

**United Kingdom Holocaust Memorial  
and Learning Centre**

Environmental Statement (Volume 5)  
Appendix A Scoping Opinion  
December 2018

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# Appendix A. Scoping Opinion

**Delegated Report****Development Planning****Address:** The Victoria Tower Gardens, Millbank, London, SW1P 3YB

<b>Case No.:</b>	18/09004/EIASCO	<b>TP:</b>	
<b>Date Received:</b>	26.06.2018	<b>Date Valid:</b>	26.07.2018
<b>Date amended/ completed:</b>	26.07.2018	<b>8 Wk Date:</b>	23.08.2018
		<b>EoT date:</b>	
<b>Agent:</b>	Mr Alex Walker-robson / DP9 Ltd	<b>On behalf of:</b>	
<b>Development Plan Context:</b>	– London Plan July 2011 – Westminster's City Plan November 2016 - Unitary Development Plan (UDP) January 2007		

**LB:** II **CA:** Westminster Abbey And Parliament Square**Proposal:**

Request for scoping opinion for the Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Consultations:****THE ROYAL PARKS:**

The Royal parks has not seen any of the preliminary supporting studies such as the ecological appraisal.

**Biodiversity, Flora and Fauna**

Do not accept there is a case to scope out ecological effects given VTG is one of the few remaining dark spaces adjacent the river and an important flight path for bats and night flying invertebrates.

**Built Heritage, Townscape and Visual assessment**

Impact will be immense. The Royal Parks should be included in consultations with regard to viewpoints.

**Noise**

The impact of extra footfall in terms of noise should be assessed. New heating and ventilation systems could result in ambient noise.

**Material Assets and Climate Change**

Impacts of drainage and other critical infrastructure and impacts on material assets in operation of the scheme should be considered.

Offer general comment about the proposals relating to relocation of existing park facilities (children's playground/ kiosk), opening times of park, deliveries and servicing, and construction traffic.

**THE GARDENS TRUST:**

The scoping report does not include a specific chapter on 'Landscape and Visual Impact', but instead includes 'Built Heritage and Townscape', in chapter 6. This is surprising as the site is a public park within a conservation area meaning all the trees are protected. There is only limited mention specifically on the landscape setting of the heritage assets, landscape character, landscape features (which should include trees), landscape policy etc. This is surely an obvious omission given the site is a listed landscape and a considerable public amenity as a publicly accessible park and play space for many users at present.

We therefore believe it should cover:

- Landscape setting (& of Heritage assets)
- Landscape designation (this is acknowledged but not in detail)
- Landscape features (eg trees) and site character

And the potential effects on all of these, including the trees, and potential cumulative effects - especially given the extent of the root protection areas.

We note that most importantly for this site, the 50 mature plane trees framing the view to the Grade I listed Victoria Tower and Houses of Parliament and the potential effects on them due to the 8m underground construction are given scant mention.

The London Planes are referred to on page 26 (highlighted) but that's all. Reference to trees lining the garden is referred to in section 2.1.

Section 2.2 refers to the proposed excavation to a depth of 8m. There is no mention of tree protection areas.

Finally section 2.2.1 (construction methodology) refers to the installation of tree protection to safeguard retained trees in the Garden during construction but does not mention mitigation measures for potential long term effects on them because of construction.

Chapter 9 - Population and Human Health gives scant indication of the importance of the open space to local residents and children's play but does mention that it is within an area lacking in informal play space from the City of Westminster Open Space Strategy 2007. No mention as to the potential effect on play/recreation/public health, surprising given it is adjacent to an area deficient in public open space.

Some indication of the impacts that the reduction in open space and change in the nature of that space, is provided in 9.3.2, but is scant. Its sum total is the sentence 'the new Memorial and Learning Centre will attract a higher number of visitors than at present, and change the way that visitors use the Gardens'.

It does not set out the amount of potential loss of usable open space and impact on how it operates and functions as a green space and important play space, and the subsequent potential effects on the local population and human health. There is no mention of any mitigation of these effects. Possibly as there cannot be mitigation for such a loss.

#### HIGHWAYS PLANNING MANAGER:

The scoping report indicates that Transport Issues will be covered in the Transport Assessment. The TA should be consistent with the requirements of TRASN14 and TfL Transport Assessment Best Practice Guidance Document.

The drafting Chapter 12 implies the focus will be on traffic and vehicle impacts and fails to give sufficient weight to the potential impacts of increased pedestrian activity on the immediate and wider area. Impacts on additional crossing times (particularly of signalised crossing) will need to be assessed, as well as the impact of extra pedestrians on traffic flows.

There are a number of reports (including ARUP 2017, Baker Langham Operational Business Plan) referenced in Chapter 12 that are unfamiliar to WCC. These must be reviewed prior to it being agreed that they are relevant and robust for further assessments to be based upon. In terms of survey work it is strongly suggested that these should cover 24 hours, 7 day a week activity that occurs in the area.

It is unclear if there has been discussions with TfL at this stage (para 12.2.1). Discussions with WCC have been limited to date, given the scale and complexity of the proposal.

The majority of the potential mitigation listed on page 56 of the EIA is unclear or potentially undeliverable (based on the limited detail provided within the EIA).

While trip rate information should make use of appropriate TRICS data, it is unclear if sufficient relevant data exists within the TRICS database. Any base data must be agreed by WCC, including comparator sites. Trip generation figures must include those people that come to look at the memorial from the park but do not enter the memorial itself (so would not be part of the ticket numbers).

The detailed issues will be considered as part of any future planning application.

#### TRANSPORT FOR LONDON:

TfL offers the following comments:

1. A Transport Assessment/ Statement shall be provided to include level of traffic / pedestrians likely to generate to the proposal; the site is highly accessible by public transport, and due to its location, no additional car parking shall be provided. However, cycle parking for staff/ visitors should be provided with reference to the Draft London Plan cycle parking standards.
2. The applicant shall clarify whether any regular ceremony/ events likely to take place at the proposal which would attract congregation of large crowds which temporary traffic management/ diversion may be necessary. TfL would need to consider whether this would have an impact to traffic movements in the area.
3. Due to the sensitive location of the site, the applicant would need to consider whether there would be a need for additional security measures in the vicinity, in turns which may impact traffic/ pedestrians movements on Millbank.
4. As para 12 of the scoping report, construction impact for the proposal would need to be fully considered, TfL would expect a Draft Construction Logistics plan be submitted forming part of the formal application submission detailing but not limited loading/ unload of construction materials, time scale, construction access, construction vehicles types and their routing, traffic management and access strategy. In the event that road closure may be needed, alternative traffic route would need to be proposed and impact to traffic capacity would also need to be considered.

#### ENVIRONMENTAL HEALTH:

##### Air quality

An air quality neutral assessment must be provided for this development proposal. Overall, I am satisfied with the proposed approach. Please note comments are also provided to WSP on the proposed methodology for the air quality assessment.

##### Noise

Clarity is required on whether noise will be a significant effect. The executive summary suggests noise will be a significant effect (in terms of population and human health) but goes onto say that noise will not be a significant effect. The noise chapter has identified key assessment areas for both construction and operational noise (in connection with mechanical plant). Overall, I am satisfied with the proposed approach.

##### Population and Human Health

I am satisfied with the proposed approach to assessing in combination effects from noise and air quality and have no specific comments.

##### Soils, geology and hydrogeology

With specific reference to contaminated land, I am satisfied with the proposed approach and have no specific comments.

This development will be required to comply with the provisions of the Councils Code of Construction Practice.

**THAMES WATER:**

Thames Water advise that they consider water and wastewater issues should be considered and covered in either the EIA or planning application submission.

**NATURAL ENGLAND:**

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would expect the final Environmental Statement (ES) to include all necessary information as outlined in Part 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

**ENVIRONMENT AGENCY:**

Identify key environmental constraints include:

- Flood Risk
- Flood Defence Structures
- Thames Estuary 2100

**Flood risk:**

The proposed development will result in a 'Less vulnerable' use, as defined by Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change, within Flood Zone 3. This use can be appropriate in this flood zone providing the submission of an acceptable Flood Risk Assessment (FRA) which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.

The site is protected by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year. Our latest flood modelling data (2017) shows that the site is at risk if there was to be a breach in the flood defences or if they were to be overtopped. Furthermore, according to the most recent Strategic Flood Risk Assessment (SFRA) for Westminster, produced in 2010, this site is within a 1-30 minute Rapid Inundation Zone. Areas within this zone are at greatest risk of flooding if defences were to be breached or overtopped. Therefore, these defences are critical in protecting both the potential future users of the Holocaust Memorial as well as properties in the surrounding area. For this reason developers must be fully aware of the implications of carrying out works this close to the tidal defences when designing both the Memorial as well as the Learning Centre.

Any future development in this area, as correctly highlighted within the submitted EIA will require a Flood Risk Assessment (FRA) as explained above. As a minimum we expect the FRA to have covered the following:

- Consideration of the level of flood risk and whether the proposed use would be appropriate in accordance with its vulnerability classification outlined within Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change (section 25).
- Identification of the level of flood risk on the site and consideration of the impact a range of flood events would have on the proposed development.
- Confirmation of any flood defences and standard of protection provided, to confirm the level of residual risk in accordance with the Strategic Flood Risk Assessment (SFRA) for Westminster.
- Estimation of flood depths at the site for a range of flood events, to calculate internal flood depths and level of refuge required in the event of a breach or failure of the flood defences.
- Appropriate and realistic flood mitigation measures based on flood characteristics at the site.
- Details of set back of the development from the riverbank / defence.

- Confirmation that a safe route of access and egress with a 'very low flood hazard' rating in accordance with the guidance document 'FD2320 (Flood Risk Assessment Guidance for New Developments)' is achievable.

#### Flood defences:

As explained above, the flood defence wall adjacent to this site plays a vital role in protecting the site and wider Westminster area from tidal flooding. We require development to be set back 16m from the defences to allow for maintenance, inspections and improvements. This is supported by Policy 5.12.D of the London Plan which states: Development (..) where possible should be set back from the banks of watercourses and those defences to allow their management, maintenance and upgrade to be undertaken in a sustainable and cost effective way.

If the minimum of 16m setback is not possible we would expect the applicant to submit evidence to demonstrate that any flood walls/defences are in good enough condition to protect the proposed development for its lifetime. This should be submitted in the form of a survey and should include an assessment of any remedial works or flood defence replacement options required to protect the site from flooding for the lifetime of the development. This survey should assess the impacts of the failing flood defence on the proposed development and demonstrate that it will not be at an unacceptable risk of flooding. Any application will also need to demonstrate how suitable access will be maintained for maintenance and improvement works to the flood wall.

The construction process has the potential to have a negative impact on the integrity of these flood defences as detailed in paragraph 13.3.1.3 of the EIA which reads: The nature of the construction works, with the need for piling and deep excavation works, and their proximity to the river walls of the tidal Thames, which are also formal flood defence structures, has potential implications for flood risk. For this reason we expect any future planning application to assess the impact of the construction process and the effects it will have on the existing flood defences. This should be informed by the flood defence condition survey where appropriate. This is supported by Westminster City Plan Policy S45 which states that: Development will ensure that flood-related infrastructure is protected and access for maintenance is retained. This is also supported by Policy 5.12.D of the London Plan which states:

Development needs to protect the integrity of the existing flood defence (...).

It is important that the applicant is aware of the invisible (below ground) sections which make up a tidal flood defence when designing a construction method. This includes any tie rods, anchors and any other supporting structures below the surface. These aspects need to be considered when designing a construction methodology in order to prevent risking the integrity of the flood defences during the works. Causing damage to these invisible structures may cause the defence to fail putting the area at risk of flooding.

A continuous flood defence, at the statutory defence level, must be maintained at all times throughout construction.

#### Thames Estuary 2100 (Tidal Defences):

Increasing pressures such as climate change and population growth mean that tidal flood risk will increase over time in London, unless this risk is carefully managed. The Thames Estuary 2100 (TE2100) Plan was produced by the Environment Agency and published in 2012 to provide strategic direction for managing flood risk in the Thames Estuary up to 2100. It sets out recommendations to manage flood risk from the tides in the Thames Estuary until the end of the century and takes into considering climate change implications. The area covered by the plan in London stretches from Hampton in the west, through central London, to Crayford Ness in the east.

The flood defences in Westminster are generally 'hard defences' and include concrete or masonry structures. Over the time of the TE2100 Plan all of these structures will need to be raised to maintain a high standard of flood protection to London. Some of these structures will need to be replaced. While it may be possible for many of the hard defences to be raised within the existing defence footprint (or with only a small increase in width) some defences may need to be rebuilt entirely. The developer should therefore be aware of the fact that flood defences adjacent to this site must be raised in line with requirements set out in the TE2100 plan. In order to do this any planning application in this location will need to demonstrate how the flood defences could be raised in the future to meet the demands of

climate change. No activities on site should preclude access to the flood defence from maintenance or prevent the future raising of flood defences.

Please note that as these defences get raised they may become tall, unattractive and will restrict public access and views and have implications for the development design and landscaping. Therefore the developer may want to consider this early on in the application process and adjust their design accordingly.

**Flood Risk Activity Permit:**

In addition to planning permission, under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of the top of the bank of the Thames, designated a 'main river' or any flood defence structure - including underground structures.

**HISTORIC ENGLAND (LBs/CAs):**

No response to date.

**HISTORIC ENGLAND (GLASS):**

No response to date.

**BUILDING CONTROL:**

No response to date.

**ARBORICULTURAL MANAGER:**

No response to date.

**Relevant Planning History:**

**Considerations:**

**Proposal**

This request relates to a Government proposal to develop a new National Holocaust Memorial and Learning Centre in Victoria Tower Gardens. The design of the Memorial and Learning Centre is at an early stage, and the conceptual design submitted for the design competition is now undergoing further development.

The concept design of the new Memorial and Learning Centre locates the key elements of the Scheme in the southernmost portion of Victoria Tower Gardens.

The Memorial itself will comprise twenty-three bronze-clad concrete 'fins', set vertically into the ground on a curving alignment. The highest point of the Memorial will be approximately 7m above the existing ground level. Within the area encompassed by the curvature of the fins, the flat parkland will be re-landscaped to form a grassed slope that gradually rises from north to south.

The spaces between the fins of the Memorial will form the entrance to the Learning Centre, which will be located entirely underground over two levels; a mezzanine level and a basement. This will require excavation of the site to a depth of approximately 8m and the internal floor area will be approximately 3250 sqm. The Memorial is currently proposed to have an internal footprint of 2645 sqm, however, options are being explored to determine whether more floor space is available.

To the south of the bronze-clad Memorial structure, a sunken (outdoor) courtyard will form the main entrance plaza, with associated landscaping and planting works in the southern portion of the site. This will also contain ticketing and security facilities. The precise details of access to the entrance plaza are still under discussion and development. To effectively manage visitor queues and security, a security gatehouse area will be required at the southernmost point of the entrance plaza.

#### Legislative Context

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as 'the 2017 EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken, and an Environmental Statement (ES) produced.

Schedule 1 of the 2017 EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.

Where a proposed development is determined to be an 'EIA development' the Applicant can ask the relevant planning authority for advice on the scope of the EIA (an EIA Scoping Opinion).

A request for an EIA Scoping Opinion was received by WCC as the 'relevant planning authority' from Atkins on behalf of Ministry of Housing, Communities and Local Government. This Scoping Report has been produced to inform the Government's proposal to develop a new National Holocaust Memorial and Learning Centre in Victoria Tower Gardens.

The total area allocated for the proposed development is above the size threshold for discretionary EIA development of 'urban development projects', and the location of the development is within a 'sensitive' area. It is the intention of the applicant to support the planning application for the Memorial with an Environmental Impact Assessment (EIA).

Scoping is the process of determining, from all of a project's possible environmental impacts, those that are likely to have a significant effect on the environment and therefore should be assessed by the EIA and reported in the resulting ES.

The issuing of this EIA Scoping Opinion does not prevent the planning authority from requesting 'further information' at a later stage under Regulation 25 of the 2017 EIA Regulations.

The 2017 EIA Regulations require that the local planning authority consults 'consultation bodies' prior to issuing an EIA Scoping Opinion. WCC has therefore consulted both internal and external consultees on the request for an EIA Scoping Opinion, requesting their views on the scope of the EIA for the proposed development.

#### Environmental Topics

The Scoping report identifies the potential environmental effects that are considered likely to be 'significant', and should be assessed in more detail in the ES for the Scheme. It also identifies issues that are not considered to be significant, and can be scoped out of further assessment. A number of preliminary supporting studies have been undertaken in connection with the proposals, including an ecological appraisal, archaeological desk based assessment, arboricultural survey, pedestrian movement surveys and a Level 1 flood risk assessment. These have been used to inform the conclusions of this Scoping Report.

The environmental topics considered in detail during this scoping exercise are as follows:

- o Air quality;
- o Biodiversity, flora and fauna;
- o Built Heritage Townscape and Visual;
- o Material assets (infrastructure) and climate change;
- o Noise;
- o Population and human health;

- o Soils, geology and hydrology;
- o Archaeology;
- o Traffic and transport; and
- o Water quality and flood risk.

For each environmental topic, a list of the impacts that can arise during both construction and operation of the Scheme is produced and a commentary is provided setting out the justification as to why resulting environmental effects are likely to be significant or not.

#### Environmental Issues Scoped In

The applicant proposes scoping in the following topics and each will have its own chapter in the future ES:

- o Air quality;
- o Built Heritage Townscape and Visual;
- o Population and human health;
- o Soils, geology and hydrology;
- o Archaeology;

The City Council agrees that these topics should be scoped in and does not request that any should be scoped out. The approaches and methodology proposed for each topic are considered sound and correspond with normal practice for the compilation of an Environmental Statement. However, the following comments and observations are made on the topics to be scoped in:

#### Air Quality

Environmental Health advise that an air quality neutral assessment must be provided and have also provided comments to the applicant's air quality consultant (WSP) on the proposed methodology for the air quality assessment.

#### Built Heritage Townscape and Visual

The Gardens Trust considers that the scoping report should include a specific chapter on 'Landscape and Visual Impact', which should cover:

- Landscape setting (& of Heritage assets);
- Landscape designation (this is acknowledged but not in detail);
- Landscape features (eg trees) and site character; and
- The potential effects on all of these, including the trees, and potential cumulative effects - especially given the extent of the root protection areas.

The applicant is advised that this detail could be included in the 'Built Heritage Townscape and Visual' chapter.

The Royal Parks considers the impacts to be immense and wish to be included in consultations relating to viewpoints, site hoardings, and trees.

#### Population and human health

The Gardens Trust note that regard should be given to the potential effect on play/recreation/public health. In particular the ES should set out the amount of potential loss of usable open space and impact on how it operates and functions as a green space and important play space, and the subsequent potential effects on the local population and human health.

#### Soils, geology and hydrology

No comments offered.

#### Archaeology

No comments offered.

## Environmental Issues Scoped out

The applicant proposes scoping out the following topics:

- o Biodiversity, flora and fauna;
- o Material assets (infrastructure) and climate change;
- o Noise;
- o Traffic and transport; and
- o Water quality and flood risk.

### Biodiversity, flora and fauna

The scoping report asserts that with the incorporation of appropriate mitigation measures, the scheme is unlikely to result in any significant ecological effects.

The Royal Parks do not accept there is a case to scope out ecological effects given Victoria Tower Gardens is one of the few remaining dark spaces adjacent the river and an important flight path for bats and night flying invertebrates.

The City Council shares this view that given the nature of Victoria Tower Gardens as a public park and garden and its location adjacent to the river, the scoping out of 'Biodiversity, flora and fauna' is not supported. This chapter should be provided in the ES.

### Material assets (infrastructure) and climate change

The scoping report concludes that the scheme is unlikely to have significant effects on these aspects with appropriate mitigation where required. The report also anticipates that consultation will be required with Thames Water and the Environment Agency with regard to some of the infrastructure assets in the area.

Thames Water advise that they consider water and wastewater issues should be considered and covered in either the EIA or planning application submission.

The Royal Parks also object to this being scoped out and recommend the impacts of drainage and other critical infrastructure and impacts on material assets in operation of the scheme should be considered.

The Environment Agency have also identified key environmental constraints to include Flood Defence Structures and the Thames Estuary 2100 (Tidal defences). The EA advises that the developer must be fully aware of the implications of carrying out works this close to the tidal defences when designing both the Memorial as well as the Learning Centre

Given the concerns raised, the applicant is advised that the scoping out of ' Material assets (infrastructure) and climate change' is not supported.

### Noise

In terms of 'Noise', the scoping report identified the following key assessment areas:

- o Noise and vibration impact from construction activities; and
- o Noise impact from the proposed mechanical building services.

It concludes that the impacts of noise from road traffic and visitors' activity associated with the site's operation are not expected to be significant, and therefore can be scoped out from the EIA.

The Royal parks consider that the impact of extra footfall in terms of noise should be assessed and also comment that new heating and ventilation systems could result in ambient noise.

The City Council's Environmental Health department are overall satisfied with the approach set out in the scoping report in terms of noise.

The rationale in the scoping report for scoping out a specific 'Noise' chapter in the ES is agreed. As noted in the scoping report, any planning application will be supported with an Environmental Noise Survey and any future development will adhere to City of Westminster's Noise Strategy 2010-2015 and the Code of Construction Practice 2016, as well as BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise and BS5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration.

#### Traffic and transport

As a stand-alone Transport Assessment report will be produced to support the planning application, it is proposed that all relevant issues are documented within this report, and that transport risk is scoped out of the EIA.

The Highways Planning Manager comments that the scoping report implies the focus will be on traffic and vehicle impacts and fails to give sufficient weight to the potential impacts of increased pedestrian activity on the immediate and wider area. It advised that impacts on additional crossing times (particularly of signalised crossing) will need to be assessed, as well as the impact of extra pedestrians on traffic flows.

Transport for London advise that they would expect a Transport Assessment/ Statement, a Draft Construction Logistics, together with further details of security measures and clarification as to whether any regular ceremony/ events are likely to take place.

Traffic and Transport is considered to be a key issue for this scheme and therefore its scoping out is not supported.

#### Water quality and flood risk

The scoping report asserts that there is an evidence base to demonstrate that with appropriate mitigation where required, the development is unlikely to result in any significant effects on surface water and flood risk.

The Environment Agency have identified a key environmental constraints to include Flood Risk.

The scoping out of ' Water quality and flood risk' is not supported and this chapter should be provided in the ES. The site is located within Flood Zone 3, which requires the submission of an acceptable Flood Risk Assessment (FRA), which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. It is therefore considered to be premature to agree to the scoping out of ' Water quality and flood risk' from the ES.

#### Conclusion

The City Council agrees that the topics that the applicant proposes to include in the ES should be scoped in and does not consider that any should be scoped out. The applicant has proposed that the 'Biodiversity, flora and fauna'; 'Material assets (infrastructure) and climate change'; 'Noise'; 'Traffic and transport'; and 'Water quality and flood risk' chapters are scoped out of the future ES.

Whilst the City Council is content that because of the particular circumstance of the site that the 'Noise' chapter can be scoped out for the reasons given in this report, it is not considered that the scoping out of the 'Biodiversity, flora and fauna'; 'Material assets (infrastructure) and climate change'; 'Traffic and transport'; and 'Water quality and flood risk' chapters has been justified. As such these chapters must remain scoped in to the future ES.

In addition to the principal matter of the scope of the ES; guidance is to be provided to the applicant, as set out earlier in this report, along with full copies of all correspondence received in response to consultation on the scoping opinion to the assist the continued preparation of the ES.

Item No.

This application has also attracted objections to the principle of the memorial and learning centre which this application is not about. It is advised that comments about the memorial should be made when a planning application is submitted and is out to public consultation. It is intended that the comments received on this EIA related application will be cross referenced to any future planning application.

**Recommendation:**

Issue observations on scoping report, advising that 'Biodiversity, flora and fauna', 'Material assets (infrastructure) and climate change', 'Traffic and transport', and 'Water quality and flood risk' must be scoped in.

<b>Case Officer or Morning Meeting Officer:</b> David Dorward	<b>Date:</b> 19 October 2018
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**Reason** (if over 8/13 wk deadline):

**DRAFT DECISION LETTER**

**Address:** The Victoria Tower Gardens, Millbank, London, SW1P 3YB

**Proposal:** Request for scoping opinion for the Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Plan Nos:** EIA Scoping Opinion by Atkins on behalf of Ministry of Housing, Communities and Local Government

**Case Officer:** David Dorward **Direct Tel. No.** 020 7641 2408

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

## Reason:

Pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it is agreed that the following non-significant environmental issues/ topics can be scoped out of the Environmental Statement:

- Noise.

The City Council considers that the Environmental Statement should scope in the following topics/ chapters:

- Biodiversity, flora and fauna;
- Material assets (infrastructure) and climate change;
- Traffic and transport; and
- Water quality and flood risk.

This is in addition to the following matters that are proposed to be scoped in:

- Air quality;
- Built Heritage Townscape and Visual;
- Population and human health;
- Soils, geology and hydrology; and
- Archaeology;

In addition, following consultation the City Council has identified areas where additional clarification/ work is required on the content of the chapters within the Environmental Statement, as set out in the main body of this report and detailed in the consultation responses.

**Informative(s):**

## 1 Attachments:-

Letter from The Royal Parks dated 22 August 2018.  
 Email from Transport for London dated 23 August 2018  
 Letter from Natural England dated 28 August 2018.  
 Memo from Westminster City Council's Highways Planning Manager dated 29 August 2018.  
 Letter from Environment Agency dated 31 August 2018.  
 Memo from Westminster City Council's Environmental Sciences team dated 05 October 2018.  
 Email from Thames Water dated



Mr D Dorward  
Development Planning  
City of Westminster  
PO Box 732  
Redhill  
RH1 9FL

22 August 2018

Dear Mr Dorward,

**18/06416/EIASCR | Request for scoping opinion for the Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. | The Victoria Tower Gardens Millbank London SW1P 3YB**

We note that the developer's planning consultant has requested a scoping opinion from Westminster City Council to help identify the issues to be included in the environmental information and has provided a copy of the Atkins Report titled "Holocaust Memorial EIA Scoping Report" dated July 2018 to assist with the task.

Before we proffer our comments, I feel compelled to point out that The Royal Parks, which manages Victoria Tower Gardens on behalf of the Secretary of State for Digital, Culture, Media and Sport, has not agreed to the siting of the proposed Memorial and Learning Centre in Victoria Tower Gardens. The purpose of The Royal Parks is to care for the parks it manages for everyone to enjoy now and in the future. One of our goals is to protect and conserve the listed landscapes that we manage and protect the intrinsic qualities of each open space and ensure no net loss of green space across the parks.

Hence, our comments on the issues to be included in the environmental information are strictly on a "Without Prejudice" basis.

**Our comments on the Atkins' Scoping Report are as follows:**

A lot of the detail in Atkins' Scoping Report has not been discussed or agreed with The Royal Parks.

**Executive summary**

The Royal Parks has not seen any of the preliminary supporting studies such as the ecological appraisal.

## **Introduction**

A third party constructing a memorial and/or a building within The Royal Parks' estate would be responsible for the repair, maintenance and renewal of that memorial and/or building in perpetuity. An agreement would be required to install the structure and a separate agreement would be required to retain the structure as well as providing compensation to The Royal Parks for the additional running costs of managing Victoria Tower Gardens if the forecasted increase in additional visitor numbers materialises.

## **2. SITE AND PROJECT DESCRIPTION**

### **Clause 2.2.1 Construction**

The report states that there are "no existing buildings" in Victoria Tower Gardens. However, there is an education centre located in the northern part of the gardens as well as toilets and a catering outlet in the southern part of the gardens.

### **Clause 2.2.2 Operation**

Out of hours access for special events or functions held at the Learning Centre has not been discussed or agreed.

## **5. BIODIVERSITY, FLORA AND FAUNA**

The developer should liaise and share their preliminary studies with The Royal Parks' ecologists to determine whether the proposed project would have any significant ecological impacts upon the park and consequently whether ecological effects can be scoped out of the EIA. From some of the preliminary designs that The Royal Parks has seen, there is a school of thought that assumes high levels of ornamental lighting and night-time public use. We would object strongly to any such proposal on the grounds that Victoria Tower Gardens is one of the few remaining relatively dark spaces adjacent to the River Thames and an important flight path for bats and night flying invertebrates. Consequently, we do not accept at this stage that there is a case for scoping ecological effects out of the EIA.

## **6. BUILT HERITAGE, TOWNSCAPE AND VISUAL ASSESSMENT**

### **6.2 Baseline conditions**

#### **6.2.1 Location and constituent heritage assets**

The final built area (using areas provided by the Developer) would cover 43% of the Grade II listed park. Consequently, the proposed impact upon the park would be immense. The highest point of the Memorial would be seven metres above the existing ground level and the proposed excavated depth to circa eight metres to accommodate a Learning Centre over two levels (a mezzanine and a basement level), providing an internal floor area of approximately 3,250 square metres (34,983 square feet). This would be nearly twice the area of The Royal Parks' headquarters building in Hyde Park. In addition, the Memorial and education centre is expected to attract 1,000,000 visitors and consequently generate significant localised pedestrian flows, which will have a detrimental impact upon the infrastructure within Victoria Tower Gardens.

### **6.3.1.2 Effects on townscape and visual**

The Park Manager must approve the treatment of the hoardings.

### **6.3.2.2 Effects on townscape and visual**

With expert in-house arboriculturists, we think that we are best placed to consider the long-term management of the existing trees in the park.

The Royal Parks should also be included in the consultation regarding which viewpoints should be considered.

## **8. Noise**

With an expected one million additional visitors to the Gardens, the impact of that extra footfall in terms of noise upon the quiet enjoyment of existing visitors should be assessed as should the impact caused by regular visitors who will find themselves displaced due to the significant reduction in public open space.

## **9. Population and Human Health**

### **9.3 Potential significant effects and mitigation measures**

#### **9.3.1 Construction**

We note that the developer intends to keep "open [the gardens] to the public as far as possible during construction". The Gardens are public open space and we would not wish to close them.

We are disappointed to note of the developer's intention to relocate the play area, toilets and kiosk in the southern section of the Park for the duration of the construction ie three years. In recent years, we have spent many thousands of pounds upgrading the play area and its facilities, including a kiosk selling refreshments to help recover some of the capital investment employed. Such a proposal to relocate such facilities would require our approval.

#### **9.3.2 Operation**

We are disappointed to note that the new heating and ventilation systems could result in increased ambient noise levels.

## **12. Traffic and Transport**

### **12.3.2 Operation**

Generally, all deliveries and operational vehicles should not access the park.

## **13.2 Site Description**

The Royal Parks is aware of a weakness to the river wall where bomb damage was repaired during World War Two with some seepage noticed on previous extreme tides. The Flood Risk Assessment (FRA) must take this into account.

## **Table 14-1 Summary of Scoping conclusions**

### **BUILT HERITAGE, TOWNSCAPE AND VISUAL**

**Desk-based assessments of any designated and/or non-designated assets proposed to be relocated.**

**Options appraisal of new locations for any memorial to be re-sited.**

**Building consent applications.**

While we have no plans to relocate any of the heritage assets currently situated within Victoria Tower Gardens, we are aware of a third party's request to move the Emmeline Pankhurst statue elsewhere. We have also heard of a proposal to move the Horseferry playground (originally created in 1923) elsewhere within the Borough of Westminster, but we have no such plans for the playground.

### **MATERIAL ASSETS (INFRASTRUCTURE) AND CLIMATE CHANGE**

The proposed impacts on drainage and other critical infrastructure and impacts on material assets in operation of the Scheme should be considered.

#### **Water quality and flood risk**

We note that a stand-alone FRA report will be produced to support the planning application.

### **TRAFFIC AND TRANSPORT**

#### **Traffic and transport impacts**

We note that construction is expected to take three years, which is longer than we had anticipated. The developer should be aware of the potential conflict between construction traffic in the park with park visitors, notably school children visiting the existing education centre in Victoria Tower Gardens. In addition, the impact of that construction traffic upon mature tree roots and the longevity of those trees should be considered.

Yours sincerely,



Jane Arthur  
Estates Manager

## Rieger, Alice

---

**From:** South Planning Team: WCC <SouthPlanningTeam@westminster.gov.uk>  
**Sent:** 24 August 2018 13:03  
**To:** Dorward, David: WCC  
**Subject:** FW: 29/06416/EIASCR; The Victoria Tower Gardens Millbank London SW1P 3YB

FYI

### Nikki Mitchell

Senior Area Admin Officer  
Development Planning

Growth, Planning and Housing  
Westminster City Council  
Postal address: PO Box 732, Redhill, RH1 9FL  
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**From:** Pak-Lim Wong <PakLim.Wong@tfl.gov.uk>  
**Sent:** 23 August 2018 17:51  
**To:** South Planning Team: WCC <SouthPlanningTeam@westminster.gov.uk>  
**Subject:** Re: 29/06416/EIASCR; The Victoria Tower Gardens Millbank London SW1P 3YB

Dear Sir/ Madam

**Re: 29/06416/EIASCR; The Victoria Tower Gardens Millbank London SW1P 3YB**

Request for scoping opinion for the Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Thank you for consulting TfL this proposal, TfL offers the following comments:

1. A Transport Assessment/ Statement shall be provided to include level of traffic / pedestrians likely to generate to the proposal; the site is highly accessible by public transport, and due to its location, no additional car parking shall be provided. However, cycle parking for staff/ visitors should be provided with reference to the Draft London Plan cycle parking standards.

2. The applicant shall clarify whether any regular ceremony/ events likely to take place at the proposal which would attract congregation of large crowds which temporary traffic management/ diversion may be necessary. TfL would need to consider whether this would have an impact to traffic movements in the area.
3. Due to the sensitive location of the site, the applicant would need to consider whether there would be a need for additional security measures in the vicinity, in turns which may impact traffic/ pedestrians movements on Millbank.
4. As para 12 of the scoping report, construction impact for the proposal would need to be fully considered, TfL would expect a Draft Construction Logistics plan be submitted forming part of the formal application submission detailing but not limited loading/ unload of construction materials, time scale, construction access, construction vehicles types and their routing, traffic management and access strategy. In the event that road closure may be needed, alternative traffic route would need to be proposed and impact to traffic capacity would also need to be considered.

Please do not hesitate to contact me if I can be of any further assistance.

Kind regards

**PakLim Wong**

Planning Officer

City Planning, Transport for London

5 Endeavour Square, Westfield Avenue, Stratford E20 1JN

Tel: (020) 3054 1779 | Auto: 81779 |

Email: [paklim.wong@tfl.gov.uk](mailto:paklim.wong@tfl.gov.uk)

For more information regarding the TfL Borough Planning team, including TfL's *Transport assessment best practice guidance* and pre-application advice please visit

<http://www.tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications?intcmp=3484>

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<b>Memorandum from the Highways Planning Manager</b>		<b>Date</b>	<b>Highways Planning Officer</b>		
To: Director of Planning		29 August 2018	Ian Morrison		
<b>Subject of Report</b>		<b>Case Officer</b>			
The Victoria Tower Gardens, Millbank, London, SW1P 3YB,		David Dorward			
<b>Ref No.</b>	18/06416/EIASCR	<b>Wards involved</b>	St James's		
<b>Proposal</b>	Request for scoping opinion for the Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.				
<b>Agent</b>	Mr Alex Walker-robson	<b>Date Valid:</b>	26 July 2018	<b>8 Wk Date:</b>	20 September 2018

### 1. Description of Development

Details the topics to be covered by an EIA for a development at the above address.

### 2. Supported Transportation Issues

n/a

### 3. Unacceptable Transportation Issues

The scoping report indicates that Transport Issues will be covered in the Transport Assessment. The TA should be consistent with the requirements of TRASN14 and TfL Transport Assessment Best Practice Guidance Document.

The drafting Chapter 12 implies the focused will be on traffic and vehicle impacts and fails to give sufficient weight to the potential impacts of increased pedestrian activity on the immediate and wider area. Impacts on additional crossing times (particularly of signalised crossing) will need to be assessed, as well as the impact of extra pedestrians on traffic flows.

There are a number of reports (including ARUP 2017, Baker Langham Operational Business Plan) referenced in Chapter 12 that are unfamiliar to WCC. These must be reviewed prior to it being agreed that they are relevant and robust for further assessments to be based upon. In terms of survey work it is strongly suggested that these should cover 24 hours, 7 day a week activity that occurs in the area.

It is unclear if there has been discussions with TfL at this stage (para 12.2.1). Discussions with WCC have been limited to date, given the scale and complexity of the proposal.

The majority of the potential mitigation listed on page 56 of the EIA is unclear or potentially undeliverable (based on the limited detail provided within the EIA).

While trip rate information should make use of appropriate TRICS data, it is unclear if sufficient relevant data exists within the TRICS database. Any base data must be agreed by WCC, including comparator sites. Trip generation figures must include those people that come to look at the memorial from the park but do not enter the memorial itself (so would not be part of the ticket numbers).

The detailed issues will be considered at as part of any future planning application.

**4. Reasons for Refusal**

n/a

**5. Possibilities for overcoming unacceptable transportation issues**

n/a

**6. Planning Conditions and Informatives**

n/a

**7. s106 Requirements**

n/a

**RECOMMENDATION**

Unacceptable but could be made acceptable (see above)

Date: 28 August 2018  
Our ref: 256255  
Your ref: 18/06416/EIASCR



David Dorward  
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**BY EMAIL ONLY**

[southplanningteam@westminster.gov.uk](mailto:southplanningteam@westminster.gov.uk)

Dear Mr Dorward

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town & Country Planning EIA Regulations 2017):** Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens

**Location:** The Victoria Tower Gardens, Millbank, London, SW1P 3YB

Thank you for your consultation dated and received by Natural England on 6<sup>th</sup> August 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Part 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), and we may be able to provide further information.

Yours sincerely

Victoria Kirkham  
Consultations Team

## **Annex A – Advice related to EIA Scoping Requirements**

### **1. General Principles**

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

1. A description of the development, including in particular:
  - (a) a description of the location of the development;
  - (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
  - (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
  - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.
  
2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
  
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
  
4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.
  
5. A description of the likely significant effects of the development on the environment resulting from, inter alia:
  - (a) the construction and existence of the development, including, where relevant, demolition works;
  - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
  - (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
  - (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
  - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
  - (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
  - (g) the technologies and the substances used. The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC(a) and Directive 2009/147/EC(b).

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

## 2. Biodiversity and Geology

### 2.1. Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. [Guidelines for Ecological Impact Assessment \(EclA\)](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework ([NPPF](#)) sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

### 2.2. Internationally and Nationally Designated Sites

Natural England undertakes an initial assessment of all development consultations, by determining whether the location to which they relate falls within geographical 'buffer' areas within which development is likely to affect designated sites. The proposal is located outside these buffer areas and therefore appears unlikely to affect an Internationally or Nationally designated site. However, it should be recognised that the specific nature of a proposal may have the potential to lead to significant impacts arising at a greater distance than is encompassed by Natural England's buffers for designated sites. The ES should therefore thoroughly assess the potential for the proposal to affect designated sites, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSI). Should the proposal result in an emission to air or discharge to the ground or surface water catchment of a designated site then the potential effects and impact of this would need to be considered in the Environmental Statement

Local Planning Authorities, as competent authorities under the provisions of the Conservation of Habitats and Species Regulations 2017, should have regard to the Habitats Regulations Assessment process set out in Regulation 63 of the Habitats Regulations in their determination of a planning application. Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Statutory site locations can be found at [www.magic.gov.uk](http://www.magic.gov.uk). Further information concerning particular statutory sites can be found on the [Natural England website](#).

### 2.3. Protected Species

The ES should assess the impact of all phases of the proposal on protected species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

Natural England has adopted [standing advice](#) for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It also includes links to guidance on survey and mitigation.

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species.

### 2.4. Regionally and Locally Important Sites

The ES should thoroughly assess the impact of the proposals on non-statutory sites, for example Local Wildlife Sites (LoWS), Local Nature Reserves (LNR) and Regionally Important Geological and Geomorphological Sites (RIGS). Natural England does not hold comprehensive information on these sites. We therefore advise that the appropriate local biological record centres, nature conservation organisations, Local Planning Authority and local RIGS group should be contacted with respect to this matter.

### 2.5. Biodiversity Action Plan Habitats and Species

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed in the UK Biodiversity Action Plan (BAP). These Priority Habitats and Species are listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, recently [published](#) under the requirements of S14 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that BAP species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of BAP habitat for the area under consideration.

## **3. Landscape, Access and Recreation**

### 3.1. Landscape and Visual Impacts

The consideration of landscape impacts should reflect the approach set out in the *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute and the Institute of Environmental Assessment and Management, 2013, 3rd edition), the *Landscape Character Assessment Guidance for England and Scotland* (Scottish Natural Heritage and The Countryside Agency, 2002) and good practice. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England would expect

the cumulative impact assessment to include those proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### 3.2. Access and Recreation

The ES should include a thorough assessment of the development's effects upon public rights of way and access to the countryside and its enjoyment through recreation. With this in mind and in addition to consideration of public rights of way, the landscape and visual effects on Open Access land, whether direct or indirect, should be included in the ES.

Natural England would also expect to see consideration of opportunities for improved or new public access provision on the site, to include linking existing public rights of way and/or providing new circular routes and interpretation. We also recommend reference to relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

## **4. Land use and soils**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the valuing of the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The Natural Environment White Paper (NEWP) '*The Natural Choice: securing the value of nature*' (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils and the protection of BMV agricultural land.

Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as result of construction activities. This affects their functionality as wildlife habitat, and reduces their ability to support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution. Defra published a Construction [Code of Practice for the sustainable use of soils on construction sites](#) (2009). The purpose of the Code of Practice is to provide a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.

As identified in the NPPF new sites or extensions to new sites for Peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

General advice on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites](#).

## **5. Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which

may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

## **6. Climate Change Adaptation**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment "by establishing coherent ecological networks that are more resilient to current and future pressures" ([NPPF](#) Para 109), which should be demonstrated through the ES.

Mr. David Dorward  
Westminster Planning

**Our ref:** NE/2018/129019/01  
**Your ref:** 18/06416/EIASCR

**Date:** 31 August 2018

Dear David

**Request for Scoping Opinion for the installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.**

**The Victoria Tower Gardens, Millbank, London, SW1P 3YB.**

Thank you for consulting us on the above Environmental Impact Assessment (EIA) Scoping Report. We have provided details below on environmental issues on the site within our remit. Future submissions will require further work in order to show how these issues can be satisfactorily addressed to ensure detrimental environmental impacts are avoided.

Key environmental constraints identified include:

- Flood Risk
- Flood Defence Structures
- Thames Estuary 2100

**Flood risk:**

The proposed development will result in a 'Less vulnerable' use, as defined by Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change, within Flood Zone 3. This use can be appropriate in this flood zone providing the submission of an acceptable Flood Risk Assessment (FRA) which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.

The site is protected by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year. Our latest flood modelling data (2017) shows that the site is at risk if there was to be a breach in the flood defences or if they were to be overtopped. Furthermore, according to the most recent Strategic Flood Risk Assessment (SFRA) for Westminster, produced in 2010, this site is within a 1-30 minute Rapid Inundation Zone. Areas within this zone are at greatest risk of flooding if defences were to be breached or overtopped. Therefore, these defences are critical in protecting both the potential future users of the Holocaust Memorial as well as properties in the surrounding area. For this reason developers must be fully aware of the implications of carrying out works this close to the tidal defences when designing both the Memorial as well as the Learning Centre.

Any future development in this area, as correctly highlighted within the submitted EIA will require a Flood Risk Assessment (FRA) as explained above. As a minimum we expect the FRA to have covered the following:

- Consideration of the level of flood risk and whether the proposed use would be appropriate in accordance with its vulnerability classification outlined within [Table 2](#) of the Planning Practice Guidance: [Flood Risk and Coastal Change](#) (section 25).
- Identification of the level of flood risk on the site and consideration of the impact a range of flood events would have on the proposed development.
- Confirmation of any flood defences and standard of protection provided, to confirm the

Cont/d..

level of residual risk in accordance with the Strategic Flood Risk Assessment (SFRA) for Westminster.

- Estimation of flood depths at the site for a range of flood events, to calculate internal flood depths and level of refuge required in the event of a breach or failure of the flood defences.
- Appropriate and realistic flood mitigation measures based on flood characteristics at the site.
- Details of set back of the development from the riverbank / defence.
- Confirmation that a safe route of access and egress with a 'very low flood hazard' rating in accordance with the guidance document '[FD2320 \(Flood Risk Assessment Guidance for New Developments\)](#)' is achievable.

To request flood risk data, you can email: [HNLenquiries@environment-agency.gov.uk](mailto:HNLenquiries@environment-agency.gov.uk).

For further information on our flood map products please visit our webpages at: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>.

### **Flood defences:**

As explained above, the flood defence wall adjacent to this site plays a vital role in protecting the site and wider Westminster area from tidal flooding. We require development to be set back 16m from the defences to allow for maintenance, inspections and improvements. This is supported by Policy 5.12.D of the [London Plan](#) which states: *Development (..) where possible should be set back from the banks of watercourses and those defences to allow their management, maintenance and upgrade to be undertaken in a sustainable and cost effective way.*

If the minimum of 16m setback is not possible we would expect the applicant to submit evidence to demonstrate that any flood walls/defences are in good enough condition to protect the proposed development for its lifetime. This should be submitted in the form of a survey and should include an assessment of any remedial works or flood defence replacement options required to protect the site from flooding for the lifetime of the development. This survey should assess the impacts of the failing flood defence on the proposed development and demonstrate that it will not be at an unacceptable risk of flooding. Any application will also need to demonstrate how suitable access will be maintained for maintenance and improvement works to the flood wall.

The construction process has the potential to have a negative impact on the integrity of these flood defences as detailed in paragraph 13.3.1.3 of the EIA which reads: *The nature of the construction works, with the need for piling and deep excavation works, and their proximity to the river walls of the tidal Thames, which are also formal flood defence structures, has potential implications for flood risk.* For this reason we expect any future planning application to assess the impact of the construction process and the effects it will have on the existing flood defences. This should be informed by the flood defence condition survey where appropriate. This is supported by [Westminster City Plan](#) Policy S45 which states that: *Development will ensure that flood-related infrastructure is protected and access for maintenance is retained.* This is also supported by Policy 5.12.D of the [London Plan](#) which states: *Development needs to protect the integrity of the existing flood defence (...).*

It is important that the applicant is aware of the invisible (below ground) sections which make up a tidal flood defence when designing a construction method. This includes any tie rods, anchors and any other supporting structures below the surface. These aspects need to be considered when designing a construction methodology in order to prevent risking the integrity of the flood defences during the works. Causing damage to these invisible structures may cause the defence to fail putting the area at risk of flooding.

A continuous flood defence, at the statutory defence level, must be maintained at all times throughout construction.

In some cases we hold technical drawings of flood defence structures which may be of use in designing your scheme. To request these you should contact our customers and engagement team at [HNLinquiries@environment-agency.gov.uk](mailto:HNLinquiries@environment-agency.gov.uk).

### **Thames Estuary 2100 (Tidal Defences):**

Increasing pressures such as climate change and population growth mean that tidal flood risk will increase over time in London, unless this risk is carefully managed. The Thames Estuary 2100 ([TE2100](#)) Plan was produced by the Environment Agency and published in 2012 to provide strategic direction for managing flood risk in the Thames Estuary up to 2100. It sets out recommendations to manage flood risk from the tides in the Thames Estuary until the end of the century and takes into considering climate change implications. The area covered by the plan in London stretches from Hampton in the west, through central London, to Crayford Ness in the east.

The flood defences in Westminster are generally 'hard defences' and include concrete or masonry structures. Over the time of the TE2100 Plan all of these structures will need to be raised to maintain a high standard of flood protection to London. Some of these structures will need to be replaced. While it may be possible for many of the hard defences to be raised within the existing defence footprint (or with only a small increase in width) some defences may need to be rebuilt entirely. The developer should therefore be aware of the fact that flood defences adjacent to this site must be raised in line with requirements set out in the TE2100 plan. In order to do this any planning application in this location will need to demonstrate how the flood defences could be raised in the future to meet the demands of climate change. No activities on site should preclude access to the flood defence from maintenance or prevent the future raising of flood defences.

Please note that as these defences get raised they may become tall, unattractive and will restrict public access and views and have implications for the development design and landscaping. Therefore the developer may want to consider this early on in the application process and adjust their design accordingly.

### Additional advice and information for the applicant and their consultants:

#### **Flood Risk Activity Permit:**

In addition to planning permission, under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 a *Flood Risk Activity Permit* is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of the top of the bank of the Thames, designated a 'main river' or any flood defence structure – including underground structures.

Details of lower risk activities that may be excluded or exempt from the Permitting Regulations can be found on the [gov.uk](http://gov.uk) website. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations. For further information please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk).

#### **Advice for developers:**

We have produced advice with Natural England and the Forestry Commission on how new development can help improve the environment. This is in line with the national planning policy framework (NPPF) "the planning system should contribute to and enhance the natural and local environment" (Para 170).

<https://www.gov.uk/government/publications/planning-a-guide-for-developers>

#### **Waste Duty of Care Responsibilities:**

Any use of waste on the site would require authorisation from us either as an exempt or permitted operation. Any waste material removed from site must also correctly follow duty of care procedures, with all loads documented by waste transfer notes. If any waste is to be used on site, you will be required to obtain the appropriate waste exemption or permit from us. You

can refer to guidance at: <https://www.gov.uk/environmental-management/wastent/waste>. If in doubt, we should be contacted on 03708 506 506 or at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for advice at an early stage to avoid any delays.

Additional 'Environmental Permitting Guidance' can be accessed via the government website at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable.

Further Review of documentation prior to submission:

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

Further engagement at the pre-application stage will speed up our formal response to your planning application and provide you with certainty as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems.

We currently charge £100 per hour plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The terms and conditions of our charged for service are available [here](#).

Whilst we have identified some potential issues with this proposed development, we are keen to work with you in resolving these so that we do not have to raise objection at the formal planning stage. Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again in line with any changes to environmental risk or evidence, and/or planning policy.

If you have any questions or would like to discuss any of the above, please contact me on 0207 7140 578 or email me at [HNL.SustainablePlaces@environment-agency.gov.uk](mailto:HNL.SustainablePlaces@environment-agency.gov.uk), quoting the reference at the beginning of this letter.

Kind regards,

**Demetry Lyons**  
**Sustainable Places Planning Advisor**

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