification</td><td>Provide consistency in the approach adopted for the presentation of the impact of the scheme.</td><td>The pedestrian comfort level comparison tables 13.6 and 13.7 (included within the Applicants response) in the TA can also be used in the analysis within the ES chapter, as they compare the Future Baseline and Future Baseline Plus Development scenarios. These tables are referenced in response to point T14 below.

TA Table 13.6 - 2033 Future Baseline (TfL growth rate) plus Proposed Development PCL Audit – Weekday
<table>
<tr><th colspan="2" rowspan="2">Link</th><th rowspan="2">Baseline Width (m)</th><th rowspan="2">Future Width (m)</th><th colspan="2">Weekday AM peak</th><th colspan="2">Weekday PM peak</th></tr>
<tr><th></th><th></th><th>2033 Future Base</th><th>2033 Future Base + Dev</th><th>2033 Future Base</th><th>2033 Future Base + Dev</th></tr>
</table></td><td>Acceptable

No further clarification required.</td></tr>
</table>

			1a	Bethnal Green Road (north side)	3.6	3.6	B+	B+	B+	B+		
			1b	Bethnal Green Road (south side)	4	5	B+	B+	B-	B-		
			2a	Sclater Street (north side)	2.3	2.3	A+	A+	A	A		
			2b	Sclater Street (south side)	2.2	4.5	A	A+	A-	A		
			3a	Brick Lane (east side)	2	2	A	A	B	B-		
			3b	Brick Lane (west side)	2.1	18	A-	A+	B	A+		
			4a	Quaker Street (north side)	2	2	A-	A-	A-	A-		
			4b	Quaker Street (south side)	2.3	2.3	A+	A+	A+	A+		
			5a	Commercial Street (north side)	2.2	2.5	A	B	A-	B		
			5b	Commercial Street (south side)	2.7	2.7	A+	A-	A	B+		
			6a	Shoreditch High Street (east side)	3.5	18	B+	A	B-	A		
			6b	Shoreditch High Street (west side)	3	3	A	B	B+	C+		
			7a	Middle Road (East of Braithwaite)	-	9.5	-	B+	-	B		

8a	Braithwaite Street (North of Middle Road)	8	8	A	A-	A	A-		
8b	Braithwaite Street (South of Middle Road)	10	10	A+	A+	A+	A+		
9a	Bishopsgate West side (lower walkway)	5	5	C+	D	C-	D		
9b	Bishopsgate West side (upper walkway)	4.5	4.5	A	A-	A	A		
8a	Braithwaite Street (North of Middle Road)	8	8	A	A-	A	A-		

TA Table 13.7 - 2033 Future Baseline (TfL growth rate) plus Proposed Development PCL Audit – Weekend

Link		Baseline Width (m)	Future Width (m)	Weekday AM peak		Weekday PM peak	
				2033 Future Base	2033 Future Base + Dev	2033 Future Base	2033 Future Base + Dev
1a	Bethnal Green Road (north side)	3.6	3.6	A	A	A	A-
1b	Bethnal Green Road	4	5	A-	B+	B+	B

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<td></td>
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<td></td>
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<table>
<tr><td></td><td>(south side)</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>2a</td><td>Sclater Street (north side)</td><td>2.3</td><td>2.3</td><td>A</td><td>A</td><td>A</td><td>A-</td></tr>
<tr><td>2b</td><td>Sclater Street (south side)</td><td>2.2</td><td>4.5</td><td>A</td><td>A</td><td>A-</td><td>A</td></tr>
<tr><td>3a</td><td>Brick Lane (east side)</td><td>2</td><td>2</td><td>B</td><td>B-</td><td>A-</td><td>B+</td></tr>
<tr><td>3b</td><td>Brick Lane (west side)</td><td>2.1</td><td>18</td><td>B+</td><td>A+</td><td>A-</td><td>A+</td></tr>
<tr><td>6a</td><td>Shoreditch High Street (east side)</td><td>3.5</td><td>18</td><td>A-</td><td>A+</td><td>A-</td><td>A</td></tr>
<tr><td>6b</td><td>Shoreditch High Street (west side)</td><td>3</td><td>3</td><td>A</td><td>A-</td><td>A</td><td>B</td></tr>
</table>
</td>
<td></td>
</tr>
<tr>
<td>T5</td>
<td>Clarification</td>
<td>Review the assessment of likely effects and their significance for the operational phase and re-order the section on impact assessment so that determination of the effects can be drawn from the findings of the assessment of impact.</td>
<td>Paragraph 9.8.16 refers to pedestrian delay whose impacts are calculated based upon analysis of the interaction between pedestrian and vehicle movements; see the response to point T6.

The subsequent paragraphs refer to pedestrian amenity, principally with regards to the changes in pedestrian footfall and the effective widths of pedestrian links. While pedestrian amenity and delay constitute a single area for assessment, it is appropriate to analyse them separately, and the conclusion of the former was set out prior to the calculation of the latter. The overall impact on pedestrian amenity and delay was then reconciled at the end of the chapter.</td>
<td>Acceptable

The purpose of seeking the requested clarification was to assist a reader of the ESA in their understanding how firstly, the assessment of impact is carried out, and then, on that basis, how the extent of significance is determined. This opportunity remains.

It should be noted that this Request refers to the assessment of all impacts, not just pedestrian amenity and delay.

Nevertheless, it is accepted that overall impact is reconciled at the end of the chapter.

No further clarification required.</td>
</tr>
</table>

T6	Clarification	Performances of the sections of pedestrian thoroughfares to be presented separately.	Paragraph 9.8.8 of the ES chapter presents the findings of the anticipated effects with regards to pedestrian amenity and delay. The conclusion, that the impact is negligible, is calculated on the basis that no links experience journeys lengthened beyond the threshold of 30%. No pedestrian links are being closed as part of the scheme design, and therefore journey lengths will not increase with respect to the baseline. Similarly, during construction, the delays are similar across the entire pedestrian network insofar as there are a number of accesses which vehicles will cross, leading to brief pedestrian delays; these accesses are located on multiple links around the site perimeter, so the impacts are similar across all links assessed.	**Acceptable** The purpose of seeking the requested clarification was to assist the Applicant in identifying areas of benefit or disbenefit more forensically. This opportunity remains however it is accepted that it appears that no links experience journeys lengthened beyond the threshold of 30% for an impact other than negligible. No further clarification required.
T7	Clarification	Clarify the baseline traffic conditions against which cumulative effects are being considered.	Table 11.1 in Chapter 11 of the TA, lists the cumulative schemes whose effects have been considered as part of the cumulative assessment. The assessment of the cumulative schemes is based on the trip distributions presented in the documents accompanying each planning application. Where these trip distributions are not available, a directional assumption has been applied based upon the relative distribution of trip attractors and construction routes as applicable. LBTH and LBH have confirmed a number of committed and planned developments which are to be taken into consideration for the purpose of the Transport Assessment. When considering the future baseline conditions, these schemes have been accounted for in terms of the demand on the transport networks. For robustness, the Future Baseline includes not only the consented cumulative schemes but also those pending a decision and represents the future transport networks including full occupation of the cumulative schemes. It is anticipated that the cumulative schemes would reach full occupation by the future baseline year 2033.	**Acceptable** No further clarification is required.
T8	Clarification	Update Non-Technical Summary as appropriate.	The conclusions set out in the ES are not anticipated to change as a result of the clarifications set out elsewhere in this memo; consequently, no changes are deemed necessary to the Non-Technical Summary.	**Acceptable** No further clarification is required.
T9	Potential Regulation 22	Existing use of transport networks by pedestrians, cyclists, bus users or rail-based public transport as appropriate to be included.	Existing use of transport networks by road users is summarised in the following Appendices of the TA – Appendix C summarises 2018 Pedestrian Survey Data, Appendix D presents 2018 pedestrian flow diagrams	**Acceptable** This is considered acceptable and does not constitute ‘further information’ under Regulation 22 of the EIA Regulations. No additional information is required.

			and Appendix E summarises the PCL Assessment. Appendix H presents MCC traffic survey data. The table included in the Applicants response to this point summarises the existing loading on the rail corridors in the AM and PM peak hours.	
T10	Potential Regulation 22	There is no reference in the Traffic and Transport chapter to a future baseline, however this appears to have been used as a basis for assessing the effects of the scheme.	It is assumed that there is no growth in baseline traffic flow for the future year of opening, excluding new trips generated by other cumulative schemes. This is a common approach across London as recent trends show no growth in traffic, in fact there has been a levelling off and a reduction in traffic in central London, and this is highlighted in TfL's Travel in London Report. LBTH and LBH have confirmed a number of committed and planned developments which are to be taken into consideration for the purpose of the Transport Assessment. When considering the future baseline conditions, these schemes have been accounted for in terms of the demand on the transport networks. For robustness, the Future Baseline includes not only the consented cumulative schemes but also those pending a decision and represents the future transport networks including full occupation of the cumulative schemes. This data has then been converted into 18-hour Annual Average Weekday Traffic (AAWT) and 24-hour Annual Average Daily Traffic (AADT) traffic flows and summarised in Table 16.1 the TA The future baseline is for informative purposes only and has been used only to assess the environmental effects of the Proposed Scheme in 2033. It is to be noted that the proposed development is car-free and therefore the number of additional car trips expected to be added to the network is minimal. The development will generate up to 62 and 27 servicing trips in the AM and PM peak hour respectively, across the site. These trips will be distributed across several service yards. The distribution of car and taxi movements on the network is based on the robust assumption that any drop-offs would occur on Bethnal Green Road or Sclater Street adjacent to the site, rather than on nearby roads which in practice is likely and which would reduce the traffic impact on streets adjacent to the site. This distribution/ redistribution of traffic represents the difference between the Future baseline and Maximum Build Out Scenarios.	**Acceptable** The additional information provided by the Applicant is accepted. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
T11	Potential Regulation 22	Provide basis for qualitative assessment of severance and judgement of impact or alternatively refer to quantitative data available.	While the change in severance can be measured using changes in traffic flow, the measurement and prediction of severance is extremely difficult. The IEMA 'Guidelines for the Environmental Assessment of Road Traffic' notes that the correlation between the extent of severance and the physical barrier of a road is not clear and there are no predictive formulae which give simple relationships between traffic factors and levels of severance.	**Acceptable** The additional information provided by the Applicant could be concluded by a clear statement that, for the reasons provided, it is considered that assessment of the effects of severance has been a matter of professional judgement based on likely perceptions of severance due to factors

				such as, e.g., the positioning of pedestrian crossing points. Notwithstanding that, the response is accepted. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
T12	Potential Regulation 22	Provide basis for qualitative assessment of delay and judgement of impact or alternatively refer to quantitative data available.	Specific information on change in traffic flows is provided in the TA in Table 16.1. The principal links that would experience a significant increase in traffic flows are Wheeler Street and Sclater Street. However, the increase can be attributed to the links' role as access routes to the servicing yards at the northern and southern ends of the site. It is noted that, while the percentage increase in traffic on these links appears high, the absolute change is in the order of 300 - 400 vehicle movements across the day which is not considered to be a significant impact across the day. Sclater Street and Wheler Street are accessed via priority junctions and experience a low increase in absolute traffic flow across the course of the day. On the other links, the increase in traffic flow is even lower. On the basis that the vehicle trips generated by the operation of the site are not considered to have a material impact on traffic flow on the network, it was agreed with TfL that traffic modelling will not be undertaken to estimate vehicle time and delay. The MEA does not suggest any thresholds for judging the significance of actual changes in levels of pedestrian delay and recommends assessors to use their judgements to determine whether pedestrian delay is a significant impact. Delay is therefore scoped out of the assessment, but a qualitative review is included to consider and confirm any potential changes to the previous assessment conclusions. The qualitative assessment includes delay and amenity for public transport users, the two being interlinked insofar as an increase in passenger numbers can lead to both delays in journey times and a loss of amenity for passengers.	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
T13	Potential Regulation 22	Provide basis for qualitative assessment of amenity, fear and intimidation and judgement of impact or alternatively refer to quantitative data available.	Pedestrian amenity is broadly defined as the relative pleasantness of a journey and is considered to be affected by traffic flow, traffic composition and pavement width/separation from traffic The IEMA guidelines suggest a tentative threshold for judging the significance of changes in pedestrian amenity would be where traffic flow (or its HGV component) is halved or doubled. The table included within the Applicants response sets out the information included in relation to this point.	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

			Sclater Street and Wheeler Street are not forecast to experience changes (doubling) in traffic flow of this magnitude; however, over the 18-hour period the AADT flows increase by 19% and 53%, respectively. Accordingly, development-related traffic will have a minor adverse effect on pedestrian amenity. There is neither formal guidance nor a consensus of thresholds for the assessment of the level of fear and intimidation experienced by pedestrians. However, the degree of fear and intimidation experienced is generally dependent on traffic volumes, composition and the presence of protection such as wide footways or guardrails. IEMA suggest the use of degree of hazard thresholds as set out in Table 9.5.1 of the ES, in order to assess fear and intimidation in the first instance. With the exception of one link, (Wheeler Street between Quaker Street and Commercial Street) all of the assessed links (13) are forecast to experience speeds between 15 and 20 mph over an 18 hour day in the Maximum build out scenario, hence the degree of hazard is deemed to be Great. When looking at the average traffic flow for the fear and intimidation assessment, 4 links experience no change in severity classification as a result of the Proposed Scheme. These links are classified as Moderate. Wheeler Street (between Quaker Street and Commercial Street) is forecast to upgrade in severity classification from Moderate to Great in the Maximum Build Out scenario. Therefore, the overall magnitude of change is considered to be negligible to low. The sensitivity of the receptor (Highway Users- pedestrians and cyclists) is high and the magnitude of change, prior to mitigation, is negligible to low. Therefore, there is likely to be a direct, permanent, long-term effect on Highway Users of negligible to minor adverse significance prior to the implementation of mitigation measures.	
T14	Potential Regulation 22	Review significance criteria in relation to use of Pedestrian Comfort Levels.	Baseline pedestrian comfort levels (PCLs) are set out in Tables 9.6.2 and 9.6.3; future with-development levels are listed in Tables 9.8.1 and 9.8.2. PCLs are quantified in a scale from A (best level of service) through to F (least).; each of these levels is further subdivided into three sub-levels, giving a total of 18 grades from A+ through to F-. It can be supposed that a change in level by one letter (e.g. from B+ to C+) can be considered a moderate impact, with any smaller change considered to be not significant. The only pedestrian link experiencing a decrease in PCL of significance is the Bishopsgate West lower walkway (link 9a) whose AM peak PC decreases from C+ to D. However, as set out in the TA paragraph 13.3.6, pedestrian flow can be distributed between the two adjacent walkways, as a result of which no link would experience a decrease as great as one letter. Consequently, there is not a significant impact on pedestrian comfort arising from the proposed development.	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

T15	Potential Regulation 22	Review significance criteria in relation to effects on users of public transport.	The additional public transport trips generated by the Scheme are anticipated to generate additional journeys leading to a direct, permanent, long-term, minor adverse impact on comfort for rail and Underground passengers as well as bus passengers. The tables included within the Applicants response summarise the current and additional loading on rail corridors in AM and PM peak hours. The demand on the trains and station services is already significant, especially on the Northern Line at Old Street and Central Line at Liverpool Street. As demonstrated by Table, the Proposed Development is forecast to increase ridership on rail and Underground services by less than 1% during the AM and PM peak periods. There are existing capacity issues on infrastructure serving the stations, which is only made slightly worse overall by the development, when measured with background growth.	**Not Acceptable** Whilst the additional information provided by the Applicant is considered acceptable in respect of travel by rail/underground, the equivalent assessment of additional loading of buses is still required. Information is provided already in terms of numbers of additional bus passengers and this can be used as a tool for identifying services which require closer scrutiny, i.e., by reference to Tables 9.25 and 9.26 not all bus service directions need to be included. Further information is required.
T16	Potential Regulation 22	Identify potential receptors of transport effects and their sensitivity criteria.	The potential receptors are all people making journeys within the study area using different modes who may be sensitive to changes in traffic conditions. The existing and the receptors introduced by the proposed development are detailed separately. **Existing Receptors** The receptors on the site and within the surrounds that may be affected by the Proposed Development are: ■ Car drivers; ■ Pedestrians; ■ Cyclists; ■ Bus passengers; and ■ Rail Passengers. **Introduced Receptors** It is appropriate to consider the receptors that would be introduced on the site as part of the Proposed Development:	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

			■ Residents, Site employees and visitors (drivers, pedestrians, cyclists, public transport users); and ■ New retail visitors (drivers, pedestrians, cyclists, public transport users). It is anticipated that among all groups identified, cyclists and pedestrians will have high sensitivity while public transport users will have medium sensitivity; among residents and employees, drivers will have low sensitivity; and among retail visitors, drivers will have medium sensitivity.	
T17	Potential Regulation 22	Include the basis for assessment of effects during the construction phase.	A peak of 48 two-way (96 total) vehicle movements per day associated with the construction stages is anticipated. All construction workers are anticipated to arrive at the site by public transport given its excellent connectivity. The demolition and construction forecast have been assessed against the future baseline traffic data for Shoreditch High Street, Bethnal Green Road, Sclater Street and Commercial Street in Table 17.3 in the TA. As vehicles are not currently permitted to travel through the site via Braithwaite Street, it has not been included in this assessment. However, pedestrians and cyclists have been accounted for as potential receptors of traffic effects on the road. Where the change in traffic flow is less than 30% (10% for sensitive receptors / road links), the environmental effects have been assessed to be negligible as the IEMA Guidelines recommend that these limits should be used as a screening process to define the scale and extent of the assessment. The traffic flows outlined in the TA, demonstrate that the percentage increase (less than 10%) in flows on each road during the construction phase of the development are not significant with a direct, reversible, temporary, short term, negligible effect on severance. The effect is not significant. During the construction of the Revised Scheme there is anticipated to be a direct, reversible, temporary, short term, minor adverse effect on bus delay, cyclist delay and driver delay arising from the movement of construction traffic on the road network around the site. Road closures would only be required in exceptional circumstances, and the majority of the site fronts onto minor roads with low traffic volumes. The volume of traffic generated by construction is low as a proportion of existing traffic volumes (including heavy vehicles). The turning movements of construction vehicles from Shoreditch High Street, Bethnal Green Road, Sclater Street and Commercial Street into and out of the construction site accesses present a direct, reversible, temporary, short term, minor adverse effect on cyclist safety since a conflict may arise when vehicles turn left into the construction site entrances. The effect is less severe upon exit since construction traffic will be stationary before pulling out of the construction site egress.	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

T18	Potential Regulation 22	Include cumulative impact assessment for the construction phase of the proposed development.	The cumulative schemes are located on all the major highway network surrounding the site. However, a comparison of future baseline traffic flows with the construction phase's traffic flows demonstrates that no additional demolition and construction related significant effects are likely as a result of the proposed development in conjunction with the cumulative schemes. None of them include substantial vehicular traffic impacts, and their impact on the network is spread over a long period and a wide network. See table included within Applicants response in relation to this point.	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
T19	Clarification	In terms of effects arising from the LDS it is considered that the overall impact will be similar to that of the proposed scheme albeit there may be areas where localised mitigation may be appropriate. The more targeted approach to assessing impact suggested above would be instrumental in determining if such additional mitigation would be required to offset impacts on pedestrians and cyclists	This is noted.	**Acceptable** Whilst no further clarification is sought, the response to T6 does not indicate that a more targeted approach is being adopted. Perhaps once Requests T2 and T3 have been resolved then the process adopted for identifying the need for and, if required, type of mitigation can provide more transparency.
Wind Microclimate				
WM1	Clarification	For item 10.8.17 further clarification is sought if the Completed development refers to Configuration 2 as described or Configuration 3 as per definition in item 10.5.19.	Item 10.8.17 ("Wind conditions during the construction works would…") should reference Configuration 3 as the Completed Development, not Configuration 2, which would be the mid-construction scenario.	**Acceptable** The Applicant has provided the requested information No further clarification is required
WM2	Potential Regulation 22	The Applicant states that the embedded wind mitigation measures specified in 10.8.6 would result in wind conditions at the Revised Scheme suitable for the intended	Item 10.8.6 (as well as 10.9.1, 10.10.11, 10.13.23) should state that there would no significant effects with the exception of at Building 2 terrace levels where there would be a significant effect of minor adverse scale – this position and nature of effect is clarified in the residual effects tables, the text for Configuration 2 (10.8.21), Configuration 3 (10.8.39) and the Summary and Conclusions section (10.13.16 and 10.13.18).	**Not Acceptable** In the reviewed document there are no items 10.10.11 (as section 10.10 only contains item 10.10.1), 10.13.18 and

		pedestrian uses with no significant effects. However, in item 10.8.59 the Applicant states that for Terraces around the western corners of Building 2 a minor adverse (significant) effect is identified following the mitigation measures included in Configuration 3. Clarification is therefore requested why this effect was not classed as a significant residual effect.		10.13.23 (as section 10.13 only contains items 10.13.1 to 10.13.16). Further clarification is sought as to what information is contained within these items.
Daylight, Sunlight and Overshadowing				
The review of this chapter has been undertaken internally by GLA and comments will follow shortly				
Air Quality				
AQ1	Clarification	In the Scoping Opinion a preference for the construction traffic fleet mix to be presented was raised. The Applicant acknowledges this has been considered and presented within Appendix H, however no information could be found. Clarification on the construction fleet assumed should be provided. This applies to the LBTH and LBH scenario in isolation and cumulatively.	The EFT 'London – Central' fleet mix was used for all modelled scenarios.	**Acceptable** The Applicant has provided further clarification on the traffic fleet mix. No further clarification required.
AQ2	Clarification	Clarification should be provided on whether the suitability of Defra's background maps was considered, and if found to be	Defra background concentrations were used from two grid cells centred on 532500, 182500 and 533500, 182500 respectively.	**Acceptable** Ricardo has carried out an independent validation on the presence of background monitoring locations within the Applicant's

		unsuitable the Applicant should provide commentary upon the assessment implications. This applies to the LBTH and LBH scenario in isolation and cumulatively.	Given the highly urban nature of the surrounding area and the preponderance of kerbside and roadside monitoring sites used by LBH and LBTH, there were no background monitoring sites within either grid cell available for comparison with the Defra background concentrations. Five background diffusion tube monitoring sites are located in the neighbouring 533500, 183500 Defra background grid cell (which was not used in the assessment). These locations registered the following 2017 NO_2 concentrations: 2 LBH – 32µg/m^3; 123 LBH - 30µg/m^3; 137 LBH - 32µg/m^3; 136 LBH – 32µg/m^3; 144 LBH – 37µg/m^3. The 2017 Defra background concentration for this area is 33.0µg/m^3. Defra background concentrations are therefore broadly consistent with monitored concentrations.	study area. This confirms that there are no background monitoring locations and that Defra's modelled concentrations are suitable. No further clarification required.
AQ3	Clarification	Clarification is required on whether the background concentrations were sector removed. This applies to the LBTH and LBH scenario in isolation and cumulatively.	Sectors were not removed from any background concentrations used in the assessment. While this could potentially result in double-counting of certain sectors, this was considered a reasonable conservative approach.	**Acceptable** The Applicant has confirmed that sectors were not removed from any background concentrations used in the assessment. No further clarification required.
AQ4	Clarification	The sensitivity test for future baseline concentrations assumes an ultra-low emission zone compliant fleet. Clarification is required on what the potential implications upon report conclusions are without a ULEZ compliant fleet i.e. Defra background concentrations pre-2019. This should be considered in both the LBTH only and LBTH and LBH scenarios.	As highlighted by Paragraph 12.7 of the Review, Paragraph 12.5.30 of the report establishes a 2025 background concentration and emissions factors year for the 2027 construction scenario and a 2028 background concentration and emissions factors year for the 2034 operational scenarios. The Review correctly identifies that background concentrations and emissions factors for years post-2019 incorporate impacts associated with ULEZ. However, regardless of whether or not the ULEZ is implemented and/or has a tangible impact in terms of air quality and vehicle emissions, it is generally accepted that vehicle emissions are anticipated to reduce in future years. Use of pre-2019 background concentrations and emissions factors would therefore negate eight years of vehicle emissions reductions in the case of the 2027 construction scenario, and 15 years of emissions reductions in the case of the 2034 operational scenarios. This is considered overly conservative and would likely result in overly pessimistic predictions at all assessed locations. The current approach is therefore considered a reasonably conservative way to account for the uncertainty in vehicle emissions reductions in future years.	**Not Acceptable** The Applicant considers that the approach of using a pre-2019 baseline would be overly pessimistic and rejects this suggestion. The Applicant goes on to assert that its current approach of using a 2025 background to represent 2027, and a 2028 background to represent 2034 is "*reasonably conservative,"* but the basis for reaching this view has not been provided. The Applicant should explain why this approach is considered to be *"reasonably conservative,"* as recent evidence[15] indicates that the ULEZ has not yet been fully effective in eliminating non-compliant vehicles within the zone. Further clarification is required.

[15] https://www.london.gov.uk/sites/default/files/ulez_six_month_evaluation_report_final_oct.pdf

AQ5	Clarification	The Applicant should clarify if phases 1, 2 and 3 trigger the IAQM assessment screening threshold. If so, these impacts upon local air quality should be quantified through detailed dispersion modelling. This is for the LBTH and LBH scenario only.	Paragraph 12.8.20 of the ES states that the 2027 scenario represents a combination of operational traffic from the operational Phases 1, 2 and 3 as well as construction traffic associated with ongoing construction works. This scenario represents the greatest combined operational and construction traffic generation associated with the Scheme and therefore represents a worst-case construction/operational assessment, and any predicted impacts will be greater than if Phases 1, 2 and 3 are assessed in isolation. Furthermore, this assessment scenario considers new sensitive receptors introduced by Phases 1, 2 and 3. Assessment of Phases 1, 2 and 3 in isolation would only consider existing receptors. The 2027 scenario was therefore selected to assess the greatest potential impact.	**Acceptable** The Applicant has demonstrated that they have considered each phase and in-combination traffic impacts within their air quality assessment. No further clarification required.
AQ6	Clarification	Clarification is required on whether these roads were represented as street canyons in the dispersion model: Great Eastern Street and Old Street. This applies to the LBTH and LBH scenario in isolation and cumulatively.	Street canyons were modelled on Great Eastern Street and on the stretch of Old Street modelled east of the Great Eastern Street junction. The segment of Old Street modelled between the Great Eastern Street junction and the Old Street roundabout was included without street canyons. The road width on this stretch is sufficiently wide, and building massing sufficiently low and porous, for street canyon effects not to be considered applicable at this location.	**Acceptable** The presence of street canyons at these locations means that the higher concentration environments have been reflected in the dispersion model. No further clarification required.
AQ7	Clarification	Clarification should be provided on why the following locations from table 12.6 of the ESA have been excluded from model verification: • 3 LBTH • 12 LBH • 1 LBH • 11 LBH This applies to the LBTH and LBH scenario in isolation and cumulatively.	**3 LBTH**: This site was initially considered for inclusion in the model verification. This site is on the junction of A1209 Bethnal Green Road and Brick Lane north of A1209. As no traffic data were available for Brick Lane north of A1209, it was not possible to accurately model concentrations at this location. This would compromise the accuracy of the model verification. **12 LBH**: This site is over 5 km north of the Proposed Development site and beyond the study area. If referring to 12 LBTH, this site is on the junction of Buckfast Street and A1209 Bethnal Green Road and was initially considered for inclusion. As no traffic data were available for Buckfast Street, it was not possible to accurately model concentrations at this location. This would compromise the accuracy of the model verification. **1 LBH**: This monitoring location is within 120m of the junction between Old Street, Kingsland Road A10 and Shoreditch High Street. As traffic data were not available for Kingsland Road A10, it was not possible to accurately model concentrations at this location, which would compromise the accuracy of the model verification.	**Acceptable** The Applicant has provided sufficient information to justify screening out the listed monitoring locations from model verification. Without these locations there is a satisfactory number of locations in model verification to provide reassurance for the estimated concentrations. No further clarification required.

			11 LBH: This monitoring site is close to Rivington Street. No traffic data were available for this road, which is also a street canyon. It was not therefore possible to accurately model concentrations at 11 LBH, therefore its inclusion would compromise the accuracy of the model verification.	
AQ8	Clarification	Clarification is required on whether LBTH's 2016 measurement data has been used within the 2017 model verification. Should this be the case, commentary should be provided on the implications upon modelled results. This applies to the LBTH and LBH scenario in isolation and cumulatively.	Paragraph 12.13 of the Review correctly identifies that 2016 data for the LBTH has been misreported as 2017 data. Appendix H of the ES states that automatic monitoring site LBH HK6 and diffusion tube monitoring sites LBH 9, 10 and 45 were used for model verification. None of these sites are within LBTH. Therefore, the misreported data have no impact on the model verification.	**Acceptable** The Applicant has demonstrated that the incorrect reporting of LBTH's 2016 monitoring data as 2017 does not affect model verification. No further clarification required.
AQ9	Clarification	Clarification is required on whether Plot 7a and Plot 3 are representative of short-term or long-term air quality objectives. If so detailed modelling of estimated concentrations at these locations should be provided to demonstrate that concentrations will be below air quality objectives. Failing compliance, the Applicant should suggest mitigation to ensure compliance with air quality objectives. This applies to the LBTH and LBH scenario only.	Plots 7 and 3 comprise of A1 retail, B1 office and D1-D2 land use. They do not include residential, hotels, educational or hospital land use. Consequently, there are no receptors within Plots 7 and 3 that are subject to short-term or long-term air quality objectives.	**Acceptable** Further clarification has been provided on Plot 7a and Plot 3. No further clarification required.
AQ10	Clarification	No assessment of the Limited development's construction phases impacts upon existing receptors has been undertaken. The Applicant should clarify if any phases' construction traffic triggers the IAQM assessment screening	The full scheme would result in greater construction traffic generation than the limited development construction phase. Consequently, the full scheme has been assessed in terms of construction traffic assessment. As a conservative approach, it has been assumed that the full construction phase is representative of the limited development construction phase. Impacts predicted in the existing construction phase assessment are therefore treated as reflective of impacts arising during the limited scheme construction phase.	**Not Acceptable** The construction phase assessed is for 2027, however construction is due to start in 2021. Consequently, other phases' construction traffic preceding 2027 will have a more polluting fleet. The Applicant should clarify if each phases' construction

		threshold. If so, these phases' impacts upon local air quality should be quantified through detailed dispersion modelling. This applies to the LBTH only scenario.		traffic could trigger IAQM's assessment criteria. If the phases' construction traffic triggers assessment criteria these should be assessed, e.g. via a detailed dispersion model using vehicle emissions profiles representative of earlier construction years. Further clarification is sought.
AQ11	Potential Regulation 22	Clarification is required on whether new receptors which are representative of short-term and long-term air quality objective will be introduced earlier than 2027. If so, further modelling will need to be undertaken to demonstrate that there will be no significant impact. If new receptors will be introduced in 2027, the Applicant should confirm whether the phased assessment in Table 12.12 could be used as a worst-case proxy. This applies to the LBTH only scenario.	The construction schedule indicates that Phases 1 and 2 will be completed in 2023 and 2025 respectively. A 2027 construction/operational scenario has been used in the assessment, which accounts for operational traffic from Phases 1, 2 and 3, and construction traffic from subsequent construction works. Assessment of Phases 1, 2 and 3 in isolation would account for likely smaller impacts, therefore the 2027 assessment scenario represents a worse-case scenario accounting for combined construction and operational impacts. Paragraph 12.8.46 of the ES chapter states that new receptors introduced by the Proposed Development were considered in the assessment scenarios. For the 2027 scenario, receptors within Phases 1, 2 and 3 were included. For the fully operational 2034 scenario, receptors at relevant locations across the entire site were assessed. Results are displayed in Table 13, Appendix H. It is not therefore necessary to use Table 12.12 as a proxy as modelling of new introduced receptors has been completed.	**Acceptable** The Applicant has demonstrated that new receptors introduced by the scheme have been included in the assessment of later phases' air quality impacts. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
AQ12	Planning Condition	N/A	N/A	**Additional proposed planning condition (Air Quality): Construction Environmental Management Plan** No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall follow 'The Control of Dust and Emissions During Construction and Demolition' SPG (2014) and aim to minimise the amenity, environmental and

				road network impacts of the construction activities and include the details of: a. Telephone, email and postal address of the site manager and details of complaints procedures for members of the public; b. Measures to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions; c. Scheme for recycling/disposition of waste resulting from construction works; d. Ingress and egress to and from the site for vehicles; The development shall not be carried out other than in accordance with the approved details. **Reason**: To safeguard the amenity of local residents and the area generally in accordance with policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013). To minimise the adverse air quality impacts of the development, in accordance with policies 7.14 of the London Plan (2016), SP03 of the Core Strategy (2010) and DM9 of the Managing Development Document (2013).
Noise and Vibration				
NV1	Clarification	Provision of a table summarising the predicted duration of construction noise	Please find in the Table (included within the Applicants response) a summary of where significant impacts occurs, the activity causing the impact and the duration. For the predictions only the loudest	**Acceptable**

		effects at receptors and when they might occur.	4 activities were included which were enabling works, foundations, site clearance and super structure.	A table has been provided showing predicted construction noise levels at receptor locations where significant effects are likely to occur. Consideration has been given to the relevant construction phase, baseline noise levels and estimated duration. No further clarification is required.
NV2	Clarification	It is not clear from the assessment whether the impact of later phases of construction on earlier occupants has been considered, further clarification is sought form the Applicant.	This has now been incorporated in the table, included within the Applicants response whereby it shows all future sensitive receptors.	**Acceptable** A table has been provided showing predicted construction noise levels at the new receptor locations which are likely to be affected by on-going construction works. Minor to Moderate effects have been predicted. Relevant construction phases are shown as well as baseline noise levels and estimated duration. No further clarification required.
NV3	Clarification	A quantitative assessment of potential cumulative effects due to nearby committed developments.	A cumulative construction noise assessment has been carried out taking into account the following schemes with reference 12, 17, 28 and 32. The schemes with reference 13 and 14 have not been included as construction has already started on the schemes. As the construction noise levels from other sites are unknown, a total sound power of 125 dB(A) for each construction site has been assumed in accordance with LBTH's EIA Scoping Guidance. The results show Moderate Adverse effects occur; however, this is a result of the high level of construction noise assumed for the cumulative schemes in the absence of available data. It is considered that with Best Practicable Means (BPM) being used at all sites, the resulting cumulative noise levels from construction would be lower than those currently predicted. The table included within the Applicants response to this point sets out the predicted cumulative construction noise.	**Acceptable** A table has been provided showing the predicted cumulative construction noise levels likely to arise at receptor locations from four relevant cumulative schemes. Baseline noise levels are given alongside the predicted noise levels, showing Moderate adverse effects. It is agreed that with relevant BPM the actual levels are likely to be lower than those predicted in the table. No further clarification is required.
Water Resources and Flood Risk				
WRFR1	Clarification	Clarification is sought as to whether the Applicant has had regard to the updated EA	The current government guidance on climate change allowances is used as shown on: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances , as stated in section 14.1.8 of the EIA Section 5 of the FRA.	**Acceptable**

		climate change allowances as set out in the GLA's Scoping Opinion in April 2019.	These are commonly referred to as the updated EA allowances, i.e. those issued February 2016 with subsequent additions. Note - both reports were written before the GLA scoping was issued in April 2019, but guidance did not change in that period.	The Applicant has indicated that the climate change allowances are given in the ESA/FRA and referred to throughout. No further clarification required.
WRFR2	Clarification	Clarification is sought as to whether there are any assumptions and limitations with regards to use of publicly or privately (purchased reports) available data or data supplied by any authority, such as the Environment Agency.	All data is considered to be a snapshot in time and the reports and data used in the EIA are publicly available.	**Acceptable.** Clarification has been provided by the Applicant on data sources used and any limitations with the data. No further clarification required.
WRFR3	Clarification	Clarification is sought from the Applicant as to the likely evolution of the baseline environment with regard to climate change without the implementation of the Proposed Development and indicate how the development may have an effect on the future baseline.	The site is located in FZ1 and has a less than 1 in 1000 risk of flooding from fluvial sources and a low risk of flooding from surface water when considering climate change. Therefore, the future baseline environment with regard to climate change is not expected to change from that presented in the ESA.	**Acceptable** As climate change models do not show flooding from the River Thames at this location in FZ1, and due to the low risk of surface water this can be considered appropriate, also given the highly urbanized nature of the area. No further clarification required.
WRFR4	Clarification	Clarification is sought from the Applicant as to why the FRA does not appear to include information with regards to climate change.	The Site is located in FZ1 and therefore, whilst climate change is mentioned, this is not deemed relevant to the FRA i.e. no level of climate change will cause flooding to the Site from fluvial sources. The FRA also links to the outline drainage strategy from WSP which considered the effects of climate change in terms of surface water run-off and potential flood risks from the Site (see below).	**Acceptable** As climate change models do not show flooding from the River Thames at this location this response is considered appropriate, however mention of this justification would be of benefit to the FRA. Regarding pluvial flooding the Applicant's response is acceptable (related to WRFR5). No further clarification required.

WRFR5	Clarification	Clarification is sought from the Applicant as to whether the climate change allowances referenced in the Outline Design Strategy have been agreed with all relevant local authorities.	Climate change allowances referenced as part of the Outline Drainage Strategy have been adopted based on Table 2: peak rainfall intensity allowance in small and urban catchments from the NPPF planning practice guidance on Flood Risk and Coastal Change. A potential central and upper allowance range between 5%- 40% can apply to developments. For the Site, a 40% climate change allowance has been adopted (upper percentile) in favour of sustainability, and in accordance to the PPG, the London SuDS (Tower Hamlets) SuDS Proforma, and the Hackney Sustainable Drainage: Design & Evaluation Guide.	**Acceptable** This response is considered acceptable as the Applicant has identified that allowances have been used from the NPPF PPG. Furthermore, the Applicant has used the upper percentile allowances, thus allowing for large rainfall intensities, providing a more resilient solution. They do not state if they have been agreed with local authorities by consultation, but as the above guidelines (including other local ones) have been met, this is considered appropriate. No further clarification required.
WRFR 6/7	Clarification	The use of SuDS outlined for this location should be secured as a planning condition in the detailed design stage of the Proposed Development.	Agreed.	**Acceptable** The Applicant has confirmed agreement for a further planning condition as requested. No further clarification required.
WRFR 8	Planning condition	The development should be conditioned to ensure that there is a reduction in surface water runoff rates and to ensure that excess run off is captured at the site.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
WRFR 9	Planning condition	A robust CEMP should be developed and agreed with the relevant local planning authorities prior to commencement of the development. The mitigation measures identified in the ESA should be contained in the approved CEMP.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.

WRFR 10	Planning condition	A piling assessment should be made a planning condition to gain a greater understanding of the potential hydrological connections, practical mitigation measures and, where practical decommission any existing boreholes that may exist on site.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
WRFR 11	Planning condition	All mitigation measures identified in the ESA should be secured through appropriately worded planning conditions.	Agreed.	**Acceptable** Applicant has confirmed they agree with the proposed condition.
WRFR 12	Clarification	N/A	N/A	**New clarification request in response to questions raised by the London Borough of Hackney**. In the FRA (Appendix J) there is some information with regards to the unattenuated/unrestricted Catchment H. Paragraph 5.1.2.4 states *"Please note, specific areas are restricted spatially at the lower ground level, due to the extent of basement underlying a large proportion of the western side of the site, and the building envelope around the perimeter of the Site. In addition, a section of the platform level to the west of the site is constrained due to the levels design in that area, i.e. a drop within the Site exists in this area, which does not provide the necessary depth required for an attenuation layer). As a result, storing attenuation tanks in these areas is considered unfeasible. Therefore, a total catchment area of 3979m² is proposed to drain freely and without attenuation on site, thus discharging into the public sewer network at an unrestricted flow rate. The*

				remaining attenuated areas will target further reductions to compensate these unrestricted Catchment H". Clarification is sought from the Applicant for the reasoning to include Catchment H if no changes are to be undertaken to this area and it already freely drains to the public sewer. Furthermore, the applicant states that SuDS are not possible on this catchment, it aims to target further reductions to compensate – how the Applicant aims to achieve these further reductions across other catchments, should also be clarified.
Archaeology				
ARCH2	Clarification	The Applicant is to provide further information in relation to the potential for the decomposition/ damage of archaeology as result of dewatering and changes to groundwater drainage patterns. This should make clear that any such effects would arise as a result of construction activity but continue with the operation of the development, and therefore be considered as a constructional and operational effect.	ES Addendum Chapter 14: Water Resources, has assessed the potential impact of dewatering and changes to ground water drainage patterns. Due to the complex nature of the site and the large amount of existing infrastructure already located on site, I.e. Central Line, BT Communication Tunnel, Overground Line and the main mainline into Liverpool Street Station, it was concluded that the superficial groundwater in the Taplow Gravels is likely to be already in contact with disturbed ground and the resultant effects on groundwater are considered likely to be Minor. No archaeology that is significantly affected by dewatering (i.e. peat, alluvium, tanning or other waterlogged deposits etc) is known or likely to be on the site based on the results of previous investigations, which identified gravels sealed by brickearth. Therefore, dewatering should not be an issue. If deposits are identified that may be affected by dewatering the impact can be revisited though this is considered unlikely.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH3	Clarification	The Applicant is to clarify the sources consulted for the baseline.	The report baseline includes a search of the Greater London Historic Environment Record (GLHER) carried out with a 150 m buffer in the original 2015 baseline and a 250 m buffer (as requested by the Archaeological Adviser to LBTH) in the January 2020 Addendum (PCA2020). The updated GLHER search results are given as an addendum to the Technical Appendix. The report also incorporates the results of previous investigations on the site, all carried out by the Museum of London Archaeology Service (MoLAS; now named MOLA). These comprise	**Acceptable** The Applicant has provided the clarification requested, and their further inclusion of the supporting field reports is welcomed. No further clarification is required.

			archaeological building recording of demolition of the Bishopsgate Goods Yard in 2003 (MoLAS2003, HEA 1A; site code BGY03); an archaeological evaluation and excavation on the northern half of the site for the East London Line Projecting 2005–8, and a subsequent watching brief on geotechnical investigations in the southern half of the site (MoLAS2008b; HEA 1B; site code BGX05). 2.1.4 In addition, the following sources were consulted: MOLA–Geographical Information System, the deposit survival archive, published historic maps and archaeological publications; Historic England–information on statutory designations including scheduled monuments and listed buildings; The London Society Library – published histories and journals; Groundsure–historic Ordnance Survey maps from the first edition (1860– 70s) to the present day; British Geological Survey (BGS)–solid and drift geology digital map; URS – Masterplan architectural drawings (Farrells/Dec 2013and Jan 2014),detailed architectural drawings (PLP/December 2013 and Jan 2014),foundation design (WSP/November 2013). Internet -web-published material including LPA local plan, and information on conservation areas and locally listed buildings.	
ARCH5	Clarification	The technical Appendix to the 2015 ES that includes the full archaeological and historical context for the site should be included in the new ESA, in order to aid understanding of the site context and baseline conditions.	The 2015 Technical Appendix to the 2015 ES and the updated GLHER (2020) are provided to support the ESA chapter and are therefore to be read in combination to aid the understanding on the site context and baseline conditions. It is not felt necessary that this information needs to be pulled into the main ES chapter.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH6	Clarification	It is best practice to include a figure indicating the location of baseline receptors within the site and study area. No such figure has been included and the Applicant is asked to provide one. The assets must be individually referenced (e.g. with the NHLE or HER numbers) and these must be included as labels on the figure, as well as where the assets are discussed in the text to allow for cross-referencing between the two. Alternatively, cross-	Please see Figure 1 included within Appendix B of this response.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.

		referencing could be to a gazetteer of assets.		
ARCH7	Clarification	A colour-coded map showing the potential for archaeological survival (e.g. high – low depicted via green to red) would also be helpful visual aid, given the nature of past impacts to the site. This could also show the plot divisions of the site to help aid the readers understanding of the later assessment of effects, which is described on a plot by plot basis.	Please see Figure 2 included within Appendix B of this response.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH8	Clarification	It is unclear why the potential for later medieval remains is judged to be lower than that of the post-medieval remains when both have been identified during investigations. The Applicant is to provide clarification on this explaining whether it is due to the number of features found, post-depositional disturbance, etc.	Later medieval remains are considered moderate as a lot of it has been quarried away by brickearth quarrying in the 17th and 18th centuries and what has been identified to survive so far comprises pits and soil horizons rather than buildings which makes it of less interest. Post-medieval structural remains are known to survive in good condition on the site and post-date the quarrying period and therefore they have a higher potential to be found.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH9	Clarification	The Applicant is to clarify that the recent assessment was undertaken in accordance with the most up to date and relevant guidance and should provide a list of the guidance used.	We can clarify that the assessment was undertaken in line with the most up to date and relevant guidance: ■ CIfA [Chartered Institute for Archaeologists], (updated Jan 2017); Standards and guidance for historic environment desk-based assessment; and ■ Greater London Archaeology Advisory Service (GLAAS), (2015); Guidelines for Archaeological Projects in Greater London.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH11	Clarification	Paragraph 15.7.15 is not complete and there is no	In advance of any minor demolition occurring it is anticipated in line with the outline mitigation in paragraph 15.8.1 – 15.8.2 targeted archaeological excavation would take place. This would allow	**Acceptable**

		explanation of how the minor demolition of both listed and unlisted structures would not affect archaeology. The Applicant is to clarify both of these points	remains to be recorded prior to their removal and to enhance the understanding of the significance of the remains. An Archaeological watching brief in areas not affected by deep ground intrusions would ensure that localised surviving remains are recorded. Such work would normally be carried out in accordance with an approved Written Scheme of Investigation under the terms of a standard planning condition. Archaeological work would be the responsibility of LBH and LBTH under advice from archaeological advisers at GLAAS.	The Applicant has provided the clarification requested. No further clarification is required.
ARCH12	Clarification	It is stated at paragraph 15.7.1 that there is a potential impact on palaeoenvironmental deposits as a result of piling. The palaeoenvironmental potential of the site is not highlighted in the baseline or otherwise mentioned throughout the assessment. The Applicant is to provide further information on the palaeoenvironmental potential of the site, its significance and any effects to it (ARCH10).	There isn't a potential impact on palaeoenvironmental deposits from piling as none have been identified on the site or in the technical appendix.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH13	Clarification	Embedded mitigation is discussed at paragraph 15.7.1. Here it is stated that, if necessary, a geo-archaeological survey of the site could be undertaken. This would not constitute embedded mitigation, but additional mitigation. The Applicant should amend this.	Geoarchaeological survey of the site is not necessary at this stage and is not appropriate for the type of archaeology potentially present on the site. GLAAS have agreed that the evaluation carried out so far is acceptable and the site can proceed to archaeological excavation in areas of proposed impact as additional mitigation. It is anticipated that this is required by planning condition.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
ARCH15	Clarification	The last sentence of paragraph 15.8.2 states that: '*Archaeological work would be the responsibility of LBH and LBTH under advice from archaeological advisers at GLAAS*.' It is assumed that	Agreed.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.

<table>
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<td>this is a typographical error, but to be clear any archaeological work is the responsibility of the developer. However, GLAAS and the relevant local authorities would have to agree the Written Scheme of Investigation and ensure the planning condition is discharged to their satisfaction. The Applicant is advised to reword this accordingly.</td>
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<td>ARCH16</td>
<td>Clarification</td>
<td>The assessment of residual effects does not appear to consider the fact that policy and best practice guidance indicate that preservation in situ is normally preferred for assets of archaeological interest and that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. Archaeology is a finite resource and preservation by record only partially offsets the loss of evidential value. Records are merely an interpretation of the resource at a given point in time and do not deliver either the understanding of context provided by the original heritage asset, nor the sensory experience. The Applicant should revisit their</td>
<td>It is acknowledged that that preservation in situ is normally preferred for assets of archaeological interest and that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. Archaeology is a finite resource and preservation by record only partially offsets the loss of evidential value. Records are merely an interpretation of the resource at a given point in time and do not deliver either the understanding of context provided by the original heritage asset, nor the sensory experience. Therefore, please see updated residual effects table below. Please note this does not change the significant effects (i.e. Moderate – Major).

Table 15.9 Residual Effects
<table>
<tr><th>Resource of Receptor affected</th><th>Significance of potential impact prior to mitigation</th><th>Mitigation measures</th><th>Residual Effect</th></tr>
<tr><td>Remains of the 19th century railway development of the area, including footings of Shoreditch Station and Bishopsgate Goods Yard.

(High potential)</td><td>Permanent, direct, Major/moderate adverse</td><td>Mitigation through targeted archaeological excavation or watching brief to preserve by record any archaeological remains</td><td>~~Negligible~~

Minor Adverse</td></tr>
<tr><td>Remains associated with the post medieval development of the</td><td>Permanent, direct, Major/moderate adverse</td><td></td><td>~~Negligible~~

Minor Adverse</td></tr>
</table>
</td>
<td>Acceptable

The Applicant has provided the clarification requested.

No further clarification is required.</td>
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</table>

		assessment of residual effects taking the above into account.	area in the 16th to 18th Centuries (High potential)				
			Later medieval remains associated with agriculture or brickearth extraction (Moderate potential)	Permanent, direct, Moderate/minor adverse		~~Negligible~~ Minor Adverse	
			Possible, previously unrecorded remains dating from the prehistoric to early medieval periods (Low potential)	Permanent, direct, Uncertain adverse (low for isolated artefacts)		Negligible	
ARCH17	Clarification	The assessment of the limited development scenario (LDS) is broadly acceptable, but actioning of the clarifications/ potential Regulation 22 requests may lead to minor changes that need to be reflected in the LDS. Similarly, it may be that some minor edits are required to the NTS. This clarification is raised as a precaution only, and no action is initially required by the Applicant.	No changes are required to the NTS as a result of the clarification and potential regulation 22 requests.				**Acceptable** The Applicant has clarified that none of the clarification/ potential Regulation 22 requests materially affect the findings of the assessment. No further clarification is required.
ARCH1	Potential Regulation 22	EIA regulations require that the environmental statement is prepared by competent experts and that a statement outlining the relevant expertise of qualifications of these experts is included. However, no statement of expertise appears to be included in	The original ES Chapter and Technical Appendix was prepared by MOLAS, Paul Riggott (Senior Archaeologist) in 2015. This was reviewed and updated by Helen Hawkins, a chartered Archaeologist with 18 years' experience from Pre-Construct Archaeology (PCA).				**Acceptable** The Applicant has provided the further information requested. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

		Chapter 1 Section 1.5 of the ESA in relation to archaeology. The Applicant is to clarify who has prepared the chapter and to ensure that all information provided is by a competent expert archaeologist.		
ARCH4	Potential Regulation 22	The Applicant should request a new GLHER data search to ensure that their baseline and assessment of significance is up to date.	Appendix B of this response contains an updated GLHER data search. The conclusions of the Technical Appendix and ES chapter are not materially affected by the updated baseline and therefore have not been updated.	**Acceptable** The Applicant has provided the further information requested and stated that it does not materially affect the findings of the assessment. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
ARCH10	Potential Regulation 22	The Applicant is to provide further information on the heritage values and significance of the receptors identified, particularly clarifying the interpretation of the later medieval pits and horizons which are stated both to be agricultural, and indicative of settlement along Shoreditch High Street. Furthermore, in order to comply with current methods of assessment this is to include a statement on if, and how, setting contributes to that significance. In particular, the setting of the railway remains should be considered in relation to the above ground extant railway structures.	The nature and survival of the below ground railway structures is currently unknown, although they could reasonably be expected to have a good survival based on their date and their relationship to the above ground railway structures. The below ground structures were constructed to be located underground and therefore it is not considered that they have a setting in regard to the other listed structures and landscape on the site. Their current setting remains the same as it was when they were constructed, and the proposed development and removal of the structures will not materially affect this setting as they were not designed to be seen above ground.	**Acceptable** The Applicant has provided the further information required. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

ARCH18	Potential Planning Condition	An appropriately worded planning condition will be needed to ensure all archaeology is investigated and recorded prior to the commencement of the development.	Agreed.	**Acceptable**
Built Heritage				
BH2	Clarification	The Applicant is to clarify whether any consultation has been omitted and, if so, to provide further information on who the consultee was, what issue(s) they raised and how they have addressed the issue(s).	All relevant heritage consultees were consulted in preparation for the application, specifically Historic England and the local planning authorities. This is set out in the ESA in Section 16.4 which summarises discussions with LBTH, LBH and Historic England.	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.
BH4	Clarification	The scoping response requested that a rationale be provided for the study area and that in accordance with best practice guidance, it be informed by a Zone of Theoretical Visibility (ZTV). The Applicant is to clarify whether a ZTV has informed the study area and to provide a rationale as requested.	The rationale for the study area is provided in the text in Section 16.5.1 – 16.5.3 and, as explained, is based on a range of steps taken to understand the likely extent of the effect of the Proposed Development on the significance of heritage assets. These include field and desk research and assessment of the proposed development in relation to the nature and distribution of heritage assets. The use of a ZTV is not considered to be essential to achieve this understanding. The Heritage Statement (provided in Volume 4, Appendix K) and its appendices should be read with the ESA chapter.	**Acceptable*** The Applicant has provided the clarification requested. *It should be noted by the decision-maker that the study area has not been informed by a ZTV as required by Historic England's (2015) Tall Building guidance and (2017) GPA3. It also means that the Applicant has not complied with the Scoping Opinion. No further clarification is required.
BH6	Clarification	There is no single heritage asset plan that clearly details the location of all the assets discussed. This is highly problematic in terms of understanding the interaction of the assets and the scheme. The Applicant is to provide a	The nature and distribution of heritage assets is entirely clear from the submission material when read in an integrated manner, and set out in detail in the ESA chapter, the Heritage Statement and the Heritage Statement appendices. However, we have provided the heritage and conservation identification plan submitted with the application, which shows the nearest heritage assets to the Site.	**Acceptable** It is welcomed that the Applicant has provided a location figure of heritage assets near to the site and their designation. However, it does not cover the whole study area and the heritage assets within it, nor does it identify specific

		figure showing the location of all the assets assessed; the assets must be individually labelled on the figure (e.g. with NHLE and HER numbers) so as to be cross-referenceable to the text.		heritage assets so that it can be cross-referenced to the text (as requested), making it of limited use. No further clarification is required.
BH16	Clarification	The Applicant is asked to provide clarification on the protective measures that will be undertaken in relation to construction effects.	The ES chapter refers to the fact that protection measures will be put in place in respect of construction effects. It would be unusual for the precise measures to have been designed or agreed at this point, prior to the determination of a large and complex application, where such proposals would require considerable time and work to refine. It is fully to be expected that such measures would be the subject of a condition to planning permission and listed building consent when granted.	**Not Acceptable** It is fully appreciated that the scheme is a complex one that will require a detailed CEMP and be subject to planning condition. However, it is concerning that there is no outline of preventive measures and no mention of historic building recording in relation to the demolition of the non-designated heritage assets on site, some of which are considered curtilage listed. As EIA regulations 1 require that measures to prevent, reduce and offset significant adverse effects are described. The Applicant is requested to provide an outline of the risks of physical harm arising from the scheme and the type of protective measures that may be undertaken, including whether historic building recording is being proposed in relation to the assets to be demolished.
BH1	Potential Regulation 22	The Townscape and Visual Impact Assessment (TVIA) (Volume 4) identifies built heritage receptors that are assessed according to the sensitivity of their 'townscape setting'. This not normal practice: in accordance with policy and best practice guidance 'heritage significance' is what is assessed in relation to	We disagree that there is any conflict with good practice or that assessing heritage assets in terms of the sensitivity of their townscape setting is inappropriate; such assessment is an integral part of the assessment of heritage effects. 'Townscape setting' is, obviously, a component of heritage significance.	**Acceptable** The GLA should disregard the duplicate assessment of heritage assets presented within the TVIA. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

		heritage receptors. To prevent any confusion, it is recommended the Applicant remove the built heritage sections in the TVIA as they constitute duplicate assessment that does not conform with current methods of assessment.		
BH3	Potential Regulation 22	The setting of scheduled monuments has not been considered. The Applicant is to provide further information on the potential for setting change to scheduled monuments as a result of the proposed development (BH2).	The only relevant Scheduled Monument for the Proposed Development is the Priory and Hospital of St Mary Spital. It is not considered appropriate to provide an assessment of the setting of this SM because it is an entirely below ground asset. It should be noted that the setting of heritage assets immediately above the SM in Elder Street and Folgate Street has been provided in the ESA.	**Acceptable** The Applicant is incorrect in stating that below-ground assets do not have a setting. This request was made to ensure that the Applicant demonstrated that SMs had been screened out of the assessment, based on an appropriate understanding of the contribution made to their significance by setting. In this instance we are content that setting does not contribute to the asset's heritage significance. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required
BH5	Potential Regulation 22	The scoping response also requested that the assessment be informed by Historic Environment Record (HER) data to both identify non-designated heritage assets and to understand the significance of the assets. This source is not listed in the sources consulted and a search of the Greater London HER (GLHER) should be made by the Applicant. This data should be reviewed to ensure that it does not affect	All relevant records and data concerning heritage assets have been referred to in preparation of the Built Heritage chapter, and it is entirely clear in the chapter that all heritage assets affected by the proposed development have been captured in the assessment. The HER is referred to in Paragraph 16.3.29 of the ESA chapter. Further reference to methodology and information sources is provided at Paragraph 16.5.3. The Heritage Statement (provided in Volume 4, Appendix K) and its appendices should be read in conjunction with the ESA chapter.	**Not Acceptable** Paragraph 16.3.29 states what a HER is – and that it is accessible via Heritage Gateway; it does not state that it has been reviewed and the paragraph that lists the sources used (16.5.3) does not reference the HER, or Heritage Gateway, which in any case is not appropriate for planning use as it is not maintained as a live database and, as such, may not include important information. Both the NPPF (para's 187 and 189) and Historic England best practice guidance

		the assessment and findings presented.		(e.g. GPA2 and GPA3) require that as a minimum the HER – a live historic environment database maintained by the local authority - is consulted to identify heritage assets and their significance. An up-to-date GLHER search has already been obtained for the archaeology assessment and it should be reviewed by the Applicant to ensure that: a) It does not identify any additional non-designated heritage assets. (If it does then these will need to scoped in/out and assessed if required). b) It does not include any relevant information on the heritage significance of assets that could change the built heritage assessment and findings presented. This will ensure that the assessment accords with the scoping opinion and the requirements of the NPPF. (The lack of a clearly-labelled figure covering all assets in the study area – previously requested as BH6 – exacerbates this uncertainty.) Further information is sought.
BH7	Potential Regulation 22	The method by which heritage significance is assessed is not articulated in the ESA, or the supporting documents. In some documents it appears to be via comparison of designation criteria and in others via consideration of the values set out in HE's (2008) Conservation Principles. This inconsistency is unhelpful to	The methodology used in preparation of the ESA chapter is fully explained in Sections 16.3 and 16.5 of the ESA chapter, with reference to the Heritage Statement (Volume 4, Appendix K) and its appendices which, as is clearly indicated, should be read with the ESA chapter. This includes an explanation of how heritage significance is assessed. This has been repeated below for clarity. Heritage 'significance 'has been assessed according to the criteria defined in the following guidance: NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest.	**Acceptable** The Applicant has provided further information on their criteria for defining significance, which was otherwise absent from their ESA methodology and the supporting appendices. No rationale has been provided for why some of the baseline utilises designation criteria to determine significance.

		the reader. The Applicant is to provide clarification on their method for determining the significance of heritage receptors.	That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'. The Historic England 'Historic Environment Good Practice Advice in Planning Note 2' puts it slightly differently as 'the sum of its architectural, historic, artistic or archaeological interest'. 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value. These criteria have all been used in combination in assessing the significance of the identified heritage assets.	(For reference, the decision-maker should note that Historic England's Conservation Principles (2008) which include four heritage values – evidential value, historical value, aesthetic value, and communal value - may broadly be equated to the NPPF heritage values with evidential interest equalling archaeological value; historic interest equalling historical and communal value; and artistic and architectural interest equalling aesthetic value. The designation criteria are not readily equated to the NPPF/ Conservation Principle heritage values but are considerations in determining the heritage values of an asset.) This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
BH8	Potential Regulation 22	The baseline articulation of significance is somewhat light touch and often fails to specify exactly what features of the asset underpin the heritage values identified, particularly when discussing setting. This is problematic for the assessment section as the effects need to be clearly understood in relation to the asset's heritage significance. This was requested in the scoping response in order to accord with policy and best practice. To ensure that there is the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, the Applicant	While it would perhaps be neat and convenient to try and isolate in a table 'specific attributes of the asset and its setting contribute to each heritage value that makes up its significance' this does not correspond to the reality of how multiple attributes and qualities create heritage significance in designated and non-designated heritage assets. In any event, the qualities that contribute to the significance of the heritage assets assessed are described in extensive detail in the ESA, Heritage Statement (Volume 4, Appendix K) and its supporting appendices, which, clearly discuss the link between heritage value, setting and significance and have fully considered the remaining railway structures. As previously indicated the ESA chapter should be read in conjunction with the Heritage Statement and appendices. We do not agree that it is necessary to tabulate each and every element that makes up 'heritage significance' for each and every asset (see our response in BH7 above). These elements include aesthetic, architectural, evidential, communal and historical attributes. These have been covered extensively in the supporting documents and do not lend themselves to simple tabulation.	**Acceptable** There is an issue with the assessment in that setting has been presented as essentially congruent with visual amenity and assessed as something separate to heritage significance. This means that assessment of effects does not solely relate to heritage significance, but also townscape and visual considerations (which are already assessed in the Townscape and Visual Impact Assessment). For example, a minor beneficial effect is reported in relation to the effects on the Commercial Street Centre: a group of listed buildings including: The Ten Bells Public House (grade II listed), Nash Monument (grade II listed), Cattle Trough

		is to provide a table summary of the assets assessed, with additional information on what specific attributes of the asset and its setting contribute to each heritage value that makes up its significance. This information provided on setting also needs to include a consideration on the relationship of the remaining railway structures and the archaeological remains of the former railway station. In the summary table significance should be articulated in a single consistent way. It is suggested that this be in line with Historic England's (20018/ 2017) Conservation Principles as the existing baseline information articulated in this manner is clearer and has a better understanding of the contribution of setting, so less work is likely to required.		(grade II listed) and the Central North Block of Spitalfields Market (grade II listed). This effect is apparently due to the scheme 'contributing positively' to the 'modern, larger scale buildings that form part of the listed buildings setting'. For this to be a heritage benefit it must be demonstrated that the scheme benefits the heritage values of these assets, not the modern townscape (which does not contribute to the heritage significance of the asset). While we disagree with elements of the Applicant's approach to assessment of effects, we are content that – provided the other potential Regulation 22 requests are met – there will be sufficient information has been provided to satisfy the requirements of the Regulations and enable the GLA to reach a determination. However, given the issues highlighted we advise the GLA to draw its own conclusions on levels of effect and to disregard assertions of beneficial effects as a consequence of setting change.
BH9	Potential Regulation 22	Sensitivity to change is discussed at paragraphs 16.5.11 to 16.5.12. It appears to be based on a combination of heritage significance and proximity to the site rather than setting. This is problematic as an asset can have a setting that makes it highly sensitive to change, even if at a distance to the site. The Applicant is to clarify their method of determining asset sensitivity. If it does not	The ESA chapter assessment takes account of the contribution of setting to the significance of the asset. We feel that the methodology is wholly clear, complies with best practice and is set out in the ESA and is implicit in the work of the heritage statement as a whole. The Heritage Statement (Volume 4, Appendix K) and its appendices should be read with the ESA chapter.	**Acceptable** Proximity based approaches to sensitivity are not appropriate in relation to the heritage assets and have no support from best practice guidance. The use of proximity rather than contribution of setting to heritage significance undermines the reliability of the assessment and its findings. **I**t is therefore advised the assessment is treated with caution.

		take account of the contribution of setting to the significance of the asset it will need to be revisited to ensure compliance best practice guidance (e.g. Historic England's (2017) guidance on setting).		Whilst the assessment is undermined by several issues if the outstanding potential Regulation 22 requests are met there should be sufficient information for the GLA to reach their own conclusions as to the built heritage effects of the scheme**.**
BH10	Potential Regulation 22	The criteria for the magnitude of impact is set out at paragraph 16.5.13. These appear to measure change to the fabric and setting of an asset, rather than its heritage significance which is what legislation, policy and guidance calls for. The scoping opinion explicitly stated that heritage significance was to be assessed and, accordingly, the Applicant is to revisit these criteria.	This is incorrect. The statement that '[The criteria for the magnitude of impact] appear to measure change to the fabric and setting of an asset, rather than its heritage significance' is inherently contradictory, in that these qualities contribute directly to heritage significance. This has been covered in detail in Heritage Statement (Volume 4, Appendix K) Appendix B of the Context Appraisal	**Acceptable** Heritage significance comprises evidential, historical, aesthetic and communal values, which may be intangible and therefore not covered by the terminology 'fabric and setting'. Furthermore, whilst all assets have a setting this does not automatically contribute to their heritage significance. The importance of setting lies in what it contributes to the significance of a heritage asset, or to the ability to understand and appreciate that significance. As such, effects to setting are direct effects to an asset's heritage significance, not indirect. As previously indicated, we maintain significant concerns with regard to the method and outcomes of the assessment and, as noted above, will advise the GLA accordingly.
BH11	Potential Regulation 22	There is a similar issue with the criteria for determining the significance of impacts, which is focused on improvement or degradation to the setting or structural condition of heritage assets. The criteria very clearly indicate a misunderstanding of setting, equating it to 'visual amenity' and discussing its 'quality'. This does not accord with	This is incorrect. The reference to HE guidance on setting and the apparent inconsistency of the ESA chapter approach is unfounded and not accepted, we feel that the methodology is wholly clear, complies with best practice and is set out in the ESA and is implicit in the work of the heritage statement as a whole. This has been covered in detail in the Heritage Statement (Volume 4, Appendix K) Appendix B of the Context Appraisal.	**Acceptable** As noted above, we maintain significant concerns with the assessment methods applied but accept that – if the remaining clarifications/ potential Regulation 22 requests are met – there should be sufficient information has been provided to satisfy the Regulations.

		HE's (2017) best practice guidance on setting, which was to be used in determining significance, as per the scoping opinion. These assessment criteria need to be revisited.		The approach taken to setting in particular – while clearly set out – diverges from industry standards and best practice. .
BH12	Potential Regulation 22	The impacts of demolition are unclear and a figure illustrating the proposed demolition relating to heritage assets is to be provided.	Extensive and detailed information concerning demolition is provided as part of the planning and listed building consent applications. The retentions and demolitions plan is provided in this response.	**Acceptable** The Applicant has provided the further information requested. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
BH13	Potential Regulation 22	Demonstrating the link between effect and significance is very important in order to substantiate the assessment findings and demonstrate that the EIA regulations have been met. As such, the Applicant is to revisit their assessment of effects and residual effects and provide additional information on what aspect of the receptor's heritage significance is affected and how. The additional information needs to consider the full range of construction and operational effects, as well as include the following: It must state the magnitude of impact and significance of effect for the construction effects to assets in the wider area. It must explain the	This request is at odds with the fact that the assessment provide in the ESA chapter is wholly clear and refers to 'what aspect of the receptor's heritage significance is affected and how' in a way that seems more concerned with tabulation than a useful assessment of effects on heritage significance. The link between the effect of the proposed development and the significance of heritage assets is clearly set out in the ESA chapter. Indicative vibration levels for piling have been presented in the Noise and Vibration Chapter; which incidentally are not considered to be significant with regards to human receptors and therefore this would be the case with regard to any structural effect upon the heritage assets. The retentions and demolitions plan is provided in this response. All of the non-designated assets have been assessed as a group in the HS at 4.121 and their nature and location discussed in S4 of Appendix B of the Heritage Statement (Volume 4, Appendix K). The residual effects identified within the ESA chapter have been determined through normal EIA practice.	**Not Acceptable** This request has been raised to ensure that in accordance with EIA regulations there is an understanding of the significant effects of the scheme, the information for the reasoning behind those effects, and that that reasoning takes into account current knowledge and methods of assessment. To address this, it is requested that the Applicant provide further information on the effects of the scheme in relation to individual heritage assets, or groups of heritage assets that are functionally or otherwise related and have settings which contribute to their heritage significance in the same way (assets should not be grouped for assessment simply as a result of their proximity/ location). For their own ease and that of the reader, it is recommended that this information is tabulated. It is to include:

		reasoning behind how the construction of the scheme will have a minor adverse to moderate beneficial effect on the two listed structures on site. It must clarify the status of the structures to be demolished and whether they are part of the listed buildings or non-designated heritage assets. If the latter then they must be assessed accordingly. A consideration of vibration effects must be included, since vibration could potentially result in significant structural damage to the listed and non-designated heritage assets on site. All adverse and beneficial effects must be separately listed and not balanced. For ease, it is suggested that this information be tabulated.		■ Assessment of non-designated assets, particularly those that are curtilage listed; ■ A breakdown of all construction and operational effects, their magnitude of impact, level of significance, and a (short) but explicit statement on what heritage values are being affected and how (e.g. the architectural interest of the asset as expressed through x, y, z, would be affected by the development as a result of x, y, z). This will enable the reader to easily determine whether the effects are to an asset's heritage significance or not and understand the logic behind the argument. This information is only required in relation to heritage assets that have a setting that contributes to their heritage significance and which interacts with the proposed development.
BH14	Potential Regulation 22	There is a further issue with the assessment of impacts as it is unclear as to whether in some instances (e.g. Elder Street and Folgate Street listed buildings) a weighing of adverse and beneficial effects is being undertaken by the Applicant. If so, it is not acceptable. The Applicant is to provide clarification on whether effects have been weighed in the round, or not.	The residual effects were arrived at by identifying adverse & beneficial effects according to normal EIA practice.	**Not Acceptable** The Applicant appears to have clarified that they have not weighed effects in the round. However, they have not presented a full breakdown of individual effects. This deficiency should be addressed by BH13.

BH15	Potential Regulation 22	The Applicant needs to provide additional information on the cumulative developments (e.g. in terms of building heights and massing) and what receptors are being affected, and how. A location plan of the cumulative developments or signposting to such a plan is also needed. Comments above, regarding distance and effect, and setting should be borne in mind when providing this.	Cumulative effects are fully and adequately addressed at Section 16.11 of the ESA chapter. A location plan is provided in Chapter 3: EIA Methodology and the heights of these developments can be inferred from table 3.8 in this chapter. We have considered the cumulative effects in the light of our understanding of the site and the location & scale of each cumulative scheme & come to a view using professional judgment.	**Not Acceptable** The Applicant has provided no information on cumulative *effects*. The ESA provides a list of cumulative *schemes* (i.e. other developments, consented or in planning, that should be considered in parallel with the proposed development). No information on heritage assets, or the anticipated level of effect, has been included. The previous request stands. The Applicant is requested to provide additional information on: ■ Assets potentially subject to cumulative effects ■ Their significance, particularly the contribution made by setting; and ■ The anticipated level of effect.
BH17	Potential Regulation 22	The Applicant is to clarify their assessment of the LDS and to provide a more detailed assessment of all effects, including the moderate adverse effect to the listed Oriel Gate.	The LDS assessment states: This structure, a building at risk, will not be repaired or integrated into the wider scheme as part of the LDS and will continue to decay. Therefore, it will continue to be 'at risk' after works are complete.	**Acceptable** The Applicant has repeated their assessment text regarding the Oriel Gate/ Walls. It should be noted that the effect reported would be an indirect effect of the LDS. No further information has been provided on the cumulative effects reported in the LDS. However, if the information requested for BH15 is provided then it should cover this request for information.
BH18	Potential Regulation 22	In Table 1 of the ESA chapter it is stated that the site lies partly within the Brick Lane and Fournier Street Conservation Area and that four other conservation areas	The revised NTS has been reworded to make it clear that the site includes part of a conservation area.	**Acceptable** The NTS has been updated as requested. This is considered acceptable and does not constitute 'further information' under

		are nearby. This is not explicitly stated in the technical chapter nor in the NTS section on Built Heritage (paragraph 1.7.96) which indicates that there are five conservation areas in close proximity to the site (paragraph 16.6.10). The Applicant is to reword both the technical chapter and NTS to make it clear that the site includes part of a conservation area.		Regulation 22 of the EIA Regulations. No additional information is required.
BH19	Potential Regulation 22	EIA regulations require that the NTS includes a description of the likely significant effects of the scheme. In case the additional information requested necessitates the updating of the NTS this potential Regulation 22 request has been made. However, no action is required by the Applicant until the responses have been reviewed.	The NTS will be updated as follows: ■ To make it clear that the site lies partly within the Brick Lane and Fournier Street Conservation Area To indicate which sensitive receptors would be significantly affected as a result of the cumulative schemes.	**Not Acceptable** It is welcomed that the NTS has been updated to accurately reflect the findings of the assessment as it currently stands. However, the outstanding potential regulation 22 requests may result in changes that need to be reflected in the NTS so until they can be reviewed this request is left as unacceptable.
Ecology				
ECO1	Clarification	Black redstart and invertebrate populations were assessed in the Ecology chapter to be of borough importance; however, in the NTS the former is described as being of importance at the local level and the latter is not mentioned (which implies that it has been assessed to be of site	These should both be reported as having metropolitan/borough importance.	**Acceptable** No further clarification is required.

		importance only). Clarification is required.		
ECO2	Clarification	In paragraph 1.7.107 of the NTS a minor adverse effect on invertebrates during the construction phase is noted, however, this is not reflected in Table 8. Clarification is required.	The minor adverse effect on invertebrates is not considered significant. The summary in the ecology chapter incorrectly implies this. As it is not a significant residual effect it has not been included in Table 8 of the NTS.	**Acceptable** No further clarification is required.
ECO3	Potential Regulation 22	Clarification is required as to whether the mitigation measures outlined in Section 17.9 are to be implemented, as these measures have been used to assess the likely significant effects on foraging and commuting bats, invertebrates and the Spitalfields City Farm and Allen Gardens Borough SINC. These measures are currently described in the section heading as “potential”.	All additional mitigation measures outlined in Section 17.9 are to be implemented. We would expect them to be secured by planning condition.	**Acceptable** This is considered acceptable and does not constitute ‘further information’ under Regulation 22 of the EIA Regulations. No additional information is required.
ECO4	Potential Regulation 22	It is stated in the Ecology chapter of the ESA and the survey reports provided in ESA Volume IV, Appendix L: Ecology that the underground archways have features with low and moderate Bat Roost Potential (BRP). Given the nature and location of these archways, it is likely that the BRP features are suitable for use by bats during the hibernation period. This is reflected in the 2013 bat surveys, which were extended into October and November to	A further bat survey was undertaken in January of the 2020 to assess the potential of the arches for hibernating bats. All of the accessible arches were surveyed by two surveyors with binoculars, endoscopes and appropriate temperature and humidity levels metres. No evidence of bat activity was discovered in all areas surveyed though it is still considered that the features represent a low and moderate Bat Roost Potential (BRP) which could equally be applied for hibernation. As a precautionary measure, static detectors have been positioned on the site in appropriate areas to rule out the presence of hibernating bats, this has been undertaken in line with best practice.	**Not Acceptable** The response outlines further bat surveys which have been/ are being undertaken to assess the potential of the arches for hibernating bats. These surveys are welcomed and are considered acceptable in principle; however, more information is requested in order to determine if sufficient survey effort has been applied to draw robust conclusions. The Applicant is requested to provide information on the following, supported by maps and photographs if appropriate:

		look for swarming activity and bats entering hibernation. These surveys are no longer considered to be valid, due to the length of time that has elapsed; and the 2017 update bat surveys did not include surveys in October and November. According to the reports, no surveys have been conducted during December to February inclusive, which is considered to be the most appropriate time of year to detect hibernating bats		■ which archways were accessible and which archways were not accessible for survey; ■ how much of the accessible archways were surveyed (for example was height of the Bat Roost Potential (BRP) features a restriction); ■ the locations of the static detectors in relation to the archways; ■ and the dates and weather conditions during the static detector surveys. If any archways were not subject to either an inspection or a static detector survey, the Applicant is requested to provide justification for this. Further information is required.
ECO5	Potential Regulation 22	Hibernating bats are not mentioned in the ESA and the site is described as being of negligible importance for roosting bats. It is considered that insufficient evidence has been provided to support this conclusion. It is therefore recommended that further surveys are conducted during the bat hibernation season, in order to draw robust conclusions on the value of the site for roosting bats and whether significant effects on roosting bats are likely to occur.	Response as above to ECO4 (R).	**Not Acceptable** Response as above to ECO4.

ECO6	Potential Planning Condition	Submission, approval and implementation of a Construction Management Plan (CMP), which should be worded to make specific reference to the protection of ecological receptors; including nearby designated sites, breeding birds and refuge habitat provided or retained during the construction phase. If possible, a single CMP should cover the entire site	Agreed	**Acceptable**.
ECO7		To mitigate for the loss of suitable black redstart breeding opportunities, bird boxes are to be provided. As noted in paragraph 17.8.4, these bird boxes should be of a suitable design and placed at a suitable location to support black redstart	Agreed	**Acceptable**
ECO8		Provision of a lighting strategy, to minimise light-spill onto retained and newly created habitat features, as outlined in paragraph 17.9.1.	Agreed	**Acceptable**
ECO9		Provision of full details of the mitigation, habitat creation, landscaping design and enhancement measures outlined in Chapter 17 of the ESA. These should be secured through appropriately worded planning conditions.	Agreed	**Acceptable**
ECO10		Submission, approval and implementation of a	Agreed	**Acceptable**

		Landscape and Ecological Management Plan (LEMP), describing full details of the long-term management and monitoring of habitats within the site. If possible, a single LEMP should cover the entire site.		
Climate Change Adaption and Mitigation				
CC2	Clarification	The Applicant should clarify what mitigation measures; and how these mitigation measures are to be secured and implemented and with whom the responsibilities for their delivery lies for: **a.** climate change adaptation and; **b.** climate change mitigation.	For climate change mitigation, the assessment estimates emissions from different activities at construction, operational and end of life stages of the project and then describes a potential set of measures in paragraphs 18.7.6-18.7.9, 18.7.12, 18.7.15, 18.7.19-18.7.21, 18.7.23, 18.7.26-18.7.28, 18.7.30, 18.7.34 - 18.7.36. In terms of embodied carbon of construction materials, it is clearly stated that the identified measures are only opportunities and that it is not clear how effective it would be. There is no specific target/policy required to reduce this (until the new London Plan is adopted), and therefore any measures would be voluntary and at the discretion of the Applicant. Construction traffic emissions would be mitigated through a Construction Traffic Management Plan/CLP that is expected to be secured through a Planning Condition, although it is not expected to include any specific targets related to carbon emissions. Construction plant emissions were not identified, although it is expected that selection of efficient/electric plant and facilities could be described through a CEMP or similar, to be required through a Planning Condition. Operational regulated energy use will be mitigated through measures set out in the submitted Energy Strategy. This is usually implemented as part of the permission and updated as necessary through the RMA. Operational unregulated energy includes white and other electrical goods, which cannot be understood at this stage and therefore there can be no commitment by the Applicant to select only certain types, as this will generally be up to the future occupants and outside the control of the planning system. Operational traffic will be mitigated through a Travel Plan, to be produced by Planning Condition prior to occupation. The TP would generally focus on reducing the need to use private cars, thereby reducing associated emissions.	**Acceptable** The Applicant has provided the requested information. It should be noted however that the final London Plan is forecast to be published in March 2020. No further clarification is required.

			End of life phase emissions can be most effectively mitigated by designing for disassembly and following circular economy principles. There is no specific target/policy required to apply this thinking to the proposed development (although it is a requirement of the new London Plan), and therefore any measures would be voluntary and at the discretion of the Applicant. On the basis that mitigation should not be taken into account in a residual effect unless it is committed and has some certainty, Table 18.6 should be revised as highlighted below See Table 18.6 set out within Applicant response In terms of climate change adaptation, paragraphs 18.8.13-18.8.15 explain that effects from climate could be mitigated through an Outline Climate Change Adaptation Plan. Paragraph 18.10.1 identifies a number of measures that could be included in a Climate Change Adaptation Plan, although it is considered that there is no specific target/policy that would require this from Applicants, outside of the overheating assessment and flood risk assessment. It is therefore for the Applicant to decide whether these or other measures should be taken into account later in the planning and design process. This does not affect any of the assessment conclusions.	
CC3	Clarification	Applicant to confirm if the NTS requires updating as a result of the clarifications above.	The NTS has been updated and is appended to this response.	**Acceptable** The Applicant has provided the requested information. No further clarification is required.
CC1	Potential Regulation 22	The Applicant is requested to clarify why there is a difference between the significance of effects written within Table 18.6 and the preceding text set out in Section 18.7.	The text in Section 18.7 set out the impacts based upon quantified estimates as far as possible to establish a level of effect. Although the mitigation measures specified in CC2 are either not possible to commit to at this stage, or their effectiveness is unknown, Table 18.6 was based on the successful and effective implementation of these measures to provide a realistic set of residual effects. However, it is understood that residual effects should only take into account known and committed mitigation and therefore Table 18.6 has been revised as stated for CC2.	**Acceptable** The Applicant has provided the requested information, the Applicant is advised to update the ESA and the NTS in the light of these revisions. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.
Effect Interactions				
EF1	Potential Regulation 22	The Applicant is requested to provide clarification as to why	Section 19.6 doesn't exist. The cumulative schemes considered in the assessment are listed in table 3.8 of chapter 3. The 2019 scoping opinion included some additional cumulative schemes (as listed	**Not Acceptable**

		the schemes listed within in section 19.6 of the ESA and as stated in the EIA Scoping Opinion issued by GLA have not been included.	in section 4.35 of the 2019 scoping opinion). These were included with the cumulative assessment with the following exceptions: ■ PA/17/01920 Sainsbury's Foodstore, Cambridge Heath Road – This was rejected between issue of the Scoping Opinion and submission of ESA therefore this has not been included within the assessment. ■ PA/18/00917 and PA/18/00917 Site Bound by Raven Row, Stepney Way, Sidney Street – These fall outside of the 1km zone of consideration from the application boundary the scheme was reviewed and not considered to have a cumulative effect and was therefore excluded from the assessment. ■ PA/16/00784 100-136 Cavell Street – This falls outside of the 1km zone of consideration from the application boundary the scheme was reviewed and was not considered of sufficient scale to have a cumulative effect and was therefore excluded from the assessment. ■ PA/14/02817 South East block of Goodman's Fields – outside 1km of application boundary (just). This scheme has been built out and was incorporated into the baseline. ■ 2013/3567 Land Bound by King John Street – This scheme was superseded by the Shoreditch Village which was included within the assessment. ■ 18/01065/FULEIA 1-2 Broadgate London – This scheme was considered within the cumulative assessment though was mistakenly absent from Chapter 3 EIA Methodology, Table 3.9 and Figure 3.4, the updated figure has appended to this response in Appendix A Taking into the consideration of the above, no changes are required to the existing cumulative assessment, which is considered valid in the context of the Proposed Development.	Section 19.6 refers to the list of schemes detailed within Chapter 19 of the ESA review however it is recognised that this has been misinterpreted due to a typographical error. While the Applicant has addressed most of these schemes and provided sufficient justification for their exclusion, there is one outstanding scheme for which justification has not been provided. This is the scheme known as Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street (2012/3871). In line with the Scooping Opinion from GLA, justification must be provided for the exclusion of all schemes which subsequently includes the scheme listed above.
EF2	Potential Regulation 22	The NTS presents a summary of the Type 1 and Type 2 cumulative effects which reflects the detailed findings in the main ES document. This should be updated if any changes arise from the comments made in this review.	No update is considered necessary to the NTS with regards to this point.	**Not Acceptable** Outstanding clarifications detailed within the reassessment of other technical topics still remain in relation to Type 1 and Type 2 cumulative effects. As these have not been addressed this may affect the information presented within the NTS.

				The Applicant should consider the wider responses set out within this table.
Residual Effects and Conclusions				
REC1		Should the potential Regulation 22 requests / clarifications result in any changes to the effects as currently reported, this chapter and the NTS would need to be updated.	The NTS has been updated and is appended to this response.	**Acceptable** The Applicant has provided the requested information No further clarification is required
Townscape and Visual Impact Assessment				
TVIA1	Clarification	Clarify the approach to assessing sensitivity and the difference between the method for assessing sensitivity of townscape character areas and the method for assessing sensitivity of views (and/ or visual receptors as appropriate). For example, it is assumed that paragraph 2.20 should not include the word 'townscape' (as townscape sensitivity criteria are set out in paragraph 2.28). This should be clarified by the Applicant.	Paragraph 2.20 should have included reference to townscape in two of the bullet points. 'The sensitivity of a townscape or view is dependent on: ■ the importance of the viewpoint or townscape character area; ■ the value and quality of the view or townscape character area; and ■ the nature and expectation of the viewer (for views).'	**Acceptable** The Applicant has provided the requested information. No further clarification is required.
TVIA2	Clarification	This assessment description section of the ESA refers to the Town and County Planning (Environmental Impact Assessment) Regulations 2011; the	This isn't a typographical error the application is being submitted in line with the 2011 EIA Regulations as it is an amendment to a live application submitted in 2015, though the ES has been prepared in line with the scope of the 2017 Regulations.	**Acceptable** The Applicant has provided the requested clarification. No further clarification is required

		Applicant is requested to clarify this.		
TVIA4	Clarification	Clarify the approach to the cumulative assessment (in particular whether the cumulative assessment reports on the 'additional' or 'combined' cumulative effects and what baseline is assumed for the cumulative assessment). Information about approaches to cumulative assessment including a definition of additional and combined effects can be found on page 124 of GLVIA3.	The cumulative assessment was undertaken on the basis of the combined effect of the Proposed Development and any cumulative scheme in line with the wider ES.	**Acceptable** The Applicant has clarified that the cumulative assessment sets out the combined effect of the proposed development and any cumulative schemes in line with the wider ESA. No further clarification is required.
TVIA5	Clarification	The NTS does not report the adverse impact on the townscape character/ setting of listed buildings around Elder Street and Fleur De Lis Street that is reported in the main assessment at paragraph 10.54. However, it is not clear if this is a heritage impact or a townscape impact and therefore whether it should be reported in the townscape and visual section of the NTS, or if it is a heritage impact it should be reported in the built heritage chapter and the built heritage section of the NTS. This should be clarified by the Applicant.	This is an assessment of the effects on the townscape setting of heritage assets, which the TVIA consider as an aspect of townscape, as opposed to the effect on their setting that would affect their heritage significance.	**Not Acceptable** The Applicant has confirmed that the adverse impact on the townscape character/ setting of listed buildings around Elder Street and Fleur De Lis Street that is reported in the main assessment at paragraph 10.54 belongs in the TVIA. Although the adverse impact is summarised in Table 8 of the NTS ('Conclusions'), it does not appear in Section 1.7 of the NTS. The Applicant is requested to clarify why this is.
TVIA3	Potential Regulation 22	The adverse impact on VP49 is because *"the effect on this view is likely to generate*	The assessment of adverse effects is based on professional opinion. In this instance it is our view that the only adverse effect is on VP49.	**Acceptable**

		strong differences of opinion given the contrast in scale. In light of this and the cohesive nature of the existing view along this street, and the uniform townscape derived from the common elevation details, it is considered that on balance the effect on this view will be adverse" (para. 6.336). Could this be said for other viewpoints e.g. VP32 and 34?		While this is deemed acceptable, the assessor's view is their professional opinion and may differ from other professional opinions. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
TVIA6	Potential Regulation 22	Views 28 and 51 do not show the full height of height of the building which makes it difficult to judge the effect on these views – it would be helpful if the Applicant could provide a model or image that includes the full height of the building to understand the height of the development from these viewpoints.	Millerhare can extend view images 28 and 51 to include a wireline outline of the remainder of the building on Plot 2. This will not provide a realistic image of how the viewer would see the scheme in this viewpoint as they would have to raise their head to see the top of the building. These have however been provided and appended to this response.	**Acceptable** The Applicant has provided full height images for views 28 and 51 which are helpful. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.
TVIA7	Potential Planning Conditions	The design of the new buildings and public realm to be subject to consideration by the local planning authority during the reserved detailed application(s).	Agreed	**Acceptable**

Chapter 23
Assessment of Final Regulation 22 Requests/ Clarifications

23.1 This section considers the Applicant's response, submitted in February 2020 and March/April 2020, to the outstanding clarifications/potential Regulation 22 information requests remaining from the initial reassessment of responses set out by the Applicant. The Applicant's response sets out additional information which addresses the clarifications and the Potential Regulation 22 requests. Table 23.1 below provides a judgement as to the acceptability of the information provided in response to the clarifications/Regulation 22 requests.

Table 23.1: Review of Further Information submitted by the Applicant

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
Construction Overview Summary						
CD1	Clarification	**Acceptable** The Applicant has supplied an additional Figure in Appendix A. This Figure when viewed alongside the text in paragraphs 5.2.18-5.2.67 in Volume 2 of the ES and Figure 5.21, helps to determine when different aspects of green infrastructure will be constructed relative to each plot. No further clarification is required.	N/A	N/A	N/A	N/A
CD2	Clarification	**Acceptable** The Applicant has confirmed that new receptors would be added in line with the occupation of each phase, the	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		timelines of these phases are set out in Table 5.6 of the ESA. No further clarification is required.				
CD3	Clarification	**Acceptable** The Applicant has confirmed that the new receptors have been taken into account in the ESA. No further clarification is required.	N/A	N/A	N/A	N/A
CD4	Clarification	**Acceptable** The Applicant has confirmed that a worst-case scenario has been assumed for the construction period. The ESA does show the development being completed in Q1 of 2034 as opposed to 2023 and assume this is a typo by the Applicant. No further clarification is required.	N/A	N/A	N/A	N/A
CD5	Clarification	**Acceptable subject to condition** The Applicant has provided further details on how the scope of enablement and site clearance will be developed. This includes further survey work. The results of these	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		surveys and the full scope of the site enabling and clearance works should be detailed in the Construction Environmental Management Plan (CEMP) and approved in advance of the commencement of development. No further clarification is required.				
CD6	Clarification	**Acceptable** The clarification provided is deemed to be acceptable, presenting a worst-case scenario where more accurate information is not available. This is an acceptable method of assessing potential impacts. No further clarification is required.	N/A	N/A	N/A	N/A
CD7	Clarification	**Not Acceptable** It has been stated that these are indicative traffic routes but the reasons behind why these routes were chosen over others, and the significance of both Silvertown and Rainham remains unclear. Further clarification is required.	The routes identified were just to show a representative route out of town to the east of London using routes to the north and south of the River, the destinations of Rainham and Silvertown were of no specific significance. The main aim is to show the use of key arterial routes (A13 to the north of the river and A2 south of the river) that get vehicles out to the M25. The attached Figure “Traffic Routes”	**Acceptable** Additional Figures entitled “Traffic Routes” provided by the Applicant shows likely traffic routes from the site to the north and south as well as to the M25. This further detail is welcomed. No further clarification is sought.	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			identifies the same basic routes though with the destinations amended to avoid confusion. We have shown an alternative route away from the A13 using the A406 North Circular Road from Beckton.			
CD8	Clarification	**Acceptable** Further clarification has been provided by the Applicant to confirm that the overlap between the phases has been taken into account in the assessments undertaken. No further clarification is required.	N/A	N/A	N/A	N/A
CD9	Clarification	**Acceptable** Further clarification has been provided by the Applicant to confirm that maximum traffic levels have been used, which include for waste removal movements in the assessments undertaken. No further clarification is required.	N/A	N/A	N/A	N/A
CD10	Clarification	**Acceptable** Further clarification has been provided by the Applicant to confirm that minimal construction staff have been	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		assumed to travel by car in the assessments undertaken. The site is well served by public transport; however, the decision maker will need to consider if this assumption is realistic and consider measures to ensure that car use by construction staff is minimised with no construction staff car parking proposed on the site. No further clarification is required.				
CD11	Clarification	**Acceptable** Further clarification has been provided by the Applicant to confirm that crushing activities have been considered in the assessments undertaken. No further clarification is required.	N/A	N/A	N/A	N/A
CD12	Clarification	**Acceptable** The Applicant has updated the NTS to provide additional details. No further clarification is required.	N/A	N/A	N/A	N/A
CD13	Potential Regulation 22	**Acceptable subject to a planning condition** The Applicant has provided further details on how each	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		plot will be developed in isolation. The full scope of the site compound and welfare facility locations should be detailed in the CEMP and approved in advance of the commencement of development. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.				
CD14	Potential Regulation 22	**Acceptable subject to a planning condition** The Applicant has provided further details on how each plot will be developed on a building by building basis with regard to crane use. A planning condition to require confirmation to be obtained from the London City Airport that there is no conflict for each of the proposed cranes for each plot prior to the construction of the cranes on each plot should be sought. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
CD15	Potential Regulation 22	**Acceptable** The Applicant has provided further clarification, although it is noted in the response that reference is made to Plot 8a not being developed in the limited development scenario, however Plot 8a is identified in Table 3 of Appendix M. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
CD16	Potential Regulation 22	**Acceptable** The Applicant has provided further clarification. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
CD17	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
CD18	Planning condition	**Acceptable**	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		Applicant has confirmed they agree with the proposed condition.				
CD19	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
CD20	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
CD21	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
Waste						
W1	Clarification	**Acceptable** The Applicant has provided further clarification. No further clarification is required.	N/A	N/A	N/A	N/A
W2	Clarification	**Acceptable** The Applicant has provided further clarification on the categorisation of the waste sensitivity.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		No further clarification is required.				
W3	Clarification	**Acceptable** The Applicant has provided further clarification on the categorisation of the waste sensitivity. No further clarification is required.	N/A	N/A	N/A	N/A
W4	Potential Regulation 22	**Not Acceptable** The assessment does not consider that volumes of waste are applicable to the assessment of magnitude with regard to on-site uses, sensitive neighbouring receptors or construction workers. The stated reason for this is due to the implementation of the operational waste management strategy. This approach is questioned since there will be an increase in waste arisings from zero currently at the site, in terms of construction and demolition wastes, and the operational waste management strategy does not cover the construction period when some 95,000 tonnes of waste will be generated. It is also considered inappropriate for the magnitude to be averaged	This assumption made in this statement is incorrect. "Magnitude of impact should have regard to projected increases in waste volumes." – Agreed. The magnitude of impact is indeed affected by both volumes of waste and waste composition, as discussed within paragraphs 6.2.2 and 6.5.13 – 6.5.18. However, these are applied differently to the different sensitive receptors: The volume of waste should only have an effect on the sensitive receptor of the local waste management infrastructure; the volume of waste could directly impact the capacity of local waste management infrastructure. Therefore, the magnitude of change based on the volume of waste has been applied to	**Acceptable** The Applicant has confirmed that whilst the waste chapter does not consider the indirect impacts of waste volumes on on-site demolition and construction workers, and nearby sensitive receptors these impacts have been assessed in the assessments undertaken in the transport, air quality and noise and vibration chapters of the ES. Furthermore, confirmation is given that the Site Waste Management Plan will manage construction and demolition wastes and this plan will be subject to a planning condition. In accordance with the ES this Plan should include the target of 95% of construction and demolition wastes to be re-used (paragraph 6.8.29).	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		to assess a worst-case scenario, the greater magnitude of impact should be adopted. Further information is sought from the Applicant.	this sensitive receptor. The magnitude of change based on the composition of waste has also been applied to this sensitive receptor. An overall magnitude of impact is determined when considering both composition and volume of waste. For example, if the volume of waste is considered to have a high magnitude of impact, but waste composition is considered to have a low magnitude of impact, the overall magnitude of impact will be medium. In the event that an average magnitude of impact cannot be determined in this way (i.e. volume of waste is deemed to have a low magnitude of impact and waste composition is considered to have a medium magnitude of impact), the higher magnitude of impact will be defaulted to, in order to provide a worst-case approach to the assessment. The magnitude of change based on the composition of waste has been applied to the sensitive receptors of the local waste management infrastructure (as above), future on-site users, sensitive	The Applicant has confirmed that whilst the waste chapter does not consider the indirect impacts of operational waste volumes on on-site users, and nearby sensitive receptors these impacts have been assessed in the assessments undertaken in the transport, air quality and noise and vibration chapters of the ES. Furthermore, confirmation is given that the Operational Waste Management Plan will manage operational wastes and this plan will be subject to a planning condition. The Applicant has confirmed that the worst-case scenario has been applied in the waste assessments undertaken. No further information is sought.		

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			neighbouring receptors, and construction-site workers. As all handling, storage and waste management will be in line with applicable legislation, guidance and practice requirements, these receptors are unlikely to be impacted by the volume of waste generated as a result of the Revised Scheme. "Further information is sought from the Applicant on the magnitude of impacts that has regard to proposed increases in waste volumes." – see paragraphs 6.8.27 – 6.8.31, and 6.8.38 – 6.8.39. **Further response** It is noted that the reviewer does not consider that the volume of waste has been taken into account for the assessment of demolition/construction or operation, and also queries the application of the magnitude of impact. Each point is discussed in detail below. **Demolition and construction**: The direct effects of waste from demolition and construction does assess the volume of waste, in respect to			

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			the impact on waste infrastructure. This is included in paragraphs 6.8.36 of the ES Addendum., whereby the magnitude of impact is low (based on the very low magnitude of impact regarding waste composition and the low magnitude of impact regarding waste volume). Whilst not included within the Waste chapter itself, the indirect impacts of the volume of waste has been taken into account through the increased HGV traffic movements (generated by the volume of demolition and construction waste) on the local highway network within the Traffic and Transport chapter of the ES Addendum. In addition, the indirect effects of these HGV movements (moving this volume of waste) on on-site demolition and construction workers, and nearby sensitive receptors has been assessed within the Air Quality, and Noise and Vibration chapters of the ES Addendum. During the demolition and construction programme the volumes of waste will be managed (i.e. reduced/recycled wherever possible so that the volume of waste generated is less) by a			

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			Site Waste Management Plan (SWMP) which will be prepared and agreed with LBH and LBTH prior to the commencement of any on-site works. The implementation of this SWMP is therefore expected to reduce the volume of waste, and therefore the magnitude and residual effect are reduced accordingly in the Waste chapter of the ES Addendum. We are therefore of the opinion that demolition and construction waste volumes have been assessed comprehensively in the ES Addendum. **Completion and Operation**: The direct effects of waste from the completion and operation of the Revised Scheme does assess the volume of waste, in respect to the impact on waste infrastructure. This is included in paragraphs 6.8.45 of the ES Addendum., whereby the magnitude of impact is low (based on the very low magnitude of impact regarding waste composition and the low magnitude of impact regarding waste volume).			

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			Whilst not included within the Waste chapter itself, the indirect impacts of the volume of waste has been taken into account through the increased road traffic (servicing) movements (generated by the volume of operational waste) on the local highway network within the Traffic and Transport chapter of the ES Addendum. In addition, the indirect effects of these road traffic movements (moving this volume of waste) on on-site users, and nearby sensitive receptors has been assessed within the Air Quality, and Noise and Vibration chapters of the ES Addendum. During the completion and operation of the Revised Scheme, the volumes of waste will be managed by an Operational Waste Management Plan, which has been prepared for the planning application for the Revised Scheme. The implementation of this OWMP is expected to appropriately manage the volume of waste generated from the operation of the Revised Scheme. We are therefore of the opinion that operational waste volumes have been assessed			

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			comprehensively in the ES Addendum. **Magnitude of Impact:** Whilst it is noted in the original response that there are two ways in which to assign magnitude (either by an average or by the worst case scenario), it can be confirmed that the ES Addendum only applies the worst-case methodology i.e. in all instances where there is a range of magnitudes, the worse impact was applied. For example, where a very low magnitude of impact was identified with regard to waste composition, and a low magnitude of impact was identified with regard to waste volume. The overall magnitude of impact of low was applied (as the worst-case scenario). As we have assessed the worst-case scenario, the assessment is considered robust and reliable.			
W5	Potential Regulation 22	**Not Acceptable** As discussed above, the assessment should consider volumes of waste in the assessment of magnitude with regard to all receptors including on-site uses,	As discussed within the response above, it can be confirmed that the ES Addendum only applies the worst-case methodology i.e. in all instances where there is a range of magnitudes, the	**Acceptable** The Applicant has confirmed that the worst-case scenario has been applied in the waste assessments undertaken.	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		sensitive neighbouring receptors or construction workers. It is not clear with this reassessment whether Scenario 1 as provided in the response from the Applicant would apply or not. It is considered inappropriate for the magnitude to be averaged and to assess a worst-case scenario, the greater magnitude of impact should be adopted. Further information is sought from the Applicant.	worse impact was applied. For example, where a very low magnitude of impact was identified with regard to waste composition, and a low magnitude of impact was identified with regard to waste volume. The overall magnitude of impact of low was applied (as the worst-case scenario). As we have assessed the worst-case scenario, the assessment is considered robust and reliable.	No further information is sought.		
W6	Clarification	**Acceptable** The response provided by the Applicant provides further clarification and this approach is considered reasonable. It is recognised on the basis of the clarification provided that the conclusions would not be altered, however, the approach set out in the ESA varies from the response provided by the Applicant and should ideally be amended to provide clarity. No further clarification is required.	N/A	N/A	N/A	N/A
W7	Clarification	**Acceptable** The response provided by the Applicant provides further	N/A	N/A	N/A	N/A

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		clarification and this approach is considered reasonable. It is recognised on the basis of the clarification provided that the conclusions would not be altered, however, the approach set out in the ESA varies from the response provided by the Applicant and should ideally be amended to provide clarity. No further clarification is required.				
W8	Clarification	**Acceptable** The Applicant has provided further clarification on the conversion factor applied. No further clarification is required.	N/A	N/A	N/A	N/A
W9	Clarification	**Not Acceptable** In Table 6.6 the A3 restaurant row has an assumption of a 50:50 split between mixed dry recyclables and residual waste has been calculated. It is unclear why organic wastes have not been assumed to arise from the A3 restaurant use. Further clarification is required.	"Clarification as to why organic wastes have not been assumed to arise from the A3 restaurant use is sought from the Applicant." - this is an incorrect statement. As per Table 6.6, for restaurant/café facilities proposed for detailed plots (A3 use class), food waste has been calculated separately based on the following percentages; 50% recyclable waste, 30% organic food waste and 20% residual waste.	**Acceptable** The Applicant has provided further information on the split of waste types. No further clarification is sought.	N/A	N/A

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			As per paragraph 6.5.34, for the outline elements, where flexible retail space is proposed (A1-A5 / A, A1+,A3), all flexible retail proposed has been assessed as A3 use class, as this use class generates the largest quantity of waste and thus provides a worst case scenario with regards to waste volumes, and subsequent waste storage requirements. For these outline plots, a 50:50 split between mixed dry recyclables and residual waste has been calculated. At the reserved matters stage the waste strategy for the outline plots will be revisited, and there should be sufficient space within the allocated waste stores (as a result of the flexibility built into the outline operational waste management strategy) for a number of waste streams and receptacles. For the outline elements where restaurant/café facilities have been proposed only (i.e. A3 use class, not flexible retail space), food waste has been calculated separately as per for the detailed plots, based on the following percentages; 50% recyclable waste, 30%			

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			organic food waste and 20% residual waste. **Further response** It is noted that there an inaccuracy in Table 6.6 of the ESA. For clarity that statement that for A3 uses that 'an assumption of a 50:50 split between mixed dry recyclables and residual waste has been calculated' is not correct. Instead the split (including organic waste) are set out below for both the detailed and outline components of the scheme. Note: whilst statement is incorrect in Table 6.6, the split set out below has been applied to the actual assessment: ■ Detailed component of the planning application: ■ A3 (only)– Where A3 uses are proposed within the detailed plots, separate organic waste has been assumed to arise from the restaurant use, with storage provisions allocated according to organic storage requirements as follows:			

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			50% recyclable waste, 30% organic food waste and 20% residual waste; ■ A3 (flexible use) Where A3 uses are proposed (as part of a total flexible retail area allocation) within the detailed plots, separate organic waste has been assumed to arise from the restaurant use, with storage provisions allocated according to organic storage requirements as follows: 50% recyclable waste, 30% organic food waste and 20% residual waste; ■ Outline component of the planning application: – A3 (only)– Where A3 uses only are proposed within the outline plots, organic waste has been assumed to arise from the restaurant use, with storage			

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			provisions allocated as follows: 50% recyclable waste, 30% organic food waste and 20% residual waste; and – A3 (flexible use) – This is the only scenario in which A3 uses have not been provided separate organic waste storage provisions i.e. when they form part of a flexible retail allocation within an outline plot. For these outline plots, a 50:50 split between mixed dry recyclables and residual waste has been calculated (based on 50:50 A1:A3 total area split) – given that restaurant (A3) uses provide the largest quantum of waste			

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			associated with the 'A' use classes, and that it is highly unlikely that 50% of the total flexible area coming forward as part of the flexible retail provision will be restaurant use, the storage requirements outlined for these plots are likely a substantial overprovision. This is considered to be a worst-case scenario with respect to the overall waste volume to ensure there is sufficient capacity. As part of the future reserved matters applications, the specific amount of space required will be confirmed - this will be less than that assessed within the ES Addendum, including provision for organic food waste. This will be secured by a planning condition.			
W10	Clarification	**Acceptable subject to a planning condition** The Applicant has provided further clarification. The	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		requirement for daily non-household collections should be included within the waste management strategy which should be secured through a planning condition. No further clarification is required.				
W11	Clarification	**Acceptable** The Applicant has provided further clarification on the assumptions and approach adopted. No further clarification is required.	N/A	N/A	N/A	N/A
W12	Clarification	**Not Acceptable** Appendix 2 of the OWMS contains calculations for the waste storage requirements of the proposed development. On review of the residential storage requirement tables there appears to be some errors in the number of storage bins required. For example, with Plot 4 and Plot 8a the volume of the recycling bins proposed would not appear to cover the volumes of waste estimated to be generated at these plots. Further information is sought from the Applicant to update the number of bins proposed	Waste storage requirements have been calculated for both residential and non-residential waste streams in line with relevant policy and guidance requirements: The LBTH Local Plan 2031 has been used for the calculation of residential waste storage requirements; The LBTH Local Plan 2031 and British Standards 5906:2005 have been used for the calculation on non-residential waste storage requirements. Space for corresponding numbers of waste storage receptacles has been designed into the Proposed	**Acceptable** **While the information provided is acceptable for the purposes of this review, it does not fully demonstrate that sufficient waste and recycling storage has been provided to cover the reasonable worst-case scenario. The Council should have regard to this in making their determination**. **As such this has been downgraded to a clarification**. Whilst a condition could be attached to any grant of consent requiring further	N/A	N/A

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		to ensure that they are sufficient to provide the necessary capacity of the waste arisings from the proposed development.	Development and presented on plans. The Operational Waste Management Strategy (located within ES Addendum Volume 4: Appendix B Waste) presents this information, including plans and tables depicting the location of waste stores and quantity of waste storage receptables provided. **Further response** All plots have been designed with sufficient waste storage requirements – a plot by plot breakdown is provided below, with an explanation on the methodology where appropriate. **NON-RESIDENTIAL WASTE** Plot 1 – recyclable (non-residential) The total daily non-residential recyclable waste arisings have been identified as 16,240L. The 15 x 1,100L Euro Bins (total volume 16,500L) proposed covers the volume of waste estimated to be generated. **Plot 1 – residual waste** As per the recyclable provisions above	submission of a waste strategy that requires approval from the Council, there may be the risk that the design does not allow for all the necessary bin storage. The Applicant response identifies a number of examples where the volumes of bins provided do not meet the estimated waste volumes expected to be generated. For example, with regard to non-residential wastes this includes: **Plot 5 (Weaver's cottage) – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 282L. 1 x 240L bin (total volume 240L) have been provided. **Plot 5 (Victorian building) – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 303L. 1 x 240L bin (total volume 240L) have been provided. **Plot 7a (oriel) – residual (non-residential)** The total daily non-residential residual waste arisings have been identified as 529L. 2 x		

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			Plot 2 – recyclable (non-residential) The total daily non-residential recyclable waste arisings have been identified as 22,392L. The 21 x 1,100L Euro Bins (total volume 23,100L) proposed covers the volume of waste estimated to be generated. **Plot 2 – residual (non-residential)** The total daily non-residential residual waste arisings have been identified as 20,931L. 19 x 1,100L Euro Bins (total volume 20,900L) have been provided. * **Plot 2 – organic waste (non-residential)** The total daily non-residential organic waste arisings have been identified as 1,461L. 6 x 240L Bins (total volume 1,440L) have been provided* * As discussed within the calculation spreadsheet regarding rounding: if, when summed, the number of bins required equates to a decimal digit up to <.3, the number of bins required has been rounded down to the nearest whole number (e.g. 11.25 has been rounded down to 11 x	240L Bins (total volume 480) have been provided. **Plot 9 – recyclable (non-residential)** The total daily recyclable waste arisings have been identified as 1,137L. The 1 x 1,100L Euro Bins (total volume 1,100L) have been provided There is reference made by the Applicant that such an under provision is due to rounding – justification for this approach is not considered appropriate. It is considered that full provision for the likely waste storage requirements should be provided by the proposed development. There are also examples where this also relates to residential wastes, for example: **Plot 4 – recyclable (residential)** The total weekly residential recyclable waste arisings have been identified as 12,380L. The 11 x 1,100L Euro Bins (total volume 12,100L). **Plot 5 inc. chapel – residual (residential)** The total weekly residential residual waste arisings have		

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			1,100L bins required). Where this is greater than .3, the number has been rounded up to the nearest whole number (e.g. 5.57 rounded up to 6 x bins required). This is common practice, and given the additional days' worth of waste calculated into the waste storage requirements are deemed fully acceptable. **Plot 3 – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 12,738L. The 12 x 1,100L Euro Bins (total volume 13,200L) proposed covers the volume of waste estimated to be generated. **Plot 3 – residual waste** As per the recyclable provisions above **Plot 4 – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 1,984L. The 2 x 1,100L Euro Bins (total volume 2,200L) proposed covers the volume of waste estimated to be generated.	been identified as 9,075L. The 8 x 1,100L Bins (total volume 8,800L) have been provided. **Plot 8a – recyclable (residential)** The total weekly residential recyclable waste arisings have been identified as 8,940L. The 8 x 1,100L Euro Bins (total volume 8,800L). **Plot 8a – organic waste (residential)** The total weekly residential organic waste arisings have been identified as 3,174L. The 13 x 240L Bins (total volume 3,120L) have been provided.		

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			Plot 4 – residual waste As per the recyclable provisions above Plot 5 (including chapel) – recyclable (non-residential) The total daily non-residential recyclable waste arisings have been identified as 2,180L. The 2 x 1,100L Euro Bins (total volume 2,200L) proposed covers the volume of waste estimated to be generated. **Plot 5 (including chapel) – residual waste** As per the recyclable provisions above Plot 5 (Weaver's cottage) – recyclable (non-residential) The total daily non-residential recyclable waste arisings have been identified as 282L. 1 x 240L bin (total volume 240L) have been provided. *As above, the methodology has followed common practice, and the waste storage requirements are deemed fully acceptable. **Plot 5 (Weaver's cottage) – residual waste** As per the recyclable provisions above.			

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			Plot 5 (Victorian building) – recyclable (non-residential) The total daily non-residential recyclable waste arisings have been identified as 303L. 1 x 240L bin (total volume 240L) have been provided. *As above, the methodology has followed common practice, and the waste storage requirements are deemed fully acceptable. **Plot 5 (Victorian building) – Residual waste** As per the recyclable provisions above. **Plot 6 – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 1,089L. The 1 x 1,100L Euro Bins (total volume 1,100L) proposed covers the volume of waste estimated to be generated. **Plot 6 – residual waste** As per the recyclable provisions above **Plot 7a (oriel) – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 755L. The 1			

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			x 1,100L Euro Bins (total volume 1,100L) proposed covers the volume of waste estimated to be generated. **Plot 7a (oriel) – residual (non-residential)** The total daily non-residential residual waste arisings have been identified as 529L. 2 x 240L Bins (total volume 480) have been provided.* As above, the methodology has followed common practice, and the waste storage requirements are deemed fully acceptable **Plot 7a (oriel) – organic waste (non-residential)** The total daily non-residential organic waste arisings have been identified as 227L. The 1 x 240L Bins (total volume 240L) proposed covers the volume of waste estimated to be generated. **Plot 7E (London Rd & Kiosks) – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 1,078L. The 1 x 1,100L Euro Bins (total volume 1,100L) proposed covers the volume of waste estimated to be generated.			

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			Plot 7E (London Rd & Kiosks) – residual (non-residential) The total daily non-residential residual waste arisings have been identified as 838L. The 1 x 1,100L Bins (total volume 1,100L) proposed covers the volume of waste estimated to be generated. **Plot 7E (London Rd & Kiosks) – organic waste (non-residential)** The total daily non-residential organic waste arisings have been identified as 240L. The 1 x 240L Bins (total volume 240L) proposed covers the volume of waste estimated to be generated. **Plot 8a – recyclable (non-residential)** The total daily recyclable waste arisings have been identified as 671L. The 1 x 1,100L Euro Bins (total volume 1,100L) proposed covers the volume of waste estimated to be generated. **Plot 8a – residual waste** As per the recyclable provisions above			

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			Plot 8b – recyclable (non-residential) The total daily recyclable waste arisings have been identified as 5,343L. The 5 x 1,100L Euro Bins (total volume 5,500L) proposed covers the volume of waste estimated to be generated. **Plot 8b – residual waste** As per the recyclable provisions above **Plot 8c – recyclable (non-residential)** The total daily recyclable waste arisings have been identified as 3,732L. The 4 x 1,100L Euro Bins (total volume 4,400L) proposed covers the volume of waste estimated to be generated. **Plot 8c – residual waste** As per the recyclable provisions above **Plot 9 – recyclable (non-residential)** The total daily recyclable waste arisings have been identified as 1,137L. The 1 x 1,100L Euro Bins (total volume 1,100L) have been provided. * As above, the methodology			

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			has followed common practice, and the waste storage requirements are deemed fully acceptable **Plot 9 – residual waste** As per the recyclable provisions above **Plot 10 – recyclable (non-residential)** The total daily non-residential recyclable waste arisings have been identified as 6,326L. The 6 x 1,100L Euro Bins (total volume 6,600L) proposed covers the volume of waste estimated to be generated. **Plot 10 – residual (non-residential)** The total daily non-residential residual waste arisings have been identified as 2,589L. The 3 x 1,100L Bins (total volume 3,300L) proposed covers the volume of waste estimated to be generated. **Plot 10 – organic waste (non-residential)** The total daily non-residential organic waste arisings have been identified as 3,737L. The 16 x 240L Bins (total volume 3,840L) proposed covers the			

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			volume of waste estimated to be generated. **RESIDENTIAL WASTE** **Plot 4 – recyclable (residential)** The total weekly residential recyclable waste arisings have been identified as 12,380L. The 11 x 1,100L Euro Bins (total volume 12,100L). As discussed within the calculation spreadsheet regarding rounding: if, when summed, the number of bins required equates to a decimal digit up to <.3, the number of bins required has been rounded down to the nearest whole number (e.g. 11.25 has been rounded down to 11 x 1,100L bins required). Where this is greater than .3, the number has been rounded up to the nearest whole number (e.g. 5.57 rounded up to 6 x bins required). This is common practice and given the additional days' worth of waste calculated into the waste storage requirements are deemed fully acceptable. **Plot 4 – residual (residential)** The total weekly residential residual waste arisings have			

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			been identified as 16,050L. The 15 x 1,100L Bins (total volume 16,500L) proposed covers the volume of waste estimated to be generated. **Plot 4 – organic waste (non-residential)** The total weekly residential organic waste arisings have been identified as 3,312L. The 14 x 240L Bins (total volume 3,360L) proposed covers the volume of waste estimated to be generated. **Plot 5 inc. chapel – recyclable (residential)** The total weekly residential recyclable waste arisings have been identified as 7,010L. The 7 x 1,100L Euro Bins (total volume 7,700L) proposed covers the volume of waste estimated to be generated. **Plot 5 inc. chapel – residual (residential)** The total weekly residential residual waste arisings have been identified as 9,075L. The 8 x 1,100L Bins (total volume 8,800L) have been provided. * As above, the methodology has followed common practice, and the waste storage requirements are deemed fully acceptable			

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			Plot 5 inc. chapel – organic waste (residential) The total weekly residential organic waste arisings have been identified as 1,886L. The 8 x 240L Bins (total volume 1,920L) proposed covers the volume of waste estimated to be generated. **Plot 5 Victorian building – recyclable (residential)** The total weekly residential recyclable waste arisings have been identified as 240L. The 1 x 240L Bins (total volume 240L) proposed covers the volume of waste estimated to be generated. **Plot 5 Victorian building – residual (residential)** The total weekly residential residual waste arisings have been identified as 180L. The 1 x 240L Bins (total volume 240L) proposed covers the volume of waste estimated to be generated. **Plot 5 Victorian building – organic waste (residential)** The total weekly residential organic waste arisings have been identified as 46L. The 1 x 240L Bins (total volume 240L) proposed covers the volume of			

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			waste estimated to be generated. **Plot 8a – recyclable (residential)** The total weekly residential recyclable waste arisings have been identified as 8,940L. The 8 x 1,100L Euro Bins (total volume 8,800L). As above, the methodology has followed common practice, and the waste storage requirements are deemed fully acceptable. **Plot 8a – residual (residential)** The total weekly residential residual waste arisings have been identified as 10,760L. The 10 x 1,100L Bins (total volume 11,100L) proposed covers the volume of waste estimated to be generated. **Plot 8a – organic waste (residential)** The total weekly residential organic waste arisings have been identified as 3,174L. The 13 x 240L Bins (total volume 3,120L) have been provided. As above, the methodology has followed common practice, and the waste storage requirements are deemed fully acceptable.			

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			Plot 10 – recyclable (residential) The total weekly residential recyclable waste arisings have been identified as 10,910L. The 10 x 1,100L Euro Bins (total volume 11,100L) proposed covers the volume of waste estimated to be generated. **Plot 10 – residual (residential)** The total weekly residential residual waste arisings have been identified as 14,015L. The 13 x 1,100L Bins (total volume 14,300L) proposed covers the volume of waste estimated to be generated. **Plot 10 – organic waste (residential)** The total weekly residential organic waste arisings have been identified as 3,082L. The 13 x 240L Bins (total volume 3,120L) proposed covers the volume of waste estimated to be generated.			
W13	Clarification	**Acceptable** The Applicant has provided further clarification on the sources of information used in the assessment.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		No further clarification is required.				
W14	Clarification	**Acceptable** The Applicant has provided further clarification including details to be contained in the SWMP and CEMP, including a CEMP Corrective Note. These further details should be required to be included in these documents, which will be secured through planning conditions. No further clarification is required.	N/A	N/A	N/A	N/A
W15	Clarification	**Acceptable** The Applicant has provided further clarification on land availability for waste storage. The identification and protection of these areas should be required to be included in the SWMP and CEMP documents, which will be secured through planning conditions. No further clarification is required.	N/A	N/A	N/A	N/A
W16	Clarification	**Acceptable** The Applicant has provided further clarification on the noise assessment.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		No further clarification is required.				
W17	Clarification	**Acceptable** The Applicant has provided further clarification including details on waste removal movements. No further clarification is required.	N/A	N/A	N/A	N/A
W18	Clarification	**Acceptable** The Applicant has provided further clarification on how waste arisings have been calculated. No further clarification is required.	N/A	N/A	N/A	N/A
W19	Potential Regulation 22	**Acceptable** The Applicant has provided further clarification on the assessment of the magnitude of waste generation during operation from the development on existing waste management capacity. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required. .	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
W20	Potential Regulation 22	**Acceptable** The Applicant has provided further clarification on the assessment of the magnitude of waste increases during operations including confirmation that this has had regard to waste volumes and composition in respect of the assessment of impacts on existing waste management capacity. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
W21	Clarification	**Acceptable** The Applicant has provided further clarification on the correct figures to be adopted. No further clarification is required.	N/A	N/A	N/A	N/A
Socio-Economics						
SE1	Clarification	**Acceptable** Upon review of paragraph 7.3.22 the reviewer could not find a reference to Policy H5; however, the Applicant has acknowledged the policy.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		No further clarification is required.				
SE2	Clarification	**Acceptable** The Applicant has provided the requested information No further clarification is required.	N/A	N/A	N/A	N/A
SE3	Clarification	**Acceptable** The Applicant has provided the requested information. No further clarification is required.	N/A	N/A	N/A	N/A
SE4	Clarification	**Acceptable** The Applicant has provided the requested information. No further clarification is required.	N/A	N/A	N/A	N/A
Ground Conditions						
GC1	Potential Regulation 22	**Acceptable** The Applicant has provided further details on the site visit undertaken and further works to be subject to a planning condition.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required				
GC2	Clarification	**Acceptable** The Applicant has provided further clarification and clarifies that a pre-commencement planning condition will be accepted for the development. The GLA should ensure that the investigations required by planning conditions are sufficiently robust to assess groundwater quality in the Alluvium and River Terrace Deposits. No further clarification required.	N/A	N/A	N/A	N/A
GC3	Potential Regulation 22	**Acceptable** The Applicant has provided further details on the further works and consultations to be undertaken. Further works to be subject to a planning condition. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		additional information is required.				
GC4	Clarification/ Potential Planning Condition	**Acceptable** The Applicant has confirmed that further works will be subject to a planning condition. The GLA should ensure that the investigations required by planning conditions are sufficiently robust to assess groundwater quality, and that the CoCP includes mitigation measures for dealing with the risks associated with groundwater contamination as appropriate. Future site assessment reports should include data, conclusions and regulatory review comments where available from Arup's initial ground contamination assessment in 2008 and Aecom's summary report from 2015. No further clarification required.	N/A	N/A	N/A	N/A
GC5	Clarification/ Potential Planning Condition	**Acceptable** The Applicant has confirmed that further details on material	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		reuse will be subject to a planning condition (CoCP). No further clarification required.				
GC6	Clarification/ Potential Planning Condition	**Acceptable** The Applicant has confirmed that further works will be subject to a planning condition. The GLA should ensure that the investigations required by planning conditions are sufficiently robust to allow appropriate gas protection measures are installed and verified in accordance with best practice. This may require independent verification. No further clarification required.	N/A	N/A	N/A	N/A
GC7	Clarification/ Potential Planning Condition	**Acceptable** The Applicant has confirmed that further site investigations will be undertaken to confirm the previous findings and inform the CoCP and CEMP. No further clarification required.	N/A	N/A	N/A	N/A
Traffic and Transport						
T1	Clarification	**Acceptable**	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		No further clarification required				
T2	Clarification	**Not Acceptable** Insufficient clarification has been provided by the Applicant. This clarification request remains.	Discussions are taking place with the local authorities, TfL and GLA during January 2020 to define the proposed provision of cycle routes and infrastructure as part of the Proposed Development. It is considered that, once these have been agreed, the decision as to whether a CERS audit is required can be made jointly by all relevant parties. **Further response:** It is considered a CERS audit at this stage would not be appropriate due to proposed changes to streets surrounding the site. These include: ■ Proposed cycle and pedestrian improvements to the Shoreditch High Street / Great Eastern Street / Commercial Street junction. The proposed design would include improved facilities for cyclists in the form of a southbound cycle lane on Shoreditch High Street	**Acceptable** The clarification provided by the Applicant as a Further Response is sufficient. No further information is requested.	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			and turning movements reserved for cyclists; and ■ The Tower Hamlets Liveable Streets programme includes preliminary proposals to pedestrianise Brick Lane and Sclater Street. The planning application includes a detailed application for Plot 2, and listed building applications for Plots A, B, C and D. The remainder of the Plots form the outline application. The development proposals will not come forward for some time, therefore the street improvements may be in place by the time the development begins on-site. Reserved Matters Application will be required for the plots included within the Outline Application; therefore, audits and assessment of existing cycle infrastructure would be more suitable at these stages, and will be discussed with TfL and the Boroughs once these plans come forward.			
T3	Clarification	**Not Acceptable**	Discussions are taking place with the local authorities, TfL and GLA during January 2020	**Acceptable**	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		Insufficient clarification has been provided by the Applicant. This clarification request remains.	to define the proposed provision of cycle routes and infrastructure as part of the Proposed Development. It is considered that, once these have been agreed, the decision as to whether a CERS audit is required can be made jointly by all relevant parties. **Further response** A Healthy Streets Assessment is contained within Chapter 3 of the Transport Assessment; it is considered that this addresses this requirement.	In the circumstances, the clarification provided by the Applicant as a Further Response is considered sufficient. It should be noted however that the Healthy Streets Assessment is contained within Chapter 5, not Chapter 3, of the Transport Assessment		
T4	Clarification	**Acceptable** No further clarification required.	N/A	N/A	N/A	N/A
T5	Clarification	**Acceptable** The purpose of seeking the requested clarification was to assist a reader of the ESA in their understanding how firstly, the assessment of impact is carried out, and then, on that basis, how the extent of significance is determined. This opportunity remains. It should be noted that this Request refers to the assessment of all impacts, not	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		just pedestrian amenity and delay. Nevertheless, it is accepted that overall impact is reconciled at the end of the chapter. No further clarification required.				
T6	Clarification	**Acceptable** The purpose of seeking the requested clarification was to assist the Applicant in identifying areas of benefit or disbenefit more forensically. This opportunity remains however it is accepted that it appears that no links experience journeys lengthened beyond the threshold of 30% for an impact other than negligible. No further clarification required.	N/A	N/A	N/A	N/A
T7	Clarification	**Acceptable** No further clarification is required.	N/A	N/A	N/A	N/A
T8	Clarification	**Acceptable** No further clarification is required.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
T9	Potential Regulation 22	**Acceptable** This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
T10	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant is accepted. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
T11	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant could be concluded by a clear statement that, for the reasons provided, it is considered that assessment of the effects of severance has been a matter of professional judgement based on likely perceptions of severance due to factors such as, e.g., the positioning of pedestrian crossing points. Notwithstanding that, the response is accepted.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.				
T12	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
T13	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
T14	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
T15	Potential Regulation 22	**Not Acceptable** Whilst the additional information provided by the Applicant is considered acceptable in respect of travel by rail/underground, the equivalent assessment of additional loading of buses is still required. Information is provided already in terms of numbers of additional bus passengers and this can be used as a tool for identifying services which require closer scrutiny, i.e., by reference to Tables 9.25 and 9.26 not all bus service directions need to be included. Further information is required.	A comparison of baseline and with-development bus loading has not been requested by TfL or the Boroughs in the Transport Assessment, and therefore has not been undertaken for the Transport chapter. The maximum additional loading is less than 4 people per bus, and bus capacity has not been raised as a concern by TfL or the Boroughs. When subsequent development phases come forward for detailed application, bus ridership can be reviewed. It is noted that there is greater flexibility to provide additional capacity on the bus network compared to rail-based modes, should this be identified as an issue in future.	**Acceptable** The Further Response provided in respect of the assessment of additional loading of buses is considered sufficient at his time. It is noted that bus ridership can be reviewed as subsequent development phases come forward for detailed application. No further information is requested.		
T16	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
T17	Potential Regulation 22	**Acceptable**	N/A	N/A	N/A	N/A

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		The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.				
T18	Potential Regulation 22	**Acceptable** The additional information provided by the Applicant is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
T19	Clarification	**Acceptable** Whilst no further clarification is sought, the response to T6 does not indicate that a more targeted approach is being adopted. Perhaps once Requests T2 and T3 have been resolved then the process adopted for identifying the need for and, if required, type of mitigation can provide more transparency.	N/A	N/A	N/A	N/A
WM1	Clarification	**Acceptable**	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		The Applicant has provided the requested information No further clarification is required				
WM2	Potential Regulation 22	**Not Acceptable** In the reviewed document there are no items 10.10.11 (as section 10.10 only contains item 10.10.1), 10.13.18 and 10.13.23 (as section 10.13 only contains items 10.13.1 to 10.13.16). Further clarification is sought as to what information is contained within these items.	The references provided in the previous response were incorrect nevertheless the conclusion is accurate – all summaries of residual effects for Wind Microclimate should report non-significant conditions with the exception of a minor adverse effect around the western corner of Building 2. For clarity, there would be no significant effects with the exception of Building 2 terrace/balcony levels where there would be a significant effect of minor adverse significance. This is presented in the summary of the ES chapter in paragraphs: ■ 10.13.8 (for the detailed permission only); ■ 10.13.10 (for the full Proposed Development); ■ 10.13.13 (for the cumulative schemes;	**Acceptable** For clarity it may be helpful to amend 10.8.6 and similar summaries to ensure it is made clear that with the exception of a minor adverse effect around the western corner of Building 2 all residual effects are non-significant. Further mitigation could be considered in a potential planning application to ensure wind levels are appropriate at all locations including the western corner of Building	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			■ The table summary of residual effects (Table 10.6) The location of the adverse effects are shown in Figure 10.21 (as well as in Figure 10.16 for the detailed design component only).			
Daylight, Sunlight and Overshadowing						
The review of this chapter has been undertaken internally by GLA and comments will follow shortly						
Air Quality						
AQ1	Clarification	**Acceptable** The Applicant has provided further clarification on the traffic fleet mix. No further clarification required.	N/A	N/A	N/A	N/A
AQ2	Clarification	**Acceptable** Ricardo has carried out an independent validation on the presence of background monitoring locations within the Applicant's study area. This confirms that there are no background monitoring locations and that Defra's modelled concentrations are suitable.	N/A	N/A	N/A	N/A

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		No further clarification required.				
AQ3	Clarification	**Acceptable** The Applicant has confirmed that sectors were not removed from any background concentrations used in the assessment. No further clarification required.	N/A	N/A	N/A	N/A
AQ4	Clarification	**Not Acceptable** The Applicant considers that the approach of using a pre-2019 baseline would be overly pessimistic and rejects this suggestion. The Applicant goes on to assert that its current approach of using a 2025 background to represent 2027, and a 2028 background to represent 2034 is "*reasonably conservative,"* but the basis for reaching this view has not been provided. The Applicant should explain why this approach is considered to be *"reasonably conservative,"* as recent evidence[16] indicates that the ULEZ has not yet been fully effective in	Justification for the approach has been provided in the applicant response. Regardless of ULEZ implementation and/or success, emissions factors and background concentrations are predicted to decrease in future as a result of newer vehicles entering the fleet mix and the anticipated uptake of electric vehicles. Use of a sensitivity test based on pre-2019 emissions factors and background concentrations would not account for these predicted reductions and was therefore considered excessively conservative. Adopting pre-2019 emissions factors and background	**Not Acceptable** The Applicant has not provided a substantive response to the question raised. The Applicant's response reiterates the reasons why a pre-2019 sensitivity test is not considered reasonable, whereas the question asks for an explanation of why the Applicant considers that their approach is "reasonably conservative." To explain the question further, it is agreed that there is likely to be some decrease in vehicle emissions when different phases of the development become operational (2027 and 2034). However, stating 'emissions factors and		See the Review of the Air Quality Assessment Sensitivity Test Technical Note in Chapter 12 and re-assessment conclusions in Table 23-2 below.

[16] https://www.london.gov.uk/sites/default/files/ulez_six_month_evaluation_report_final_oct.pdf

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		eliminating non-compliant vehicles within the zone. Further clarification is required.	concentrations would represent a pre-ULEZ scenario, not a future year without ULEZ scenario. As such, a pre-2019 sensitivity test is not considered representative of a future without the ULEZ, but rather a past before the ULEZ.	background concentrations are predicted to decrease in the future as a result of newer vehicles entering the fleet mix and the anticipated uptake of electric vehicles', does not provide satisfactory justification for why 2025 and 2028 would represent conservative emissions for the operational years of the scheme. This is a relevant concern because Defra's Emission Factor Toolkit assumes that all vehicles will be CAZ compliant, whereas emerging evidence shows that the ULEZ has not been fully effective at eliminating non-compliant vehicles. Further clarification is sought. The further clarification should either: a) explain the basis for concluding that 2025 and 2028 represent conservative emissions for the operational years of the scheme in the light of the likely performance of the ULEZ Or b) set out what the impacts are from a more fully justified sensitivity test (such as, including a proportion of non-compliant Euro standard from		

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
				different vehicle types and the most polluting Euro standard for compliant vehicles), with the calculations clearly shown.		
AQ5	Clarification	**Acceptable** The Applicant has demonstrated that they have considered each phase and in-combination traffic impacts within their air quality assessment. No further clarification required.	N/A	N/A	N/A	N/A
AQ6	Clarification	**Acceptable** The presence of street canyons at these locations means that the higher concentration environments have been reflected in the dispersion model. No further clarification required.	N/A	N/A	N/A	N/A
AQ7	Clarification	**Acceptable** The Applicant has provided sufficient information to justify screening out the listed monitoring locations from model verification. Without these locations there is a satisfactory number of locations in model verification	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		to provide reassurance for the estimated concentrations. No further clarification required.				
AQ8	Clarification	**Acceptable** The Applicant has demonstrated that the incorrect reporting of LBTH's 2016 monitoring data as 2017 does not affect model verification. No further clarification required.	N/A	N/A	N/A	N/A
AQ9	Clarification	**Acceptable** Further clarification has been provided on Plot 7a and Plot 3. No further clarification required.	N/A	N/A	N/A	N/A
AQ10	Clarification	**Not Acceptable** The construction phase assessed is for 2027, however construction is due to start in 2021. Consequently, other phases' construction traffic preceding 2027 will have a more polluting fleet. The Applicant should clarify if each phases' construction traffic could trigger IAQM's assessment criteria. If the phases' construction traffic triggers assessment criteria	We have screened the construction traffic data for the limited development scenario (LBTH only scenario) against the EPUK/ IAQM screening criteria and the only year which triggers the need for detailed assessment is 2027. This aligns with the assessed construction scenario and therefore no further assessment is required.	**Acceptable** Further clarification provided by the Applicant. No further clarification is required.	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		these should be assessed, e.g. via a detailed dispersion model using vehicle emissions profiles representative of earlier construction years. Further clarification is sought.				
AQ11	Potential Regulation 22	**Acceptable** The Applicant has demonstrated that new receptors introduced by the scheme have been included in the assessment of later phases' air quality impacts. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
AQ12	Planning Condition	**Additional proposed planning condition (Air Quality): Construction Environmental Management Plan** No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall follow 'The Control of Dust and Emissions	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		During Construction and Demolition' SPG (2014) and aim to minimise the amenity, environmental and road network impacts of the construction activities and include the details of: e. Telephone, email and postal address of the site manager and details of complaints procedures for members of the public; f. Measures to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions; g. Scheme for recycling/disposition of waste resulting from construction works; h. Ingress and egress to and from the site for vehicles; The development shall not be carried out other than in accordance with the approved details.				

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		Reason: To safeguard the amenity of local residents and the area generally in accordance with policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013). To minimise the adverse air quality impacts of the development, in accordance with policies 7.14 of the London Plan (2016), SP03 of the Core Strategy (2010) and DM9 of the Managing Development Document (2013).				
Noise and Vibration						
NV1	Clarification	**Acceptable** A table has been provided showing predicted construction noise levels at receptor locations where significant effects are likely to occur. Consideration has been given to the relevant construction phase, baseline noise levels and estimated duration. No further clarification is required.	N/A	N/A	N/A	N/A
NV2	Clarification	**Acceptable** A table has been provided showing predicted construction noise levels at the new receptor locations which are	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		likely to be affected by on-going construction works. Minor to Moderate effects have been predicted. Relevant construction phases are shown as well as baseline noise levels and estimated duration. No further clarification required.				
NV3	Clarification	**Acceptable** A table has been provided showing the predicted cumulative construction noise levels likely to arise at receptor locations from four relevant cumulative schemes. Baseline noise levels are given alongside the predicted noise levels, showing Moderate adverse effects. It is agreed that with relevant BPM the actual levels are likely to be lower than those predicted in the table. No further clarification is required.	N/A	N/A	N/A	N/A
Water Resources and Flood Risk						
WRFR1	Clarification	**Acceptable** The Applicant has indicated that the climate change allowances are given in the	N/A	N/A	N/A	N/A

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		ESA/FRA and referred to throughout. No further clarification required.				
WRFR2	Clarification	**Acceptable.** Clarification has been provided by the Applicant on data sources used and any limitations with the data. No further clarification required.	N/A	N/A	N/A	N/A
WRFR3	Clarification	**Acceptable** As climate change models do not show flooding from the River Thames at this location in FZ1, and due to the low risk of surface water this can be considered appropriate, also given the highly urbanized nature of the area. No further clarification required.	N/A	N/A	N/A	N/A
WRFR4	Clarification	**Acceptable** As climate change models do not show flooding from the River Thames at this location this response is considered appropriate, however mention of this justification would be of benefit to the FRA.	N/A	N/A	N/A	N/A

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		Regarding pluvial flooding the Applicant's response is acceptable (related to WRFR5). No further clarification required.				
WRFR5	Clarification	**Acceptable** This response is considered acceptable as the Applicant has identified that allowances have been used from the NPPF PPG. Furthermore, the Applicant has used the upper percentile allowances, thus allowing for large rainfall intensities, providing a more resilient solution. They do not state if they have been agreed with local authorities by consultation, but as the above guidelines (including other local ones) have been met, this is considered appropriate. No further clarification required.	N/A	N/A	N/A	N/A
WRFR 6/7	Clarification	**Acceptable** The Applicant has confirmed agreement for a further planning condition as requested. No further clarification required.	N/A	N/A	N/A	N/A

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WRFR 8	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
WRFR 9	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
WRFR 10	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
WRFR 11	Planning condition	**Acceptable** Applicant has confirmed they agree with the proposed condition.	N/A	N/A	N/A	N/A
WRFR 12	Clarification	**New clarification request in response to questions raised by the London Borough of Hackney**. In the FRA (Appendix J) there is some information with regards to the unattenuated/unrestricted Catchment H. Paragraph 5.1.2.4 states *"Please note, specific areas are restricted spatially at the lower ground level, due to the extent of basement underlying*	The drainage strategy outlines how the management of surface water runoff for the entire site is delivered following the Proposed Development. Catchment H is included to quantify the unrestricted rate of discharge, to assess what other drainage catchments require to compensate i.e. what further attenuation with a further restricted rate is needed. To compensate for Catchment H, further reduced rates are	**Acceptable** The Applicant has issued a revised NTS and SuDs proforma, which is welcomed. It should be noted that the Outline Drainage Strategy still states that Thames Water have not yet responded to the capacity check since December 2018. With regards to clarification for the inclusion of Catchment H, the Applicant's response clearly states the reasoning	N/A	N/A

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		a large proportion of the western side of the site, and the building envelope around the perimeter of the Site. In addition, a section of the platform level to the west of the site is constrained due to the levels design in that area, i.e. a drop within the Site exists in this area, which does not provide the necessary depth required for an attenuation layer). As a result, storing attenuation tanks in these areas is considered unfeasible. Therefore, a total catchment area of 3979m² is proposed to drain freely and without attenuation on site, thus discharging into the public sewer network at an unrestricted flow rate. The remaining attenuated areas will target further reductions to compensate these unrestricted Catchment H". Clarification is sought from the Applicant for the reasoning to include Catchment H if no changes are to be undertaken to this area and it already freely drains to the public sewer. Furthermore, the applicant states that SuDS are not possible on this catchment, it aims to target further reductions to compensate – how the Applicant aims to	provided across all catchments by restricting to a rate of 2l/s, a flow rate set as low as practically possible before the risk of blockages associated with low flows can become an issue. Note: Catchment A has a restricted rate of 2.8l/s due to limited attenuation space available within the catchment. Table 8 within the drainage strategy shows the pre-development and post-development rates for the entire site and shows a reduction of at least 89%. Catchment H has also been included to satisfy and demonstrate to Thames Water, the Site's entire predevelopment and post-development scenario, as part of our pre-planning enquiry.	behind this. This has been included in order to compensate for the flows from Catchment H that drain directly to the public sewer (shared by the other Catchments in the development). The Applicant intends to make adjustments to further reduce flows from other catchments, to compensate for the total Catchment H flows. This is expected to be beneficial for the development and local utility infrastructure. The Applicant also states in the drainage strategy and SuDS proforma that hydrobrakes, blue roofs and on-site storage will be used to provide these reductions on site. Based on the understanding of SuDS hierarchy (infiltration techniques being unsuitable in this urban location), this is considered acceptable.		

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		achieve these further reductions across other catchments, should also be clarified.				
Archaeology						
ARCH2	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH3	Clarification	**Acceptable** The Applicant has provided the clarification requested, and their further inclusion of the supporting field reports is welcomed. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH5	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH6	Clarification	**Acceptable** The Applicant has provided the clarification requested.	N/A	N/A	N/A	N/A

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		No further clarification is required.				
ARCH7	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH8	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH9	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH11	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH12	Clarification	**Acceptable** The Applicant has provided the clarification requested.	N/A	N/A	N/A	N/A

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		No further clarification is required.				
ARCH13	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH15	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH16	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH17	Clarification	**Acceptable** The Applicant has clarified that none of the clarification/ potential Regulation 22 requests materially affect the findings of the assessment. No further clarification is required.	N/A	N/A	N/A	N/A
ARCH1	Potential Regulation 22	**Acceptable**	N/A	N/A	N/A	N/A

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		The Applicant has provided the further information requested. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.				
ARCH4	Potential Regulation 22	**Acceptable** The Applicant has provided the further information requested and stated that it does not materially affect the findings of the assessment. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
ARCH10	Potential Regulation 22	**Acceptable** The Applicant has provided the further information required. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
ARCH18	Potential Planning Condition	**Acceptable**	N/A	N/A	N/A	N/A

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Built Heritage						
BH2	Clarification	**Acceptable** The Applicant has provided the clarification requested. No further clarification is required.	N/A	N/A	N/A	N/A
BH4	Clarification	**Acceptable*** The Applicant has provided the clarification requested. *It should be noted by the decision-maker that the study area has not been informed by a ZTV as required by Historic England's (2015) Tall Building guidance and (2017) GPA3. It also means that the Applicant has not complied with the Scoping Opinion. No further clarification is required.	N/A	N/A	N/A	N/A
BH6	Clarification	**Acceptable** It is welcomed that the Applicant has provided a location figure of heritage assets near to the site and their designation. However, it does not cover the whole study area and the heritage assets within it, nor does it identify specific heritage assets so that	N/A	N/A	N/A	N/A

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		it can be cross-referenced to the text (as requested), making it of limited use. No further clarification is required.				
BH16	Clarification	**Not Acceptable** It is fully appreciated that the scheme is a complex one that will require a detailed CEMP and be subject to planning condition. However, it is concerning that there is no outline of preventive measures and no mention of historic building recording in relation to the demolition of the non-designated heritage assets on site, some of which are considered curtilage listed. As EIA regulations 1 require that measures to prevent, reduce and offset significant adverse effects are described. The Applicant is requested to provide an outline of the risks of physical harm arising from the scheme and the type of protective measures that may be undertaken, including whether historic building recording is being proposed in relation to the assets to be demolished.	It is usual that measures designed to protect retained heritage structures during demolition and construction at the site would be expected the subject of a condition to planning permission and listed building consent when granted. In summary, risks of physical harm arising from the scheme might be described as those arising from the use of heavy plant and machinery in close proximity to a structure which may result, as a function of operator error or accident, in damage which could range from superficial to total destruction and all levels between. The type of protective measures that may be undertaken – in tandem with clear instructions to onsite operatives abut sensitivities on site would include, protective wrapping of sensitive features or structures, clear signage and buffer zones around retained structures.	**Acceptable** The applicant has provided the clarification requested. **No further information is required.**	N/A	N/A

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			In order to facilitate the scheme, a small number of structures or parts of structures have been identified for demolition. The proposed extent of demolition within the site is shown in plan which can be found in the Heritage Statement: Appendix C - Heritage Fabric Assessment (p56). A summary of items proposed for demolition is also given below. It is proposed that each of the items to be demolished is recorded according to best practice as described within Historic England guidance (Historic England, Understanding Historic Buildings: A Guide to Good Recording Practice, May 2016). Given the amount of information already in existence about the site and contained within the Appendices to the Heritage Statement, coupled with the type of structures to be demolished; it is recommended that recording to Level 1 would be sufficient. A summary of structures proposed for demolition: ■ the western vaults from V1-V11 and to include the			

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			demolition of a 10m section of boundary wall to ■ Commercial Street ■ the barrel vaults at V3-V11 and R1, R2 and R5; ■ two sections of northern boundary wall to allow for access to Cygnet Lane and Brathwaite Street; ■ the non-listed structures either side of the former Mission Hall (north) ■ opening up of the wall between the last arch and Brick Lane to provide access on axis with the Braithwaite Viaduct; ■ the arch over Wheler Street; ■ the 'Silver ramp' at the south-west corner of the site; ■ Braithwaite Viaduct: the clearance of later structures from the			

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			western end of the viaduct and the insertion of a main access stair in the last vault to the east. ■ a number of new openings between the spine walls of the unlisted vaults.			
BH1	Potential Regulation 22	**Acceptable** The GLA should disregard the duplicate assessment of heritage assets presented within the TVIA. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
BH3	Potential Regulation 22	**Acceptable** The Applicant is incorrect in stating that below-ground assets do not have a setting. This request was made to ensure that the Applicant demonstrated that SMs had been screened out of the assessment, based on an appropriate understanding of the contribution made to their significance by setting. In this instance we are content that	N/A	N/A	N/A	N/A

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		setting does not contribute to the asset's heritage significance. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required				
BH5	Potential Regulation 22	**Not Acceptable** Paragraph 16.3.29 states what a HER is – and that it is accessible via Heritage Gateway; it does not state that it has been reviewed and the paragraph that lists the sources used (16.5.3) does not reference the HER, or Heritage Gateway, which in any case is not appropriate for planning use as it is not maintained as a live database and, as such, may not include important information. Both the NPPF (para's 187 and 189) and Historic England best practice guidance (e.g. GPA2 and GPA3) require that as a minimum the HER – a live historic environment database maintained by the local authority - is consulted to identify heritage assets and their significance.	The updated GLHER search (Appended) has been reviewed. We can confirm that it does not: a) identify any additional above-ground non-designated heritage assets; or; b) include any relevant information on the heritage significance of assets that could change the built heritage assessment and findings presented.	**Acceptable** (Note that whilst it is considered acceptable that the GLHER contains no additional non-designated heritage assets that affect this assessment there remains an issue with the ES chapter having not assessed non-designated heritage assets that are due to be demolished and with the heritage statement erroneously stating that parts of the listed structures on site are only curtilage listed and then treating them as non-designated heritage assets.) **No further information required.**	N/A	N/A

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		An up-to-date GLHER search has already been obtained for the archaeology assessment and it should be reviewed by the Applicant to ensure that: c) It does not identify any additional non-designated heritage assets. (If it does then these will need to scoped in/out and assessed if required). d) It does not include any relevant information on the heritage significance of assets that could change the built heritage assessment and findings presented. This will ensure that the assessment accords with the scoping opinion and the requirements of the NPPF. (The lack of a clearly-labelled figure covering all assets in the study area – previously requested as BH6 – exacerbates this uncertainty.) Further information is sought.				
BH7	Potential Regulation 22	**Acceptable** The Applicant has provided further information on their criteria for defining significance, which was otherwise absent from their	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		ESA methodology and the supporting appendices. No rationale has been provided for why some of the baseline utilises designation criteria to determine significance. (For reference, the decision-maker should note that Historic England's Conservation Principles (2008) which include four heritage values – evidential value, historical value, aesthetic value, and communal value - may broadly be equated to the NPPF heritage values with evidential interest equalling archaeological value; historic interest equalling historical and communal value; and artistic and architectural interest equalling aesthetic value. The designation criteria are not readily equated to the NPPF/ Conservation Principle heritage values but are considerations in determining the heritage values of an asset.) This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.				

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BH8	Potential Regulation 22	**Acceptable** There is an issue with the assessment in that setting has been presented as essentially congruent with visual amenity and assessed as something separate to heritage significance. This means that assessment of effects does not solely relate to heritage significance, but also townscape and visual considerations (which are already assessed in the Townscape and Visual Impact Assessment). For example, a minor beneficial effect is reported in relation to the effects on the Commercial Street Centre: a group of listed buildings including: The Ten Bells Public House (grade II listed), Nash Monument (grade II listed), Cattle Trough (grade II listed) and the Central North Block of Spitalfields Market (grade II listed). This effect is apparently due to the scheme 'contributing positively' to the 'modern, larger scale buildings that form part of the listed buildings setting'. For this to be a heritage benefit it must be demonstrated that the scheme	N/A	N/A	N/A	N/A

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		benefits the heritage values of these assets, not the modern townscape (which does not contribute to the heritage significance of the asset). While we disagree with elements of the Applicant's approach to assessment of effects, we are content that – provided the other potential Regulation 22 requests are met – there will be sufficient information has been provided to satisfy the requirements of the Regulations and enable the GLA to reach a determination. However, given the issues highlighted we advise the GLA to draw its own conclusions on levels of effect and to disregard assertions of beneficial effects as a consequence of setting change.				
BH9	Potential Regulation 22	**Acceptable** Proximity based approaches to sensitivity are not appropriate in relation to the heritage assets and have no support from best practice guidance. The use of proximity rather than contribution of setting to heritage significance undermines the reliability of the assessment and its	N/A	N/A	N/A	N/A

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		findings. It is therefore advised the assessment is treated with caution. Whilst the assessment is undermined by several issues if the outstanding potential Regulation 22 requests are met there should be sufficient information for the GLA to reach their own conclusions as to the built heritage effects of the scheme.				
BH10	Potential Regulation 22	**Acceptable** Heritage significance comprises evidential, historical, aesthetic and communal values, which may be intangible and therefore not covered by the terminology 'fabric and setting'. Furthermore, whilst all assets have a setting this does not automatically contribute to their heritage significance. The importance of setting lies in what it contributes to the significance of a heritage asset, or to the ability to understand and appreciate that significance. As such, effects to setting are direct effects to an asset's heritage significance, not indirect. As previously indicated, we maintain significant concerns with regard to the method and	N/A	N/A	N/A	N/A

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		outcomes of the assessment and, as noted above, will advise the GLA accordingly.				
BH11	Potential Regulation 22	**Acceptable** As noted above, we maintain significant concerns with the assessment methods applied but accept that – if the remaining clarifications/ potential Regulation 22 requests are met – there should be sufficient information has been provided to satisfy the Regulations. The approach taken to setting in particular – while clearly set out – diverges from industry standards and best practice. .	N/A	N/A	N/A	N/A
BH12	Potential Regulation 22	**Acceptable** The Applicant has provided the further information requested. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
BH13	Potential Regulation 22	**Not Acceptable** This request has been raised to ensure that in accordance with EIA regulations there is an	The effects of the scheme on heritage assets that have a setting that contributes to their heritage significance and	**Not Acceptable** The information provided repeats the existing assessment and does not	The Applicant has provided a short overview of their methodology, a short clarification on the status of the	**Not Acceptable** The Applicant has clarified that they do not consider any buildings on site to be curtilage

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		understanding of the significant effects of the scheme, the information for the reasoning behind those effects, and that that reasoning takes into account current knowledge and methods of assessment. To address this, it is requested that the Applicant provide further information on the effects of the scheme in relation to individual heritage assets, or groups of heritage assets that are functionally or otherwise related and have settings which contribute to their heritage significance in the same way (assets should not be grouped for assessment simply as a result of their proximity/ location). For their own ease and that of the reader, it is recommended that this information is tabulated. It is to include: ■ Assessment of non-designated assets, particularly those that are curtilage listed; ■ A breakdown of all construction and operational effects, their magnitude of impact, level of significance, and a (short) but explicit statement on what heritage values are being affected and how	which interact with the proposed development is discussed at length and in detail in the Heritage Statement and its Appendices (Appendix A - Audit of Historic Structures and Heritage Assets; Appendix B – Context Appraisal and Appendix C - Heritage Fabric Assessment). (i) There are a number of non-designated heritage assets which form part of the curtilage of the site. These include the viaduct arches to the south of the Braithwaite Viaduct and the continuation of these to the west of Braithwaite Street. Also included are the remaining stretches of boundary wall of the former goods yard to the south, north, and south-west of the site and the former Mission Hall to the north. On Sclater Street there is a terrace of three Weaver's houses and the 'Victorian' building. These are to be retained and refurbished. The termination of the unlisted structures, in the form of a stock brick wall on Brick Lane also should be considered as part of the unlisted heritage structures on the site. The former Mission Hall Weavers' Cottages and Victorian building are elements of the	sufficiently address the issues raised. **This potential Regulation 22 request stands.**	importance of the buildings on site and a table containing a breakdown of predicted effects. The table includes a summary of the assessed assets heritage significance and the contribution to that significance made by setting. It also separately lists all effects (adverse and beneficial).	listed. However, the updated NTS contradicts this by stating that there are curtilage listed buildings on site. It is up to the GLA – not the Applicant - to decide what constitute curtilage listed buildings. The GLA should note that these buildings appear to be physically joined to the listed viaduct on the site, meaning that they are technically listed. However, the listing description states that they are not of special interest. Therefore listed building consent may not be required in the event that works are proposed to these parts, as Section 7 of the Act only applies where works to a listed building would 'affect its character as a building of special architectural or historic interest'. Nevertheless, this is for the planning authority to determine. The tabulated information provide makes transparent the Applicant's assessment. However, whilst the assessment is now clear, the further information provided continues to expose some flaws in the application of their methodology and its adherence to policy and guidance. It also highlights

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		(e.g. the architectural interest of the asset as expressed through x, y, z, would be affected by the development as a result of x, y, z). This will enable the reader to easily determine whether the effects are to an asset's heritage significance or not and understand the logic behind the argument. This information is only required in relation to heritage assets that have a setting that contributes to their heritage significance and which interacts with the proposed development.	Brick Lane and Fournier Street Conservation Area and as such form part of a designated heritage asset. The remains of the boiler house on the east side of Wheler Street houses the remains of the hydraulic accumulator (within arch V36 on the south side of London Road). This is the largest and most significant piece of existing engineering that remains on site. Remaining non-designated assets within the wider assessment area include locally listed (LBH and LBTH) domestic and retail premises along with and small scale warehouses. Non-designated assets are discussed in detail in the Heritage Statement and its Appendices (Appendix A - Audit of Historic Structures and Heritage Assets (section 4); Appendix B – Context Appraisal (section 4) and Appendix C - Heritage Fabric Assessment: (section 2)). (ii) Please see Appendix G, appended to this response. (iii) The table showing the heritage receptors significance (Appendix G), the ESA Chapter and the Heritage Statement and its Appendices describe how the evidential,			some information gaps. Primary amongst flaws and gaps are: ■ The link between heritage significance and effect (especially in relation to beneficial effects); ■ The grouping of assets for assessment; ■ The weighing of effects in the round; ■ The conflation of townscape/ visual and heritage considerations (especially in relation to the beneficial effects). (A full explanation of the issues/ gaps may be found in the original assessment review and summarised in this table under potential reg 22 request to the left) Until these are addressed as requested under BH13/ 14 the GLA is unable to discharge its duties in relation to the EIA regulations and the NPPF. This request stands. For clarity, the additional information requested need only be provided for those assets that will be physically impacted or which have settings that relate to their heritage significance and are sensitive to change as a result

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			historical, aesthetic and communal values of heritage assets on and around the site will be affected by the proposed development, and the degree to which those values are affected. Where no intervention is made in the physical fabric of the asset, this will occur as a result of alteration in the setting of the asset caused by new built form that changes the physical context in which they are experienced and thus the way the heritage values they possess will be appreciated. In such instances, each heritage value continues to be present in the asset, particularly non physical evidential, historical, and communal values. Aesthetic may be reduced by the visibility of the asset being limited by new intervening built form. Where direct physical intervention occurs in heritage assets affected by the proposed development, the works have been designed to minimise that intervention to that which is necessary to preserve special architectural or historic interest and heritage values. While nonphysical, evidential, historical, and communal values are also			of the development. A scoping exercise using a ZTV would help the Applicant to reduce the number of assets assessed and the amount of information required.

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			preserved in this instance some loss of fabric in the development will cause a certain reduction in aesthetic value. However, the proposed development will also cause the aesthetic value of the heritage assets within the Site to be a) repaired and b) better revealed – the Oriel and its associated structures and the Braithwaite Viaduct will, after many years, be restored and their heritage values will be readily appreciable.			
BH14	Potential Regulation 22	**Not Acceptable** The Applicant appears to have clarified that they have not weighed effects in the round. However, they have not presented a full breakdown of individual effects. This deficiency should be addressed by BH13.	Please see response to BH13 above	**Not Acceptable** A breakdown of the individual effects should be provided. (See BH13) **This potential regulation 22 request stands.**	As above	**Not Acceptable** As above
BH15	Potential Regulation 22	**Not Acceptable** The Applicant has provided no information on cumulative *effects*. The ESA provides a list of cumulative *schemes* (i.e. other developments, consented or in planning, that should be considered in	(i) The effect analysed relates to the cumulative effects of the identified schemes upon the on-site designated heritage assets only, namely: ■ Braithwaite Viaduct;	**Not Acceptable** The Applicant has clarified that the cumulative effects reported relate to two listed structures on site. The assessment is presented incorrectly and provides only one level of effect in relation to each scheme rather than in	The Applicant has provided a further assessment of cumulative effects in tabulated form. It is stated that the assessment is to be read in conjunction with TVIA assessment by Peter Stewart Consultancy.	**Not Acceptable** The Applicant appears to have undertaken an assessment of views from the TVIA chapter. However, whilst views may contain heritage assets, or can be important to the significance of some heritage assets, they are not heritage assets in themselves. The

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		parallel with the proposed development). No information on heritage assets, or the anticipated level of effect, has been included. The previous request stands. The Applicant is requested to provide additional information on: ■ Assets potentially subject to cumulative effects ■ Their significance, particularly the contribution made by setting; and The anticipated level of effect.	■ Forecourt Wall and Gates to Old Bishopsgate Goods Station ('Oriel Gateway'). (ii) The significance of the Braithwaite Viaduct relates to its being 'a rare and early structure with a design and use of materials that render it distinct from both later railway architecture and the neighbouring viaducts to the south' (HE List description). The significance of the Oriel Gateway' lies in its function as a key entrance to the later Goods Yard complex. The setting of these two designated assets is enhanced by the encompassing boundary wall which designates the curtilage of the site and by the accretions that were part of the later development of the goods yard over the ensuing 100 or so years. (iii)The effects that have been considered are (a) direct physical impact or (b) impact upon the setting of designated asset. The anticipated level of effect has been provided in table 16.11 of the ESA Chapter. Refer to Table included within Applicants response.	relation to each asset considered. It is also unclear whether cumulative effects to other heritage assets in the study area have been considered; and even if they were, their assessment would be undermined by the Applicant's misunderstanding of setting. A robust assessment of cumulative effects is required. **This potential regulation 22 request still stands.**		assessment also does not appear to relate to the list of cumulative schemes that have been consented or are underway. The purpose of this assessment is therefore unclear. A cumulative assessment of effects is a standard component of EIA. In relation to cultural heritage the potential effect of the proposed scheme on each heritage asset needs to be considered in tandem with the effect of the cumulative schemes to understand whether a greater or lesser cumulative effect is likely. Without a cumulative assessment of effects, the assessment does not comply with the EIA regulations, as the potential for significant cumulative effects has been identified (and hence scoped into the assessment). This request stands.

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
BH17	Potential Regulation 22	**Acceptable** The Applicant has repeated their assessment text regarding the Oriel Gate/ Walls. It should be noted that the effect reported would be an indirect effect of the LDS. No further information has been provided on the cumulative effects reported in the LDS. However, if the information requested for BH15 is provided then it should cover this request for information.	N/A	N/A	N/A	N/A
BH18	Potential Regulation 22	**Acceptable** The NTS has been updated as requested. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
BH19	Potential Regulation 22	**Not Acceptable** It is welcomed that the NTS has been updated to accurately reflect the findings of the assessment as it currently stands. However, the outstanding potential regulation 22 requests may result in changes that need to	There is no update to the NTS required.	**Not Acceptable** The outstanding potential regulation 22 requests may result in changes that need to be reflected in the NTS so until they can be reviewed this request is left as unacceptable.	The Applicant has provided an updated NTS.	**Not Acceptable** The updated NTS contradicts the information provided for BH13 and 14 stating that: " *There are 2 listed historic Goods Yard structures on the site. All other historic Goods*

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		be reflected in the NTS so until they can be reviewed this request is left as unacceptable.		**This potential Regulation 22 request still stands.**		*Yard structures on the Site are Curtilage Listed*." The NTS provides an accurate overview of the assessment and appears to include a full summary of the significant effects. However, this request has been left as not acceptable lest the visitation of the assessment lead to changes that need to be reflected in the NTS in order to comply with the EIA regulations.
Ecology						
ECO1	Clarification	**Acceptable** No further clarification is required.	N/A	N/A	N/A	N/A
ECO2	Clarification	**Acceptable** No further clarification is required.	N/A	N/A	N/A	N/A
ECO3	Potential Regulation 22	**Acceptable** This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
ECO4	Potential Regulation 22	**Not Acceptable** The response outlines further bat surveys which have been/ are being undertaken to assess the potential of the arches for hibernating bats. These surveys are welcomed and are considered acceptable in principle; however, more information is requested in order to determine if sufficient survey effort has been applied to draw robust conclusions. The Applicant is requested to provide information on the following, supported by maps and photographs if appropriate: ■ which archways were accessible and which archways were not accessible for survey; ■ how much of the accessible archways were surveyed (for example was height of the Bat Roost Potential (BRP) features a restriction);	Hibernation Bat surveys were conducted in January and February 2020 on three separate occasions, and static monitors were installed on site. The main findings are as follows: No bats or evidence of hibernating bats were recorded during the inspection of the railway arches / tunnels. However, features were present on the structures with potential to support hibernating bats. Two static detectors were deployed in two areas of the site, Area A and Area B. Bat activity was recorded during the survey by the static detectors for Area B only, with common pipistrelle bats recorded on four nights in January. The microclimatic conditions of the structures were reviewed to assess the suitability of the features to support roosting bats during hibernation. The temperature and relative humidity readings indicated that the railway arches / tunnels and their features were	**Not Acceptable** The Bat Hibernation Survey Report (The Ecology Consultancy, February 2020) confirmed that the tunnels and archways contain features with suitability to support hibernating bats and these structures are located adjacent to a railway line which provides connectivity with the wider landscape. Tunnels and archways of this nature are a rare feature in the area and have the potential to be a valuable hibernating resource for bats, in an urban landscape where hibernating opportunities are already limited. It appears that there are parallels between this site and tunnels elsewhere in London, which support important hibernation roosts. Given the extent of the tunnel systems/archways within the site, there is a high probability that at least one of these structures is used to some extent as a hibernation roost. Hibernating bats are often under recorded because they can be well concealed within crevices[17] and can be difficult to record using static	The Applicant provided a Bat Mitigation Strategy	**Acceptable** Please see the discussion outlined in Chapter 17: Bishopsgate Ecology Response to the Applicant's submission of a Bat Mitigation Strategy.

[17] Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guildelines (3rd edn.) The Bat Conservation Trust, London.

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		■ the locations of the static detectors in relation to the archways; ■ and the dates and weather conditions during the static detector surveys. If any archways were not subject to either an inspection or a static detector survey, the Applicant is requested to provide justification for this. Further information is required.	suitable to support hibernating bats. The nature and scale of the works is varied and specific to each area and the archways / tunnels within them. There is potential for the works to result in both direct and indirect impacts to roosting bats. In light ofthe findings, a precautionary approach is recommended, and the mitigation hierarchy must be implemented,and any potentially disturbing works should be avoided in the first instance. Pre-construction check - Where the works proposed have potential to impact the potential roost features of a structure, a precautionary method of works should be undertaken in accordance with a method statement, whereby the potential roost features are checked by a bat licenced ecologist immediately prior to the works and a toolbox talk completed by a suitably qualified ecologist with regards to roosting bats should be completed to inform all contractors working on the structure. Timings - it is recommended that works are undertaken	detectors; particularly in a large site such as this with numerous suitable features and areas with limited access. Currently we consider that insufficient survey effort has been applied to draw firm conclusions on use of the site by hibernating bats; and therefore, there is insufficient evidence available for the GLA to reach an informed conclusion on the potential for the proposed development to result in significant effects on bats. Area D is of most concern, as the Bat Hibernation Survey report states that no internal or external inspections have been undertaken and no static detectors were deployed in this area. This is considered unacceptable. The Bat Hibernation Survey Report also states that in other areas of the site, features with potential to support hibernating bats could not be inspected due to the height of the archways/tunnels and some underground areas which had restricted access. Despite this significant limitation, static bat detectors were deployed to supplement the inspections in only two locations, as shown in Figure 1 of the Bat Hibernation		

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
			under ecological supervision outside the sensitive hibernation season i.e. completed during April - end October. Lighting strategy - In accordance with the EcIA and Bat Survey report (The Ecology Consultancy, 2019b & AECOM, 2017) a lighting strategy should be designed to avoid directly illuminating commuting routes and habitats suitable for foraging bats. See Appendix 5 for lighting recommendations. Recommendations as to ways in which the value of the site can be enhanced for bats such as through the provision of planting and bat boxes should also be provided in accordance with national and local planning policies. The full hibernation survey report is appended to this response as Appendix E.	Survey Report. The locations of these two static detectors has not been described and it is not clear from Figure 1 (which is a ground surface-level map) in which underground structures these detectors were placed. Given the survey limitations, the size of the site and the number of features with potential to support hibernating bats, we would expect to see considerably more static detector locations used during the optimal period for bat hibernation surveys. The static detector survey indicated that the site may be utilised by a small number of common pipistrelle bats and as such, a precautionary approach to the works must be applied. However, in the absence of further survey information to address the limitations noted above, a worst-case scenario would need to be assumed, in line with the Precautionary Principle. This scenario would be that the site supports at least one important large hibernation roost for a range of bat species. Given the limited availability of similar structures in London, there is potential for		

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
				this site to be of importance at the metropolitan level. As such, robust mitigation would be required for the loss of hibernation roosts and features which have the potential to be used for hibernation in the future. We do not consider bat boxes, placed in areas of green space within the revised scheme, as sufficient or appropriate mitigation, given the urban nature of the scheme and the type and extent of potential roost features that currently exist within the site. For the same reason, bat boxes cannot be considered as enhancement for bats, as suggested in the applicant's most recent response. If mitigation cannot be achieved on site, then off-site mitigation will be required. This is not considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.		
ECO5	Potential Regulation 22	**Not Acceptable** Response as above to ECO4.	Response as above to ECO4	**Not Acceptable** Response as above to ECO4.	See ECO4	**Acceptable** See ECO4

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
ECO6	Potential Planning Condition	**Acceptable**.	N/A	N/A	N/A	N/A
ECO7	Potential Planning Condition	**Acceptable**	N/A	N/A	N/A	N/A
ECO8	Potential Planning Condition	**Acceptable**	N/A	N/A	N/A	N/A
ECO9	Potential Planning Condition	**Acceptable**	N/A	N/A	N/A	N/A
ECO10	Potential Planning Condition	**Acceptable**	N/A	N/A	N/A	N/A
Climate Change Adaption and Mitigation						
CC2	Clarification	**Acceptable** The Applicant has provided the requested information. It should be noted however that the final London Plan is forecast to be published in March 2020. No further clarification is required.	N/A	N/A	N/A	N/A
CC3	Clarification	**Acceptable**	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		The Applicant has provided the requested information. No further clarification is required.				
CC1	Potential Regulation 22	**Acceptable** The Applicant has provided the requested information, the Applicant is advised to update the ESA and the NTS in the light of these revisions. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.	N/A	N/A	N/A	N/A
Effect Interactions						
EF1	Potential Regulation 22	**Not Acceptable** Section 19.6 refers to the list of schemes detailed within Chapter 19 of the ESA review however it is recognised that this has been misinterpreted due to a typographical error. While the Applicant has addressed most of these schemes and provided sufficient justification for their exclusion, there is one outstanding scheme for which justification has not been provided.	The scheme known as Curtain Road/Hewett Street / Great Eastern Street / Fairchild Place / Plough Yard / Hearn Street (Hackney: 2012/3871) has been considered in this ES. It is outlined in Table 3.8 and Figure 3.4 as cumulative scheme map reference number 14. The original 2012 planning permission (which is cited in Table 3.8) has been amended by the following non-material amendments 2015/3276 and 2015/3711 as well as the amendment 2015/3453 that is cited in the	**Acceptable** The Applicant has provided the requested information.	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		This is the scheme known as Curtain Road/Hewett Street/Great Eastern Street/Fairchild Place/Plough Yard/Hearn Street (2012/3871). In line with the Scooping Opinion from GLA, justification must be provided for the exclusion of all schemes which subsequently includes the scheme listed above.	Table. All of these amendments have been considered in the assessment.			
EF2	Potential Regulation 22	**Not Acceptable** Outstanding clarifications detailed within the reassessment of other technical topics still remain in relation to Type 1 and Type 2 cumulative effects. As these have not been addressed this may affect the information presented within the NTS. The Applicant should consider the wider responses set out within this table.	No update is considered necessary to the NTS with regards to this point.	**Not Acceptable** The Applicant has not provided the requested information as the review has identified deficiencies in the assessment of cumulative effects on Built Heritage. See BH15 for further detail. As there are outstanding issues regarding the assessment of cumulative effects, it can be concluded that the information presented within the NTS has not accurately reflected Type 1 and Type 2 cumulative effects.		
Residual Effects and Conclusions						
REC1	Clarification	Acceptable	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		The Applicant has provided the requested information No further clarification is required.				
Townscape and Visual Impact Assessment						
TVIA1	Clarification	**Acceptable** The Applicant has provided the requested information. No further clarification is required.	N/A	N/A	N/A	N/A
TVIA2	Clarification	**Acceptable** The Applicant has provided the requested clarification. No further clarification is required	N/A	N/A	N/A	N/A
TVIA4	Clarification	**Acceptable** The Applicant has clarified that the cumulative assessment sets out the combined effect of the proposed development and any cumulative schemes in line with the wider ESA. No further clarification is required.	N/A	N/A	N/A	N/A
TVIA5	Clarification	**Not Acceptable**	The Townscape and Visual Impact summary in Section 1.7 of the NTS has been revised to include effects on the settings of	**Acceptable**	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		The Applicant has confirmed that the adverse impact on the townscape character/ setting of listed buildings around Elder Street and Fleur De Lis Street that is reported in the main assessment at paragraph 10.54 belongs in the TVIA. Although the adverse impact is summarised in Table 8 of the NTS ('Conclusions'), it does not appear in Section 1.7 of the NTS. The Applicant is requested to clarify why this is.	listed buildings from a townscape perspective.	The Applicant has provided the requested information. No further clarification is required.		
TVIA3	Potential Regulation 22	**Acceptable** While this is deemed acceptable, the assessor's view is their professional opinion and may differ from other professional opinions. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.	N/A	N/A	N/A	N/A
TVIA6	Potential Regulation 22	**Acceptable** The Applicant has provided full height images for views 28 and 51 which are helpful. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No	N/A	N/A	N/A	N/A

Reference	Request Type	Original Reassessment Conclusion (February 2020)	Applicant Response (February 2020)	Final Reassessment conclusion (February 2020)	Applicant Response (March/April/May 2020)	Reassessment Conclusions (April/May 2020)
		additional information is required.				
TVIA7	Potential Planning Conditions	**Acceptable**	N/A	N/A	N/A	N/A

Table 23.2: Review of Final Clarifications/Regulation 22 Requests: AQ Sensitivity Report

Reference	Request Type	Assessment conclusion (May 2020)	Applicant Response (May 2020)	Reassessment Conclusions (June 2020)
AQ15	Clarification	The background monitoring location referenced as being lower than Defra's background concentrations should be identified.	**Email dated 19/05/20** The table provided lists 2018 NO_2 concentrations at background monitoring locations within the London Borough of Hackney (LBH) and the London Borough of Tower Hamlets (LBTH). For most locations, including those closest to the Proposed Development site, it is the case that the corresponding 2018 Defra background concentration within the same grid square that the monitor is located is greater than the monitored concentration. On this basis, it is judged that determining air quality impacts based on Defra background concentrations represents a more pessimistic approach than using real-world 2018 monitored concentrations.	**Acceptable** No further clarification is sought.
AQ16	Potential Regulation 22	The Applicant should provide further information on what mitigation associated with the development will assist in offsetting the development's impacts upon existing receptors. If air cleaning systems are proposed, this should include information on the proposed system to demonstrate adequacy for mitigating the potential impacts, and should set out how maintenance	**Email dated 19/05/20**:The differences between impacts predicted in the original ESA study and those predicted as part of the sensitivity test indicate that there is uncertainty about the impacts. In order to mitigate potential impacts at new receptors introduced by the Proposed Development, facades fronting onto roads can be sealed and buildings can be fitted with mechanical ventilation with air intakes away from	**Acceptable** This focuses on the air quality impacts at existing receptors. The Applicant has already substantially eliminated road traffic emissions associated with the residential component of the new development, through limits on car parking, electric vehicle infrastructure, cycle storage, and a travel plan. As a result, residual impacts at existing receptors are almost all due to service

Reference	Request Type	Assessment conclusion (May 2020)	Applicant Response (May 2020)	Reassessment Conclusions (June 2020)
		will be guaranteed to ensure ongoing efficiency of NOx removal. This could be accompanied by a proposed protocol for deciding whether this additional mitigation is required, in the light of ongoing ambient air quality monitoring and information on emissions profile of vehicles in the ULEZ.	roads. Aspects of the Proposed Development have been submitted as part of an outline planning application, and will be subject to a reserved matters application in future, at which point outline aspects will be detailed. It is therefore proposed that diffusion tube monitoring is completed ahead of this at new and existing receptor locations, as well as at background locations, ahead of the reserved matters application. This will enable the following: 1. Monitoring at proposed new receptor locations (i.e. those introduced by the development) could determine whether concentrations are below the air quality objective or in exceedance of the objective. This monitoring will help to inform the likely mitigation measures required as part of the reserved matters application; 2. Further modelling will be required at the reserved matters stage to predict the impacts associated with the details defined within the application. Diffusion tube monitoring can be conducted at existing receptors currently identified as having adverse impacts, and this monitoring can be used to produce targeted receptor-specific model verification factors. This would improve the overall robustness of the modelling study and improve confidence in the impacts predicted at existing receptors. Mitigation measures can then be determined based on this assessment and detailed in the reserved matters application; 3. Diffusion tube monitoring at background locations representative of the Proposed Development site will improve confidence in	and delivery vehicles accessing the proposed development. The Applicant has now proposed that service and delivery vehicles associated with the operation of the Proposed Development should be required to be compliant with the current (at the time) Ultra Low Emissions Zone (ULEZ) emissions standards. That is, vehicles would not be permitted to pay the ULEZ fee for accessing the zone in a non-compliant vehicle. The ability to enforce such measures to avoid significant adverse impacts would need to be guaranteed through an appropriate process. The Applicant proposes to carry out further monitoring to enable the requirement for such a measure to be confirmed in future. This would be addressed as a reserved matter. Our feedback on this proposed approach is as follows: ■ The proposed approach is considered to be compliant with the requirements of EIA as regards potential impacts at existing receptors. The information provided by the applicant has highlighted a potentially significant effect at some new receptors, and identified how this can be mitigated. We view the proposed mitigation as comprising the combination of further baseline monitoring and, if required, implementation of restrictions on service and delivery vehicles accessing the proposed development. This combined approach will enable the extent of impacts at existing receptors to be identified with more confidence, and appropriate additional controls applied if needed. ■ It is acceptable for the details of the ventilation system to be provided as part of a Reserved Matters application. The applicant should be aware that, in the event that further monitoring indicates

Reference	Request Type	Assessment conclusion (May 2020)	Applicant Response (May 2020)	Reassessment Conclusions (June 2020)
			background concentrations used within the updated assessment work. **<u>Further information provided in an email dated 01/06/20:</u>** Measures which mitigate road traffic emissions have already been designed into the Proposed Development. These include: ■ Limited parking provision (20 spaces) which are restricted to blue badge holders with a commitment already for electric vehicle infrastructure; ■ Substantial provision of cycle storage, with provision for thousands of cycle spaces; and ■ A travel plan encouraging public transport use and active travel. In addition to this, it is understood that a portion of the additional trips generated by the operation of the Proposed Development will include service and delivery vehicles associated with the commercial and office land use. It is therefore proposed that service and delivery vehicles associated with the operation of the Proposed Development are compliant with, and compliance kept up to date with, the current (at the time) Ultra Low Emissions Zone (ULEZ) emissions standards.	higher baseline levels than currently forecast, this could indicate a need for more extensive controls on service and delivery vehicles to ensure clean air for residents of existing properties. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.
AQ17	Potential Regulation 22	The Applicant should describe the mitigation to offset impacts due to the risk of air pollution levels being above air quality objectives at new receptors. This should include information on the maintenance schedule to maintain the efficiency of NOx removal. If air cleaning systems are proposed, this should include information on the proposed system to demonstrate adequacy for mitigating the potential impacts, and should set out how maintenance will be guaranteed to ensure ongoing efficiency of NOx removal. This could be accompanied by a proposed protocol for deciding whether this additional mitigation is required, in the light of ongoing ambient air quality monitoring and information on emissions profile of vehicles in the ULEZ.		**Acceptable** The Applicant proposes to implement a ventilation system to provide clean air for new receptors where air quality is forecast to exceed air quality standards. The clean air will be obtained from a location where air quality is forecast to comply with the air quality standards. This is in principle an acceptable approach, which avoids the need to provide air treatment as part of the ventilation system. The Applicant proposes to carry out further monitoring to enable detailed design of the ventilation system. This further monitoring may enable the extent of air treatment to be amended in future. This would be addressed as a reserved matter. Our feedback on this proposed approach is as follows: ■ The proposed approach is considered to be compliant with the requirements of EIA as regards potential impacts at receptors forming part of the new development. The information provided by the applicant has highlighted a significant effect at some new receptors, and identified how this will be mitigated. We view the proposed mitigation as comprising the combination of further baseline monitoring and design of appropriate ventilation. This combined approach will enable receptors at which air

Reference	Request Type	Assessment conclusion (May 2020)	Applicant Response (May 2020)	Reassessment Conclusions (June 2020)
				quality impacts would be significant to be identified with more confidence, and appropriate ventilation systems provided. ■ It is acceptable for the details of the ventilation system to be provided as part of a Reserved Matters application. The applicant should be aware that, in the event that further monitoring indicates higher baseline levels than currently forecast, this could indicate a need for more extensive implementation of the ventilation system to deliver clean air for residents of the new development. This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is required.

Table 23.3: Review of Final Clarifications/Regulation 22 Requests: Built Heritage

Reference	Request Type	Reassessment Conclusions (April/May 2020)	Applicant Response (July 2020)	Reassessment Conclusions (July 2020)
BH13	Potential Regulation 22	**Not Acceptable** The Applicant has clarified that they do not consider any buildings on site to be curtilage listed. However, the updated NTS contradicts this by stating that there are curtilage listed buildings on site. It is up to the GLA – not the Applicant - to decide what constitute curtilage listed buildings. The GLA should note that these buildings appear to be physically joined to the listed viaduct on the site, meaning that they are technically listed. However, the listing	Please see updated July Built Heritage Addendum Appendix H.	**Acceptable** The Applicant has provided further information in Appendix H. A scoping exercise has been undertaken that accords better with HE guidance on setting and tall buildings. The methodology for assessing sensitivity is set out in paragraphs 15-24 and is broadly acceptable. Table 5 includes a narrative description and analysis of setting that identifies which aspects of setting the Applicant considers make a positive, neutral, or negative contribution to the heritage significance of the asset discussed. This method of considering the contribution of

		description states that they are not of special interest. Therefore listed building consent may not be required in the event that works are proposed to these parts, as Section 7 of the Act only applies where works to a listed building would 'affect its character as a building of special architectural or historic interest'. Nevertheless, this is for the planning authority to determine. The tabulated information provide makes transparent the Applicant's assessment. However, whilst the assessment is now clear, the further information provided continues to expose some flaws in the application of their methodology and its adherence to policy and guidance. It also highlights some information gaps. Primary amongst flaws and gaps are: ■ The link between heritage significance and effect (especially in relation to beneficial effects); ■ The grouping of assets for assessment; ■ The weighing of effects in the round; ■ The conflation of townscape/ visual and heritage considerations (especially in relation to the beneficial effects). (A full explanation of the issues/ gaps may be found in the original assessment review and summarised in this table under potential reg 22 request to the left) Until these are addressed as requested under BH13/ 14 the GLA is unable to discharge its duties in relation to the EIA regulations and the NPPF. This request stands. For clarity, the additional information requested need only be provided for those assets that will be physically impacted or which have settings that relate to their heritage significance and are sensitive to change as a result of the development. A scoping exercise		significance used accords much more strongly with the NPPFs definition for setting, which is welcomed. There remain some issues of detail with some aspects of the understanding of setting (in relation to HE's GPA3) and its linking to significance but this does not appear to fundamentally undermine the assessment findings in terms of identifying significant effects and the information provided is now sufficient to allow the logic of the assessment to be followed. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.

		using a ZTV would help the Applicant to reduce the number of assets assessed and the amount of information required.		
BH14	Potential Regulation 22	**Not Acceptable** As above	Please see updated July Built Heritage Addendum Appendix H.	**Acceptable** The assessment of construction effects is undertaken in paragraphs 36 to 39 and summarised in Table 6. Assessment of operational effects is assessed at paragraphs 40-42 and is summarised in Table 7. The different adverse and beneficial effects have been broken down enabling a much clearer understanding of the impact of the proposed development and allowing for the decision maker to undertake their own balancing exercise. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.
BH15	Potential Regulation 22	**Not Acceptable** The Applicant appears to have undertaken an assessment of views from the TVIA chapter. However, whilst views may contain heritage assets, or can be important to the significance of some heritage assets, they are not heritage assets in themselves. The assessment also does not appear to relate to the list of cumulative schemes that have been consented or are underway. The purpose of this assessment is therefore unclear. A cumulative assessment of effects is a standard component of EIA. In relation to cultural heritage the potential effect of the proposed scheme on each heritage asset needs to be considered in tandem with the effect of the	Please see updated July Built Heritage Addendum Appendix H.	**Acceptable** An updated assessment of cumulative effects is discussed at paragraph 44, with a list of schemes considered presented in Table 8, with the assessment presented in Table 9. The assessment of the assets in the study area is broadly acceptable. The effects to the Boundary estate conservation area and grouped assets therein, the Elder Street Conservation Area and the Elder Street group of 18th century terraced houses and Folgate Street Nos 10-18, are all reported as experiencing a moderate adverse level of effect. This is the same level of effect as the development would have caused alone, even though cumulative developments would be experienced in the setting of the assets. These significant cumulative effects have been

		cumulative schemes to understand whether a greater or lesser cumulative effect is likely. Without a cumulative assessment of effects, the assessment does not comply with the EIA regulations, as the potential for significant cumulative effects has been identified (and hence scoped into the assessment). This request stands.		reported as such in Chapter 19 Effect Interactions. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.
BH19	Potential Regulation 22	**Not Acceptable** The updated NTS contradicts the information provided for BH13 and 14 stating that: " *There are 2 listed historic Goods Yard structures on the site. All other historic Goods Yard structures on the Site are Curtilage Listed*." The NTS provides an accurate overview of the assessment and appears to include a full summary of the significant effects. However, this request has been left as not acceptable lest the visitation of the assessment lead to changes that need to be reflected in the NTS in order to comply with the EIA regulations.	Please see updated July Built Heritage Addendum Appendix H.	**Acceptable** The NTS appears to have been updated to reflect the changes made to the assessment findings and reports all significant effects are required by the EIA regulations. This is considered to be 'further information' under Regulation 22 of the EIA Regulations. This will be advertised/consulted upon by the GLA as required.

Appendix A

Evidence of Reviewer Competency

A.1 Details of the expertise of each of the team members involved in the review are set out in the table below.

Table A.1: Reviewer Competency

Helen Kent, Associate Director, LUC	Project Director	BA(Hons) Geography MSc Land Resource Management PGDip Town & Regional Planning MRTPI, MIEMA, Chartered Environmentalist	20
Sarah Cane-Ritchie, Principal Environmental Planner, LUC	Project Manager	BSc (Hons) Environmental Science: Energy Option Chartered Environmentalist Full Member of Chartered Institute of Ecology and Environmental Management Full member of the Association for Project Management	17
Rebecca Knight, LUC Director of Landscape Planning	Townscape and Visual Impact	BSc (Hons) Biology Diploma in Landscape Architecture MA in Landscape Design Chartered Member of the Landscape Institute (CMLI)	22
Michelle Statton, LUC, Senior Historic Environmental Consultant	Archaeology and Built Heritage	MA Archaeology PhD Archaeology	13
Katie Luxmoore, Consultant Ecologist, LUC	Ecology	MSc Zoo Conservation Biology BSc (Hons) Zoology Graduate Member of the Chartered Institute of Ecology and Environmental Management	6+
Simon Clewlow, Director, Clewlow Consulting	Transport and Access	BSc (Hons) in Civil Engineering and Dipl Eng (Diploma in Engineering)	30

		Chartered Engineer, Corporate Member of the Institution of Civil Engineers Corporate Member of the Chartered Institution of Highways and Transportation Member of the Transport Planning Society Affiliate Member, British Council of Shopping Centres	
Ben Stansfield (Ricardo Energy and Environment)	Construction and Waste	BSc (Hons) Marine Geography MSc Environmental Science Diploma Town Planning	20+
Robert Benney, Ricardo Energy & Environment	Air Quality	BSc Environmental Science Full Member of the Institute of Air Quality Management	7
John Hyde, Noise and Vibration Consultant, Anglia-Consultants (Ricardo Energy & Environment consultant)	Noise and Vibration	BSc Physics Member of the Institute of Acoustics Chartered Member of the Institute of Physics	30
Christopher Jones (Ricardo Energy & Environment consultant)	Water Resources and Flood Risk	MSc, BSc Fellow of the Royal Geographical Society (FRGS)	6
Hannah Fraser, H Fraser Consulting, Director (Ricardo Energy and Environment consultant)	Ground Conditions	BA Hons (Cantab) in Natural Sciences Hydrogeology MSc Fellow of the Geological Society (FGS) Chartered Geologist (CGeol) Specialist in Land Condition (SiLC) Suitably Qualified Person (SQP) under the Brownfield Forum National Quality Mark Scheme (NQMS) Qualified Person (QP) under the CLAIRE Development Industry Definition of Waste Code of Practice (DoWCoP)	22

Dr. J. Portelli/Dr. B. Marmo	Wind Microclimate	Dr J Portelli: Doctorate ISO 18436-2 Vibration Analysis Category I (May 2017) Institute of Acoustics – Certificate of Competence in Environmental Noise Measurement (May 2016)	5
		Dr B Marmo: Doctorate Member of Scottish Renewable Marine Consents and Licensing Working Group COMSOL Multiphysics Accredited Consultant TMS - Solidworks Essentials Associate of the Institution of Mechanical Engineers	14