

# Hampstead Heath Ponds Project

**ENVIRONMENTAL STATEMENT**  
APPENDICES (VOLUME 3)

July 2014



# Notice

This document and its contents have been prepared and are intended solely for City of London's information and use in relation to the planning application for the Hampstead Heath Ponds project.

Atkins Limited assumes no responsibility to any other party in respect of or arising out of or in connection with this document and/or its contents.

## Document History

Job number:			Document ref:			
Revision	Purpose description	Originated	Checked	Reviewed	Authorised	Date
Rev 1.0	Draft	DP	JF	JF	MW	01/07/14

## EIA Quality Mark



This Environmental Statement and the Environmental Impact Assessment (EIA) carried out to identify the significant environmental effects of the proposed development have been undertaken in line with our commitments as members of the EIA Quality Mark.

The EIA Quality Mark is a voluntary scheme operated by the Institute of Environmental Management and Assessment (IEMA) through our EIA activities are independently reviewed, on an annual basis, to ensure we continue to deliver excellence in the following areas:

- EIA Management*
- EIA Team Capabilities*
- EIA Regulatory Compliance*
- EIA Context & Influence*
- EIA Content*
- EIA Presentation*
- Improving EIA practice*

To find out more about the EIA Quality Mark and our registration to it please visit: [www.iema.net/qmark](http://www.iema.net/qmark)

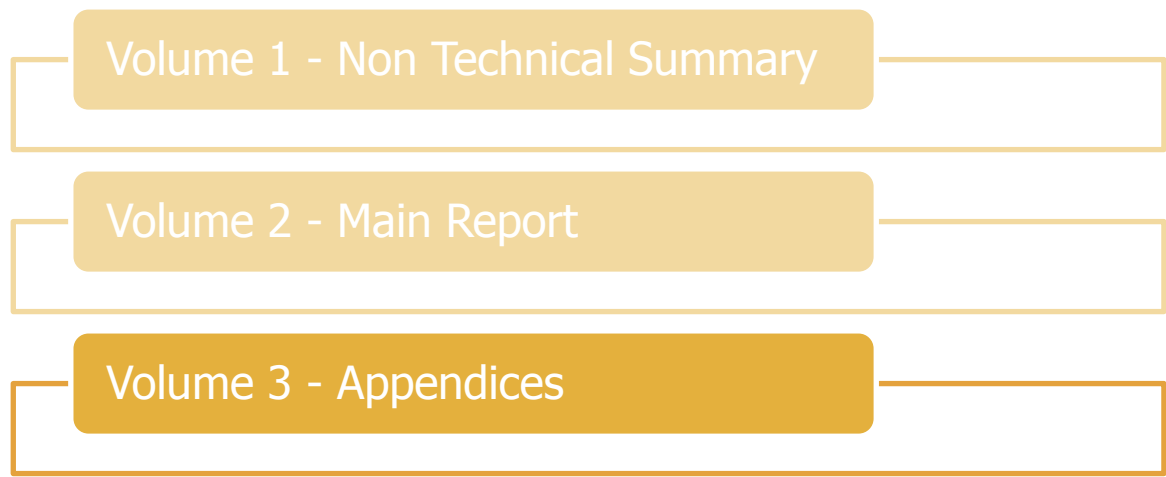
# Contents

<b>Notice .....</b>	<b>i</b>
<b>Document History .....</b>	<b>i</b>
<b>Contents .....</b>	<b>ii</b>
<b>Introduction .....</b>	<b>1-1</b>
<b>Appendix 1.1 Scoping Opinion .....</b>	<b>2-1</b>
<b>Appendix 3.1 Construction Programme .....</b>	<b>3-1</b>
<b>Appendix 6.1 Landscape and Visual Assessment Method .....</b>	<b>4-1</b>
<b>Appendix 6.2 Method for the Verified Views (Photomontages) .....</b>	<b>5-1</b>
<b>Appendix 6.3 Landscape and Visual Baseline .....</b>	<b>6-1</b>
<b>Appendix 6.4 Landscape and Visual Impacts during Construction and Operation .....</b>	<b>7-1</b>
<b>Appendix 6.5 Landscape Effects .....</b>	<b>8-1</b>
<b>Appendix 6.6 Visual Effects .....</b>	<b>9-1</b>
<b>Appendix 6.7 Visual Photographic Record .....</b>	<b>10-1</b>
<b>Appendix 6.8 Landscape Photographic Record .....</b>	<b>11-1</b>
<b>Appendix 7.1 Ecology Legislation .....</b>	<b>12-1</b>
<b>Appendix 7.2 Ecology Data Collection and Interpretation Methods .....</b>	<b>13-1</b>
<b>Appendix 7.3 Summary of Designated Sites of Nature Conservation Importance within 2km of the Site .....</b>	<b>14-1</b>
<b>Appendix 7.4 PSYM Pond Habitat Quality Assessment Summaries for Surveys Undertaken in July 2013 .....</b>	<b>15-1</b>
<b>Appendix 7.5 Summary Aquatic Macrophyte Data for the Hampstead and Highgate Pond Chains for Surveys Undertaken in July 2013 within 2km of the Site .....</b>	<b>16-1</b>
<b>Appendix 7.6 Bird Data Summary .....</b>	<b>17-1</b>
<b>Appendix 7.7 Non-native Crayfish Trapping Results for Surveys Undertaken on the Hampstead and Highgate Pond Chains in 2013 .....</b>	<b>18-1</b>
<b>Appendix 7.8 Summary Aquatic Invertebrate Data for the Hampstead and Highgate Pond Chains for Surveys Undertaken in July 2013 .....</b>	<b>19-1</b>
<b>Appendix 7.9 Conservation Status of Aquatic Invertebrate Taxa in the Hampstead and Highgate Pond Chains for Surveys Undertaken in July 2013 .....</b>	<b>20-1</b>
<b>Appendix 7.10: Summary Data from Electric Fishing and Seine Netting Surveys Undertaken on the Hampstead and Highgate Pond Chains in 2002 .....</b>	<b>21-1</b>
<b>Appendix 7.11: Summary Data from Electric Fishing and Seine Netting Surveys Undertaken on the Hampstead and Highgate Pond Chains in 2013 .....</b>	<b>22-1</b>
<b>Appendix 7.12: A Guide for CCI Alignment with Evaluation Criteria .....</b>	<b>23-1</b>
<b>Appendix 7.13: Habitat Survey Report .....</b>	<b>24-1</b>
<b>Appendix 7.14: Pond Survey Report .....</b>	<b>25-1</b>
<b>Appendix 7.15: Great Crested Newt Survey Report .....</b>	<b>26-1</b>

<b>Appendix 7.16: Bat Activity Survey Report .....</b>	<b>27-1</b>
<b>Appendix 7.17: Bat Assessment of Kenwood Ladies’ Changing Room .....</b>	<b>28-1</b>
<b>Appendix 7.18: Bat Assessment of Toilet Block .....</b>	<b>29-1</b>
<b>Appendix 7.19: Bat Assessment of Viaduct .....</b>	<b>30-1</b>
<b>Appendix 7.20: Breeding Bird Survey Report .....</b>	<b>31-1</b>
<b>Appendix 7.21: Fungi Survey Report .....</b>	<b>32-1</b>
<b>Appendix 7.22: Fungi Survey Report Addendum .....</b>	<b>33-1</b>
<b>Appendix 7.23: Review of Invertebrate Data .....</b>	<b>34-1</b>
<b>Appendix 7.24: Phase I Invertebrate Survey Report .....</b>	<b>35-1</b>
<b>Appendix 7.25: Pond Fisheries Survey Report .....</b>	<b>36-1</b>
<b>Appendix 7.26: Phytobenthos, Cyanobacteria and Zooplankton Survey Report .....</b>	<b>37-1</b>
<b>Appendix 8.1 Water Quality Assessment .....</b>	<b>38-1</b>
<b>Appendix 9.1 Historic Environment Assessment .....</b>	<b>39-1</b>
<b>Appendix 9.2 Watching Brief Report .....</b>	<b>40-1</b>
<b>Appendix 9.3 Historic Environment Impact Assessment .....</b>	<b>41-1</b>
<b>Appendix 10.1 Full Amenity Assessment .....</b>	<b>42-1</b>
<b>Appendix 11.1 Traffic Data Summary .....</b>	<b>43-1</b>
<b>Appendix 11.2 Swept Path Analysis .....</b>	<b>44-1</b>
<b>Appendix 12.1 Construction Dust Assessment Figures .....</b>	<b>45-1</b>
<b>Appendix 13.1 Noise Survey Equipment .....</b>	<b>46-1</b>
<b>Appendix 13.2 Noise Survey Results .....</b>	<b>47-1</b>
<b>Appendix 13.3 Construction Activities and Plant .....</b>	<b>48-1</b>
<b>Appendix 13.4 Noise Receptor Impacts .....</b>	<b>49-1</b>
<b>Appendix 13.5 Noise Contour Maps .....</b>	<b>50-1</b>

# Introduction

- 1.1 These appendices are the third volume of the Environmental Statement that is submitted as part of the planning application for the Hampstead Heath Ponds project. The information in these appendices is designed to accompany the Non Technical Summary and Main Report in Volumes 1 and 2 respectively and is not intended to be read in isolation.



# Appendix 1.1 Scoping Opinion

**Date:** 08 April 2014

Joanne Farrar  
Associate Director – Environmental Planning  
Water & Environment  
Atkins  
Euston Tower  
286 Euston Road  
London  
NW1 3AT

**Development Management  
Planning Services**

London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7974 4444  
Fax 020 7974 1975  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Our ref: 2014/0320/P  
Please ask for: Jonathan Markwell  
Telephone 0207 974 2453

Dear Ms Farrar,

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2011**

RE: Hampstead and Highgate chains of ponds, Hampstead Heath, London - Request for Environmental Impact Assessment (EIA) Screening Opinion for proposed works to the ponds on the Hampstead and Highgate chains of ponds within Hampstead Heath, in relation to the Hampstead Heath Flood and Water Quality Management works.

I refer to your formal Scoping Opinion request dated 10th January 2014 with regard to Regulation 13 of the EIA Regulations, as to the content of the Environmental Statement (ES) to be prepared in connection with the development proposed at the above site.

This letter constitutes the London Borough of Camden Council's scoping opinion.

The Council is of the opinion that the ES should include a full factual description of the development. It should also evaluate and deal with the issues set out in your Scoping Report (and related supporting documentation submitted), with the following amendments and additions:

**1. EIA methodology**

It is noted that paragraph 1.4 of the EIA Scoping Report states that "the project is currently at preferred options stage... as such a full detailed design of the Proposed

Development is not yet available.” On this basis this Scoping Opinion is offered with the caveat that should the form of development deviate to a significant degree from that described and assessment within the Scoping submission, a further application for Scoping Opinion may prove necessary.

With regard to Table 3.1 (the Scoping Exercise Checklist), it is considered necessary for an index to also be included to specifically pinpoint where each of the factors identified in Schedule 4 of the EIA Regulations are referenced in the various effects documentation. This is for cross referencing purposes and to ensure that all factors have been considered in line with the EIA Regulations. A separate index should also be produced for the non-technical summary, to cross reference with the information set out at paragraph 4.6 of the EIA Scoping report.

In addition to the final bullet point detailed at paragraph 4.8, it is sought for the scope of considerations to be widened, where applicable (and where not applicable for this to be justified by written commentary), to include all those detailed at Schedule 4 of the EIA Regulations (paragraph 4 details: direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative). These factors should be in addition to the ‘significant, avoidable or uncertain’ categories you have already identified. Furthermore, where the impact is to be ‘significant’, measures to prevent, reduce or offset such effects should be detailed, in line with Schedule 4 paragraph 5 of the EIA Regulations. Even where the effect is not deemed to be significant, any prevention/reduction/offset measures should be explored and detailed in the supporting statements.

## **2. Landscape and visual amenity**

In addition to the information detailed, it is stated for the avoidance of doubt that specialised Heritage and Conservation / Tree and Landscape officers would value the opportunity to contribute to the selection of viewpoints.

## **3. Ecology**

Officers agree with the various comments made by both Natural England and the Environment Agency (detailed in a separate section below). It is emphasised in particular that, similar to the Environment Agency comment, that in terms of biodiversity there is a need to ensure that no invasive species are introduced through planting.

It is also noted for your information that the subsequent biodiversity information and ecological assessment will subsequently need to be made available to Greenspace Information for Greater London (GIGL). This is the environmental records centre for

London. The information will assist the database of ecological information in the area, to assist future decision making in the borough and beyond.

#### **4. Water Environment**

With regard to the surface water effects in Table 3.1, it is suggested to avoid possible confusion that instead of stating “Exceedence of surface water drainage capacity including surface water sewers and the discharge of water into the culverted River Fleet”, it should read “Exceedence of surface water drainage capacity including surface water sewers and combined sewers which includes the discharge of water into the culverted River Fleet.”

#### **5. Traffic and transport**

It is agreed that the three reports specified should be included for future consideration. With regard to the Transport Statement, it is advised that the extent of traffic surveys should be agreed with Transport Strategy officers in advance. In terms of the Environmental Assessment of Road Traffic, it is considered that this should be a lead document as it covers aspects such as amenity, fear and intimidation in respect of HGV movements. Turning to consider the Construction Management Plan element, this should follow both London Borough of Camden and Transport for London guidance.

It is also commented at this juncture that, in overall terms, that although vehicular traffic would be non-existent in the final situation at the site, the construction stage poses a possible environmental impact. More specifically, construction traffic and HGV movements could have a significant impact, given the location of works within Hampstead Heath and the limited vehicle access available. It is considered necessary for greater consideration to be given to the environmental impacts of construction traffic as a result of the proposals being put forward. As detailed in the EIA Road Traffic consideration guidelines, HGV movements do pose an environmental concern on more than just a physical number basis.

Consequently, it will be expected for the following to be covered comprehensively and fully addressed as part of the transport related information provided:

- a. Establishment of transport data for cycle flows, traffic flows, pedestrian flows and accident records for agreed public highway locations and right of way routes on Hampstead Heath;
- b) Changes to these local traffic flows during site preparation and construction including pedestrian and traffic management measures that will be required;



- c) A walking and cycling assessment to determine the impact of HGV movements on pedestrians and cyclists, and associated protection measures where appropriate;
- d) Agreed junction and highway network assessments for key routes associated with construction traffic routing;
- e) A comprehensive construction management plan/construction logistics plan for all the sites including initiatives to better manage all types of construction vehicle movement and promote sustainable and consolidated movements;
- f) Detailed assessment on proposed parking/materials storage locations how these will be accessed and what consideration has been given to minimising them;
- g) Construction traffic impact associated with the proposals, for all three reports, including considered cumulative impact assessments; and
- h) Consideration of mitigation measures, particularly aimed at minimising pedestrian/cycling impacts as defined in the EIA guidelines for road traffic.

## **6. Consultation responses**

In addition to internal comments from London Borough of Camden officers, the following bodies / consultees have responded to the formal consultation undertaken:

- Barnet London Borough Council;
- City of London;
- English Heritage;
- English Heritage GLAAS;
- Environment Agency;
- The Heath and Hampstead Society;
- Holly Lodge CAAC;
- Natural England;
- Sport England.

The consultation responses from these bodies / consultees have been provided or summarised, where appropriate, below. It is considered that each of the consultation responses received should be duly taken into account when preparing the ES. You have already indicated that this shall be the case at bullet point 1 of paragraph 4.8 of the EIA Scoping Report. It has not been considered necessary to repeat the points

raised below in preceding sections of the Scoping Opinion, hence, this document should be read as a whole when compiling the subsequent ES. The Council would however particularly wish to stress its support for a) the Heath and Hampstead Society's assertion that the topics of Landscape and Visual, Cultural Heritage and Community take fully into account the impacts on public enjoyment of the Ponds and Heath; b) the archaeology approach as set out by GLAAS; and c) wish it noted that the Council expects the applicant to take into account the Heath's statutory governing instruments.

The following bodies / consultees, although formally consulted, have not replied at the time of writing.

- CABE / Design Council; Crime Design Advisor; Dartmouth Park Conservation Area Advisory Committee (CAAC); Garden History Society; Hampstead CAAC; Highgate CAAC; Highgate Society; Holly Lodge CAAC; London Borough of Haringey; London Parks and Gardens Trust; Mansfield CAAC ; Redington/Frognaal CAAC; South Hill Park CAAC; Superintendent of the Heath; Thames Water.

Should responses be received after the issuing of this response, those comments will be forwarded to you for consideration and inclusion within the ES.

#### Barnet London Borough Council

Raises no objection.

#### City of London

Requested (on 28/01/2014) that the Scoping Opinion includes information detailing consequential benefits of the proposed works to the dams in reducing the risk of sewer overflows elsewhere in the catchment area, including the City. The City does not wish to make any further observations at this stage but does wish to be consulted at the application stage.

City of London separately responded (on 13/02/2014) to the letter dated 28/01/2014 from Heath and Hampstead Society (see separately below), solely on the basis of potential litigation mentioned by Heath and Hampstead Society. A summary of the points raised are as follows:

- There are no current legal proceedings between the Society and the City.
- In the City's view, the Society's assertion that the adoption of a scoping opinion must wait until proceedings to settle the dispute are commenced and concluded is misconceived.
- Society and City in correspondence regarding an alternative procedure (Joint application under Part 8 of the Civil Procedure Rules). Although the City is

unconvinced by the Society's arguments, even if this option is pursued, this should not have any impact on the planning timetable – and indeed the City would not agree to a joint application under Part 8 if this would lead to any delays in the planning process.

- City disputes as too pessimistic the six month and two year time estimates put forward by the Society for a Part 8 and judicial review application respectively.
- There is only 'uncertainty' over the legal basis of the Ponds Project in the sense that a court has not had cause to make a definitive ruling on the interpretation of the relevant provisions of the Reservoirs Act 1975 and the Hampstead Heath Act 1871.
- Cannot see how the current scoping report, based on the City's interpretation of its legal obligations, which requires a greater degree of intervention on the Heath, could lead to the scope of the EIA being drawn too narrowly, as the Society suggests.
- The City does not consider it would be acting responsibly if it deferred progress on its application, designed to address its statutory duties and public safety, while it waits to see if the Society pursues a challenge to the City's interpretation of the relevant legislative provisions. Similarly, this would not appear to the City to provide a proper basis for declining to adopt a scoping opinion.

### English Heritage

English Heritage is the government's adviser on the historic environment and a consultation body for the purposes of Regulation 10(4) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the EIA Regulations").

Under the Borough's Local Plan Hampstead Heath is identified as Metropolitan Open Land. Local Policy CS15 of the adopted Core Strategy commits the Borough to protecting the historic, open space and nature conservation importance of the Heath, including taking account of this in planning applications.

Hampstead Heath is designated an Archaeological Priority Area, and the various ponds under consideration are surrounded by a number of heritage assets, including listed buildings, conservation areas and a scheduled monument. Designated strategic and local views run across the Heath.

We would expect the Environmental Statement to identify the heritage assets, historic character and views affected by any works to the ponds, including any impacts on significance by virtue of setting. Impacts should be managed in line with relevant policies in the NPPF and Local Plan. Impacts on the setting of heritage

assets should be managed using the methodology set out in our guidance document: Guidance on the Setting of Heritage Assets (2011).

A number of English Heritage guidance documents may be of use in this regard. These include:

- Landscape Advice Note: Historic Parks and Gardens and Changes to Reservoir Safety Legislation (2013), and;
- Moats, Parks and Ornamental Lakes and the Historic Environment (2011).

## Conclusion

Many thanks for consulting English Heritage.

English Heritage would strongly advise that the local authority's conservation staff are involved throughout the preparation and implementation of Environmental Impact Assessment as they are often best placed to advise on; local historic environment issues and priorities; sources of data; and, consideration of options relating to the historic environment.

Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not affect our obligation to advise you on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the Environmental Impact Assessment, and which may have adverse effects on the historic environment.

## English Heritage GLAAS

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where necessary undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision.

Having considered the EIA scoping documents I welcome the recognition that the historic environment resource consists of archaeological remains, historic buildings, and the historic landscape; and that at Hampstead Heath all three elements are strongly represented and highly sensitive to physical and visual / setting impacts, particularly in view of the recreational nature of the Heath environment (ES Scoping 3.44). As the largest area of semi-natural open landscape in Inner London

Hampstead Heath represents an exceptional historic landscape survival but it has not been subject to detailed archaeological survey. The proposed approach of a deskbased assessment and 'field visits to verify assumptions' (ES Scoping 3.45) does not seem to me to be a sufficient basis on which to base informed management of such a landscape. The fundamental problem with such an approach is that it implies that it is possible to establish a good understanding on the basis of existing information. The existing historic environment record entries for the Heath are very limited and even a cursory examination of historic maps suggests a wealth of complexity and time-depth which needs to be understood, and the likelihood that there are other as yet unrecorded remains. Further consideration should be given to defining an appropriate level and methodology for survey – especially the availability and use of lidar (airborne laser scanning) data. The ponds themselves should be regarded as undesignated heritage assets and their significance assessed. The potential impacts of construction works including 'borrow pits' must be considered. It would also be desirable to identify enhancements, for example improved understanding, interpretation or management of historic features.

The nature and scope of assessment and evaluation should be agreed with GLAAS and carried out by a developer-appointed archaeological practice before any decision on the planning application is taken. The ensuing archaeological report will need to establish the significance of the site and the impact of the proposed development.

Once the archaeological impact of the proposal has been defined a recommendation will be made by GLAAS. The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation.

If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development. If a planning decision is to be taken without the provision of sufficient archaeological information then we recommend that the failure of the applicant to provide adequate archaeological information be cited as a reason for refusal.

Further information on archaeology and planning in Greater London is available at: <http://www.english-heritage.org.uk/professional/advice/our-planning-role/greaterlondon-archaeology-advisory-service/about-glaas/>

Please note that this response relates solely to archaeological considerations. If necessary, English Heritage's Development Management or Historic Places teams should be consulted separately regarding statutory matters.

Environment Agency

We agree with the findings of the report with respect to the issues scoped in and scoped out. Please see the attached appendix for further advice and guidance.

I hope that these comments are of use to you in determining the required scope of the Environmental Impact Assessment.

## Appendix – Detailed advice and guidance

### Flood Risk

We support the commitment to ensuring no increase in surface water flood risk. The applicant will need to demonstrate that the requirements of the London Plan (Policy 5.13) and its Supplementary Planning Guidance on Sustainable Design and Construction are appropriately accounted for.

The surface water strategy should be carried out in accordance with the National Planning Policy Framework and the associated Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/blog/guidance/>).

### Note on Reservoirs:

The applicant should be aware of the requirements of the Reservoirs Act 1975 (as amended by the Water and Flood Bill 2010) and/or powers assigned to the local Borough via the aforementioned regulations, as well as the need for Reservoir Flood Plans (on-site plans) and updated inundation maps based on dam breach analysis.

### Water Resources

In certain circumstances an impoundment licence can be required for proposals that seek to place a structure (dam, weir or other works) in a watercourse that will impound the flow.

The ponds on Hampstead Heath are all man-made. They were originally built over 300 years ago and capture spring flow which emerges on the Heath. There are various earth dams used to retain the water with any excess flow discharging into the River Fleet tunnel system. The Fleet is known as one of London's Lost Rivers, and is contained in an underground tunnel system before discharging into the Tidal Thames.

The existing dam arrangements are deemed to be lawful due to changes brought about through the Water Act 2003. The proposed works involve creating a temporary water storage areas in the middle of each pond chain. These storage areas will be created, by raising the heights of some dams and building a new dam. Floodwater will then be stored temporarily in the ponds in the centre of each chain.

There is an unique situation that downstream of these reservoirs the watercourse is retained in the surface sewer system. There is minimal opportunity to restore the

watercourse, and the flows being captured are primarily being retained to minimise flood risk before being released.

There is no requirement to maintain downstream flows due to the unique status of the Fleet.

As a result of the above, this proposal is not considered to have a water resource implication as a consequence we will not need to pursue an impoundment licence application.

The applicant can contact Alastair Wilson (Senior Environment Planner - Water Resources) on 01707 632729 where further clarification is required on the impoundment regulations.

#### Ecology, Biodiversity and Conservation

We consider that the suggested scope of the EIA is appropriate given the proposed changes. The proposals will cause change and disturbance to established habitats and there will be a transitional phase to adapt to the new marginal and open water habitats. We welcome the fact that the presence and interests of protected species is covered to be covered in the scope.

We note that non-native invasive species are referred to but we consider that the scope should be further extended to include "biosecurity" measures to ensure that no unwanted alien invasives are brought to site via plant, personnel and machinery and to ensure that non-natives are not inadvertently spread from site.

We welcome the use of soft landscaping options (green materials, natural spillways etc), limiting tree loss and sediment traps. There appears to be an increase in maintenance and inspection as a result of these works. The applicant should be aware of the potential damage to earth works by burrowing animals and build in appropriate protection.

It is not completely clear whether there will be a resultant increased flow from the reservoirs, but if there is, we would have some concerns from an ecology perspective, if this flow was directed towards the west of Hampstead Heath which feeds the Decoy Brook and Clitterhouse Stream etc. in the Brent catchment. If the overflow mechanism allows normal flow to be maintained while holding back excessive surface water to alleviate flooding downstream then there would be no problem. The applicant can contact us to discuss this further if required.

If possible, we would welcome restricted access to parts of the ponds which could be maintained as sanctuary areas so that habitats and wildlife are less disturbed.

#### Groundwater and Contaminated Land

There is no evidence to suspect that the site in question is affected by contamination.

If the proposals include the re-use material from site or the import new material for the dams, then the following information may be of interest to the applicant:

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

#### The Heath and Hampstead Society

The response received, in full, is as follows:

We ask you to consider the following comments on the Application prepared by Atkins for the City of London in relation to proposed works on many of the ponds on Hampstead Heath. Our strong recommendation is that consideration of this request for a Scoping Opinion be deferred until the courts have resolved the disputed legal basis on which the engineering works Options have been prepared. How Camden might do so in compliance with the EIA regulations is set out in the concluding section of this letter.



We also recommend in addition a number of changes to the Application to make the scope of the proposed EIA compliant with guidelines and legislation, in the event that a Scoping Opinion is issued.

### Recommendation for Deferral

Our reasons for this recommendation are the following.

**1.2 of the Application** states that the purpose of the works is to ensure compliance with the 1975 Reservoirs Act (RA) while also complying with the Hampstead Heath Act of 1871 (HHA). The proper interpretation of the RA and how to weigh the RA and the HHA in designing safety works on the Heath is the subject of fundamental legal dispute between this Society and the City. If the courts decide the Society is correct, this will have a significant impact on the design safety standards and therefore the designs needed to ensure lawful compliance with the relevant statutes. This in turn will alter the factual contents of the new set of Options which would, in that event, be shown to Camden, in place of the Scoping Report now attached as Appendix A, as the basis for determining a Scoping Opinion.

The timetable and possible methods for resolving this dispute are as follows. Both parties have taken high level professional legal and technical advice and are currently engaged in a formal correspondence to try as quickly as possible to have the dispute resolved through a process set out in Part 8 of the Civil Procedure Rules. This could take up to say six months.

If the City proves unwilling to go down this route, this Society and other members of the City's Ponds Project Stakeholders Group (PPSG), who have been closely involved in the public consultations undertaken by the City over the past two years or so, are quite likely to instigate a judicial review, if Camden were to grant approval to any planning application submitted in due course by the City along the lines of the Scoping Report. This would constitute a challenge to the lawfulness of any approval which Camden might grant to such an application. The eventual resolution of the matter in this event could be at least two years.

**1.6 of the Application** states that Atkins and the City are investigating where to locate borrow pits on the Heath for reducing the impact of the works on surrounding streets. Until the number, location, size and likely impact of these borrow pits is made clear, we submit that no Scoping Opinion can properly be issued.

The justification for Camden to take these points as the basis for deferring issuing an Opinion can be found in Reference 4 para 2.2 of the former Department of the Environment's Good Practice Guide on the preparation of Environmental Statements: *Defining its scope is one of the most critical parts of an EIA in that it gets the context for what follows. If the scope is defined too narrowly, some critical*

*area of uncertainty may emerge late in the day.* Both the City and this Society recognise that the principal purpose of these or any proposed works is lawful compliance with the relevant statutes. The principal uncertainty is the meaning of the words in the RA what “should be done in the interests of safety”. How the proper interpretation of these words in the specific context of the Heath is determined by a court will have a significant influence on the designs adopted and therefore on their environmental impact.

As these are not matters which Camden as local planning authority is able or entitled to resolve and until they are resolved by a court, we suggest that Camden’s powers until then either to issue a Screening Opinion or a planning application based on it must be in doubt. There is nevertheless a crossover between these matters, which form the basis of the dispute over the lawfulness of the designs for the development, and some of those covered by the Application, albeit in our submission with inadequate methodology and criteria for making an environmental assessment. We refer to our comments below on **3.43 and Table 3.1** concerning flood risks, and the omission of proper consideration of the Hampstead Heath Act 1871 in the section headed “Inadequate Methods and Criteria in respect of Cultural Heritage and Community”

In any case we set out below, together with the comment on **1.6** above, the reasons for Camden to refuse to issue a Scoping Opinion on the basis of the Application and the Appendix A Scoping Report.

#### Other Shortcomings of the Application

We draw your attention to the ways in which we feel the Application in respect of the topics of Landscape and Visual, Cultural Heritage and Community fails to meet the requirements of Government Circular No2/99 (the Circular), because it does not ensure that Camden and the public properly understand the importance of the predicted effects and the scope for reducing them.

#### Scope for Reduction

We refer again to the reasons set out above for deferral. If the Scoping Opinion cannot be delayed, provision in the EIA scope must be made to reflect the fact that the City and this Society are engaged in a formal process to resolve as quickly as possible the legal dispute, the outcome of which would, if the court were to find in favour of this Society’s interpretation, significantly reduce the environmental impact of any alternative works.

The Application is misleading by ignoring this, the primary and most impactful way to reduce the adverse environmental effects. The claim in **3.13 and 3.19**, which refers to the equally contentious October 2013 Preferred Options Report, that the City will seek to mitigate the impact does not make up for this fundamental defect.

## Understanding the Importance of Predicted Effects

### Inadequate Consultation

A further significant way in which the Application falls short of the standards set by the Circular is the lack of any provision for meaningful consultation with informed and interested parties in respect of the eight environmental topics listed in 3.2 as constituting the coverage for the EIA. This is particularly important in view of the contentious nature of the proposals and the many very adverse reactions from the media, the stakeholders and the public generally to the City's proposals. The need for wider consultation at the planning application stage is underlined by the very limited range of responses the City has been prepared to consider during its public campaign of information dissemination from 26 November 2013 and due to finish 17 February 2014. They have made it clear, based on their interpretation of the RA, which the Society disputes, that the advice they have received from their engineers cannot lawfully be challenged.

We therefore strongly recommend that this Society, other members of the PPSG and the many Residents Associations surrounding the Heath be either be included as consultees for all eight topics or that their views must be formally recorded and taken into account, if the role of consultee is statutorily confined to some authority. The only topic where consultation is provided for in the Application at **3.12** is Landscape and Visual Amenity and here, with respect, we submit that expertise of the listed consultees, namely Camden and City employees, is too narrow.

This omission is particularly striking in view of the highly contentious claim, which we believe would be contested by the majority of Heath users, at **3.22** listing as a "Benefit" "the potential for enhancement of one of London's major open spaces".

### Provision for wider Examination of the Photo Montage

It is also essential that in respect of **3.9**, **3.14** and **3.15** and the proposed GLVIA that the more accurate photo montage representations of the works proposals than those published by the City and forming part of the Application, namely those prepared by this Society and the Dam Nonsense Campaign, are included and commented on in any eventual EIA concerning the proposed development, if the Application is found to be based on a lawful interpretation of the RA.

### Various Flood Risks

**3.43** quite properly introduces flood risks into the scoping exercise. However, we dispute the proposed treatment and analysis of "Surface water" and "Flooding from other sources including ponds and reservoirs" in **Table 3.1**.

Camden should be aware that in the exceptional storm, 1 in 400,000 annual probability, to which the works have been designed, downstream residents will

already be the victims of severe flooding due to sewer inadequacy/surcharge within a few minutes after any severe storm has started, as happened in 1975. Camden's own records, reports and flood risk analysis will have recorded that the embankments to the ponds suffered no collapse during that unusually extreme storm. Such surface water flooding will itself pose great dangers to life and property, but will have nothing to do with any remotely possible Heath dam failure, and only gradually from either surface water run-off or overtopping, which the City has no legal duty to prevent. It will, however, have triggered emergency warning and evacuation procedures by the authorities including Camden. It will be a further 6 hours or more before there might be any risk of dam breach, and if this did occur, it would only add a small amount to the existing flood water. To some persons, the works proposed on the Heath therefore appear disproportionate to the risk.

The explanation given by the City's engineering advisers that despite this "common sense" anomaly they must nevertheless insist that it is still legally necessary to disfigure the Heath and "waste" the City's money is that the professional guidance published by the Institution of Civil Engineers calls for the "virtual elimination of risk" from dam collapse, if lives are at risk downstream. In complying with this guidance, the engineers are advised to ignore any consideration of the actual risks from the particular location and configuration of the Heath, its catchment or downstream conditions. All other societal risks in the public realm are considered within some relevant quantitative risk assessment (QRA) regime, taking into account all relevant costs, including those to the environment and public benefits, but for no good reason that we have been advised of, this approach is not adopted when assessing the dangers from a variety of flood causes, where designated reservoirs are part of the setting.

This legally untested interpretation of the Reservoirs Act 1975 is one of the grounds on which the Society's challenge is based.

### Surface Water Flood Risk Table 3.1

The effects of "exceedence of surface water drainage capacity including surface water sewers and the discharge of water into the culverted River Fleet" are introduced and the undertaking made to assess the remaining effects of the Proposed Development. The proposed risk analysis needs, however, to be explicitly expanded to include a full QRA comparing the risks including those to life from the flood risks which (i) are not caused by dam collapse to those (ii) marginal risks which should be added, if the extreme storm has sufficient duration in excess of 6 hours, and after the downstream residents and businesses have had assistance from the emergency services and the earlier floods have taken their toll. A partial QRA has been prepared and published by the City engineers, but they have refused further dialogue on the many crucial questions raised to date by this Society and others.

Such a professional approach to risk analysis would, for example, put into perspective the tendentious supporting grounds for the works included in this section of Table 3.1 “If the existing surface water drainage system is blocked downstream of the ponds, the extra floodwater would be safely stored in the ponds until the blockage is removed”. The reality is that the drainage system would have failed through lack of capacity with minutes of any major storm, because Thames Water is only required to build to standard to meet 1 in 70 year probability storms, and the marginal impact of a “blockage” is of no significance.

#### Flooding from other sources including ponds and reservoirs

The Application sets out the fact that they are following a Standard of Protection and a basis for assessment of the residual risk of flooding, which is one of the principal areas of legal dispute. The statement that after completion of the works “the residual risk of flooding from the ponds will be considered negligible” is for the reasons stated above misleading, because those living downstream will still be exposed to the dangers of surface water flooding including from the whole of the Heath beyond the ponds. The scoping opinion should include the requirement for a wide ranging QRA which allows all the risks which might result from extreme storms to be assessed and weighed against any lawfully appropriate costs, the scope of which should include both damage and impact to the environment as well as to public enjoyment of the Heath and the community.

#### Inadequate Methods and Criteria in respect of Cultural Heritage and Community

No provision is made under the topics of Cultural Heritage and Community for the proposed methods and criteria for developing the EIA, namely: Assessment Methodology, Review of Existing Information, Proposals for Further Work, Methodology and Criteria, Scope for Mitigation Methods and Expected Effects of the Proposed Development. All of these headings should be addressed and considered within the lawful scope of any EIA for substantial works on the Heath to enable the topics of Cultural Heritage and the Community to be properly assessed and understood. Without these headings the Environmental Statement can make no provision for one of the most fundamental aspects of the Society’s legal challenge, namely the impact on the public benefit of enjoyment of the Heath which would be lost as a result of the proposed works.

Widening the scope of the EIA in this way is essential to enable inter alia the impact of the requirements of the HHA to be taken fully into account. Other than a brief reference in 1.2 this fundamental statute for setting the standard for assessing the impact of any works on the ponds is given no mention in the Application. For example 3.7 refers to the “landscape character”, 3.9 to the “character assessment” and 3.44 to 3.51 to the impacts on Cultural Heritage and the Community. These can only be evaluated by detailed reference to the 1871 Hampstead Heath Act.

## Conclusion

We recognise that Camden may feel compelled by the statutory timetable in reg 13(4) to issue a Scoping Opinion within a time frame of 5 weeks, which does not allow for whatever delay proves necessary to obtain the court ruling referred to in the first part of this letter. We urge you therefore to seek agreement with the Applicant to defer the Opinion for the reasons given. Failing this, the City would of course have the option to apply for a Scoping Opinion from the Secretary of State. This would seem an unreasonable course to take for two reasons. First, it is open to the City to resolve matters instead at the only fundamental level they can be resolved and relatively quickly with us under a Part 8 of the Civil Procedure Rules. Second, even, if the Secretary of State issued an Opinion in exactly the terms requested by the Applicant, this Society and others would still wish to seek by one means or another a court determination of the meaning of the relevant statute.

In any case, and if you are minded to issue an Opinion now, we urge that you require substantial modifications to the Application to be made to incorporate the points made in the second part of this letter, before you issue a Scoping Opinion.

In the latter event we believe it would also be appropriate to make that Opinion conditional on an eventual court determination and to be applicable only in the event that the City's interpretation of the RA is upheld. This is because, in the event that a court ruling upheld the Society's interpretation, the applicant would be required to modify its proposals and apply to apply to Camden for new EIA screening and scoping opinions.

Imposing such a condition is consistent with Camden's powers under reg 13(9) to require additional information at a later stage despite the contents of the Opinion.

## Holly Lodge Conservation Area Advisory Committee (CAAC)

Have no comments either way, as the CAAC felt unqualified to comment on the scope of the EIA.

## Natural England

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.

Case law and guidance has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Appendix A to this letter provides

Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

## Annex A – Advice related to EIA Scoping Requirements

### 1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES.

All supporting infrastructure should be included within the assessment.

## 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 Institute of Ecology and Environmental Management (IEEM) 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

The Environmental Statement should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project



which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

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.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites). The development site is adjacent to the following designated nature conservation site:

- Hampstead Heaths Woods SSSI

Further information on the SSSI and its special interest features can be found at [www.natureonthemap.naturalengland.org.uk](http://www.natureonthemap.naturalengland.org.uk), and the Natural England website. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

### 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.

Sport England

Have no comment to make on this application.

## **7. Conclusion**

I trust this provides a comprehensive response to the request for a Scoping Opinion for EIA. As noted within the document, formal responses have not been received from a number of bodies / consultees. Should responses be received after the issue of this response those comments will be forwarded to you for consideration and inclusion within the ES.

Please note that this Scoping Opinion is offered with the caveat that should the form of development deviate to a significant degree from that described and assessment within the Scoping submission, a further application for Scoping Opinion may prove necessary. This has already been detailed within section 1 above.

In addition, this Scoping Opinion is offered without prejudice to the right, if necessary, to raise further issues for consideration as part of the future assessment of the proposals.

Should you have any questions or queries, please do not hesitate to contact Jonathan Markwell on 0207 974 2453 ([jonathan.markwell@camden.gov.uk](mailto:jonathan.markwell@camden.gov.uk)).

Yours sincerely,



Ed Watson

Assistant Director (Regeneration and Planning)