

5th February 2021

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Dear Johnathon,

RE: Murphy's Yard Redevelopment – Draft Scoping Opinion

We write on behalf of Folgate Estates Limited ('the Applicant') in response to your draft Scoping Opinion issued via email on January 15th 2021.

Thank you for sharing your draft Scoping Opinion. We have now had the opportunity to review this with the Applicant's EIA team and we can confirm that we agree with the majority of the points raised in the draft Scoping Opinion. There are however a handful of points that we would welcome further discussion on and we set these out below in Table 1 for your review and consideration.

Table 1 Draft Scoping Opinion and EIA Team Response

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Cumulative Effects	
<p>As is proposed in the EIA scoping report, the cumulative impacts and effects of the proposed development with other relevant nearby proposed developments should be assessed in the ES.</p> <p>In regard to the criteria for cumulative development projects, set out in the EIA scoping report, LBC have the following comments:</p>	n/a
<p>Reference is made to assessing schemes with a full planning consent. To be clear, we would also expect that outline planning consents are also assessed, if they breach the wider criteria set out in the EIA scoping report</p>	<p>Noted, schemes with both full and outline consent will be considered.</p> <p>For clarity, the cumulative effects assessment to be undertaken will consider 3 different tiers as described below.</p> <p>Tier 1 Cumulative Schemes:</p> <ul style="list-style-type: none"> • Schemes with planning consent or a resolution to grant; • Produce an uplift of more than 10,000 square metres (Gross External Area (GEA)) of mixed-use floorspace; • Provide over 150 residential units; or • Any office to residential conversions (granted under the General Permitted Development Order) giving rise to >150 residential units. <p>Tier 2 Cumulative Schemes:</p> <ul style="list-style-type: none"> • Schemes with a submitted planning application which is awaiting determination; • Produce an uplift of more than 10,000 square metres (Gross External Area (GEA)) of mixed-use floorspace; • Provide over 150 residential unit; or • Any office to residential conversions (granted under the General Permitted Development Order) giving rise to >150 residential units. <p>Tier 3 Cumulative Schemes:</p> <p>Regeneration Schemes which are being considered within the local area but which have not yet been formally submitted for consideration within the planning system will be considered as a Tier 3 cumulative</p>



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	<p>scheme within the cumulative effects assessment. This will include schemes supported by planning policy, including but not limited to Opportunity Areas and Site Allocations and Area Action Plans.</p> <p>Tier 1 and Tier 2 schemes will be assessed quantitatively where information is available, and it is considered appropriate by the technical consultant. Due to the changing nature of the proposals and lack of final scheme information, it is proposed that Tier 3 schemes be assessed qualitatively as appropriate.</p> <p>As suggested in the EIA Scoping Opinion, the current list of proposed cumulative schemes will continue to be reviewed up until submission of the planning application and additional schemes included if applicable. Feedback from LBC on recently submitted applications will also be welcome.</p>
<p>It is noted that the criteria included below paragraph 65 of the EIA scoping report proposes the assessment of development projects that have been submitted for planning but that have not yet been determined. LBC agree with this position, so that the cumulative effects assessment is as up to date as possible at the time of submission of the planning application / at planning committee. However, it is noted that there is a contradiction in the criteria included in Appendix A, with reference made only to schemes that have a resolution to grant. The EIA should include a cumulative assessment of the relevant schemes submitted ahead of the assessment work commencing.</p>	<p>To clarify, and as discussed above, planning applications that have been submitted but which are yet to be determined will be considered as a Tier 2 Cumulative Scheme and assessed as part of the cumulative effects assessment.</p>
<p>There is currently no mention of nearby sites, that have not yet been submitted for planning, that could be submitted at a similar time to the proposed development. Two schemes (Regis Road Growth Area and Gospel Oak/Haverstock) are however included in the schedule of cumulative development included in Appendix A. LBC agrees that there may be a need to consider proposed developments that are to be submitted at a similar time for planning, so that the cumulative effects assessment of such schemes are coordinated and consider each other. There are a number of nearby applications coming forward, notably for Euston, the extension to the British Library, O2 Finchley Road site, Selkirk House, Belgrove House, Acorn House, Royal National Throat, Nose and Ear Hospital and the Network Building. Some of these schemes have recently been submitted for planning and therefore will need to be considered. It is recommended that the applicant discusses the need for consideration of any further schemes, not yet submitted for planning, with LBC ahead of the assessment work commencing (so that an up to date position, at that time, is agreed – including the need for a coordinated assessment with other parties).</p>	<p>Tier 3 of the cumulative schemes assessment will consider regeneration schemes which are being considered within the local area, but which have not yet been formally submitted for consideration within the planning system. We proposed that Tier 3 schemes will include schemes supported by planning policy, including but not limited to Opportunity Areas, Area Action Plans and Site Allocations.</p> <p>With regards to the suggested Euston development, the extension to the British Library and O2 Finchley Road site, these will be included as Tier 3 schemes as these all have not yet been submitted for planning and are all also supported by planning policy.</p> <p>All of the other schemes in the adjacent column will also be considered where relevant within the cumulative effects assessments as either Tier 1 or Tier 2 schemes. The list of schemes represents a list that shall be considered by each technical topic of the EIA and the schemes on the list which have the potential to interact with the Proposed Development in a cumulative manner shall be considered further. The rationale for the schemes which ultimately end up being considered within the cumulative effects assessment for each topic of the EIA shall be set out within each technical topic chapter of the ES.</p>
<p>As indicated above, beyond the list of proposed cumulative development schemes included here, the list of proposed developments to be assessed should be re-reviewed (against the specified criteria) ahead of commencing the assessment work, if there is a delay between the issue of this EIA scoping opinion and the assessment work commencing. Ideally, this list is further discussed with LBC at that time. This will ensure that the list of cumulative development schemes is as up to date as possible at the time of the assessment work commencing.</p>	<p>The list of proposed cumulative schemes will be continually reviewed up until submission of the planning application and additional schemes included as relevant.</p> <p>Feedback from LBC on recently submitted applications is also welcome.</p>
<p>The schedule of cumulative developments included in Appendix A of the EIA scoping report includes variations to original consents. The EIA should ensure that any variations to the original consents, that may be material to the cumulative assessment, are considered: for example, consents approved via Section 73 of the Town and Country Planning Act 1990. There might be further amendment applications to be considered for example to the Travel Perkins site on 156 West End Lane and further amendment planning applications should be reviewed ahead of the assessment work commencing.</p>	<p>Noted. Any variations to the original consents, that may be material to the cumulative effects assessment will be considered.</p>
<p>Whilst not part of the cumulative assessment, the technical assessments should have regard to impacts and effects to any future receptors in the vicinity of the site that may be affected.</p>	<p>As requested, future sensitive receptors in the vicinity of the site, that fall below the cumulative assessment thresholds and are likely to come forward prior to the completion of the Murphy's Yard</p>



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Specifically, this may include nearby planning applications / permissions that are lower than the thresholds defined in the EIA scoping report.	development will be considered as part of the main impact assessment.
The ES should outline where any of the earlier phases of the identified cumulative schemes are constructed and occupied, and therefore considered to form baseline for the assessment. The assumed construction phasing of nearby cumulative developments should be outlined in the ES and where this is not clear from the associated planning documentation for those schemes, details should be provided on any assumptions made i.e. the potential for overlap of construction phasing if this represents a worst case for assessment purposes."	Noted, the phasing of cumulative schemes will be considered where relevant to the technical topic assessment.
Air Quality	
There are no specific comments on the scope of the Air Quality ES chapter, beyond those provided by the LBC Sustainability officer – which should be addressed in the ES.	See below:
<p>LBC Sustainability Officer Response:</p> <p><i>Para 152. ...There have been no recent exceedances of the particulate matter PM10 and PM2.5 objectives at any monitoring location in Camden.</i></p> <p>The WHO air quality guidelines for PM10 and PM2.5 should now be considered as these have been adopted by Camden and the New London Plan which is a material consideration. As such it is expected that there have been recent exceedances for particulate matter at the site.</p>	<p>The construction dust risk assessment that shall be present in the ES will be undertaken in accordance with the relevant GLA/IAQM guidance, and will identify appropriate mitigation measures to minimise dust emissions, based on the risk profile of the site, the works proposed and the sensitivity of the surrounding area. It is recognised that, for high-risk sites in London, baseline monitoring for construction dust may be required as part of the mitigation measures; however, the requirement for, and scope of, any monitoring surveys is dependent upon the findings of the dust risk assessment.</p> <p>An assessment using the WHO guidelines for PM will be undertaken as requested, with the results appended to the Air Quality ES Chapter.</p>
<p><i>Para 154.... With the mitigation measures in place, it is expected that residual construction dust and PM10 effects would be not significant.</i></p> <p>Generally the approach is sound however it should be noted that it is expected that as part of the mitigation that monitoring will be required and baseline monitoring would normally be required for at least 6 months (ideally 12 months) prior to commencement, and the results used to inform interpretation of construction phase monitoring and any actions required to be taken to avoid exceedances.</p>	<p>It is considered that a baseline monitoring period of six to 12 months prior to construction commencement will likely be disproportionate in this instance. There is no reference to a requirement of baseline monitoring periods for construction dust of these durations in either the GLA or IAQM guidance, and general good practice is that 3-months of baseline construction dust monitoring is sufficient in most cases to provide ample data to set appropriate site action levels for the works. It is considered that this monitoring period will not provide any additional benefit and therefore should not be required.</p> <p>The requirement for baseline construction dust monitoring at the scoping stage of the EIA process is considered to be premature; any monitoring that may be required should be defined by the findings of the risk assessment which will form part of the EIA. In addition, if baseline monitoring is required, it is suggested that a period of up to three months monitoring before construction begins should be sufficient and can be conditioned following planning approval as part of a wider condition to ensure appropriate dust monitoring is undertaken throughout the construction works.</p>
<p><i>Para 159...</i></p> <ul style="list-style-type: none"> <i>A quantitative assessment of the impacts of the operation of the Proposed Development on concentrations of NO2, PM10 and PM2.5 from development-generated road traffic emissions in the proposed year of opening;</i> <i>A quantitative assessment of concentrations of NO2, PM10 and PM2.5 that future users of the Proposed Development will be exposed to in the year of opening;</i> <p>In line with CPG Air Quality, the application of atmospheric dispersion modelling to predicted NO2 and PM10 concentrations, both with and without the proposed development is required. Dispersion modelling shall be carried out in accordance with Air Quality and Planning Guidance, London Councils (2007) and London Local Air Quality Management Plan Technical Guidance 2016. Modelling should not predict improvements to future years (future vehicle emissions or future background concentrations).</p>	<p>Dispersion modelling will be undertaken to predict the changes in concentrations of NO2, PM10 and PM2.5 as a result of the Proposed Development (i.e., assessment with and without the development). The assessment of impacts and significance will be undertaken in accordance with the latest 2017 EPUK/IAQM guidance which is a more conservative and up-to-date method than the London Council's 2007 guidance. The basic principles of the approach to the modelling will, though, be in accordance with the 2007 guidance.</p>
Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution	



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<p>Due to the proposed development's proximity to railway lines, a qualitative assessment of potential glare risk will be required to identify opportunities to build in glare risk mitigation through building massing and facade orientation or ground-mounted structures. This can be carried out independently of facade design detail by identifying the potential for solar reflections from plain facades being directed towards road and rail routes. The qualitative assessment should be carried out in accordance with the principles outlined in the Scoping Report for the selection of locations and viewpoints to be assessed and the assessment process, which follow typical practice for qualitative glare assessments for road and rail users. It is advised that specific locations and viewpoints subject to assessment are agreed where possible with Network Rail and with the London Borough of Camden ahead of the assessment being undertaken. The assessment should also identify the potential for solar glare to affect buildings and amenity spaces within the proposed development sites, if this could be significant.</p>	<p>For the outline components of the scheme, the Application will include a qualitative review of potential solar glare risks. The review will include a map of sensitive locations at surrounding road and rail viewpoints (as required) from which the proposed development is visible and therefore potentially sensitive to solar glare, which will be identified in line with industry standard methodology.</p> <p>If required, the Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution (DSO) consultant (GIA) can provide a marked-up plan of sensitive solar glare locations to LBC. The methodology that shall be used to undertake this assessment has been supported by Network Rail previously and is in line with the Network Rail Asset Protection Development Handbook section on 'Glare'. Furthermore, schemes of a similar scale where solar glare assessments were undertaken in LBC did not require consultation with rail authorities.</p>
<p>Unless it can be demonstrated qualitatively that any potential glare sources identified are to be obstructed / not significant, a quantitative assessment will be required when facade designs are finalised for the detailed elements of the hybrid application and when Reserved Matters Applications are submitted for outline elements of the hybrid application. This should include a quantitative assessment of the intensity of glare against a recognised threshold, above which visual impairment is likely. It is advised that the quantitative assessment criteria are agreed where possible with Network Rail and with the London Borough of Camden ahead of the assessment being undertaken.</p>	<p>The DSO consultant (GIA) agrees with LBC that further solar glare assessments should be undertaken at RMA should these be required.</p> <p>In relation to the type of solar glare assessment, as the detailed design emerges, a qualitative assessment will be undertaken which first identifies the location, duration and time of year of potential reflections. Should these be considered significant, further testing may be undertaken which will outline the intensity of any glare. Mitigation measures will be advised should these be necessary.</p> <p>As noted above, a location plan can be provided to LBC ahead of undertaking assessments in line with the Network Rail Asset Protection Development Handbook on Glare.</p>
<p>Built Heritage</p>	
<p>The Council for British Archaeology have provided comments on the status of the locally listed Kentish Town Locomotive Sheds.</p>	<p>As locally listed buildings, the sheds are considered as non-designated heritage assets as defined by the NPPF. In the Built Heritage ES Chapter and planning application, they will be assessed as such, as per paragraph 197 of the NPPF.</p>
<p>LBC has commented that the Built Heritage Assessment did not adequately reflect the proposals, particularly the intervention and works to the locally listed sheds. It states 'The proposals include the retention and adaptation of the locally listed Locomotive Sheds. The Northern Shed will be retained and continue to function as Murphy's offices, the Central Shed will be converted to provide new food and beverage uses, with limited alteration to its built fabric, while the South Shed will be partially rebuilt on its existing footprint, its roof altered and additional accommodation provided above'</p>	<p>The Built Heritage Assessment included within the EIA Scoping Report was based on the masterplan and is an initial baseline at this stage.</p> <p>The Built Heritage ES Chapter in addition to the Heritage Statement (that will be appended to the ES) will address the finalised proposals. This will include a review of the scoping, assessing views and proposed drawings.</p>
<p>Ecology and Biodiversity</p>	
<p>The proposal to scope out ecology and biodiversity is considered acceptable.</p> <p>Beyond the EIA process, the LBC Nature and Conservation officer has confirmed that a standalone ecological impact assessment, supported by the survey work that has been undertaken, would still need to be provided given the adjacent significant areas of SINC. Depending on the timing of the planning application, and as Phase 1 habitat survey was undertaken in May 2019, an updated site walkover may need to be undertaken.</p>	<p>An Ecological Impact Assessment (EclA) will also be undertaken as requested and appended to the ES.</p> <p>The Preliminary Ecological Appraisal (PEA) has a shelf life of 2 years, with the results of the survey therefore being valid at the point of submission of the planning application and through until May 2021.</p>
<p>TV, Mobile Phone and Radio Reception</p>	
<p>Presumably standard mitigation measures (upgrading of the existing satellite dishes by increasing their height and gain; or linking affected residential dwellings up to the existing available</p>	<p>The following activities are proposed to be included as mitigation and can be further secured as planning conditions by LBC.</p>



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<p>CATV network at a one-off cost) are reactionary, and led by existing residents or are they led by the developer in this instance? What is the proposed mechanism of securing and quantifying this mitigation? We are conscious that this position is slightly vague, i.e. the Regs allow commitments to mitigation, to avoid significant adverse effects to be made at the EIA scoping stage, but currently there is no quantification on which properties are affected and how this mitigation is delivered.</p>	<p><u>Demolition and Construction</u></p> <p>Appointment of a TV reception consultant within one month of commencement of enabling works to carry out a survey to assess the standard of digital terrestrial and satellite television reception to properties within the areas of potential shadow to the north-west of the Proposed Development.</p> <p><u>Completed Development</u></p> <p>In the event that:</p> <ul style="list-style-type: none"> • more than 10 complaints are received in relation to the Proposed Development from occupiers of properties in the survey area (see Demolition and Construction above) regarding a deterioration in terrestrial and/or satellite television reception; and • the appointed consultant considers it reasonable in his or her opinion to carry out a second reception survey as a result of the receipt of those complaints; • then a second reception survey will be commissioned, the results of which shall be submitted to the LBC. <p>In the event that any secondary reception survey identifies a material deterioration in terrestrial and/or satellite television reception to any property or properties since the date of the first reception survey, and such deterioration is in the reasonable opinion of the consultant attributable to the Proposed Development, the owner will complete such mitigation measures as the consultant considers reasonably necessary to restore the quality of terrestrial and/or satellite television reception to the affected property or properties where able to do so, or otherwise make arrangements to make a one off payment to the owner or occupier of the affected property or properties equivalent to the estimated cost of carrying out such mitigation measures.</p>
<p>Geoenvironmental</p>	
<p>It is agreed, that subject to the measures outlined and committed to in the scoping report being developed and agreed with LBC's Environmental Health / Contaminated Land officer, that significant effects relating to ground contamination are unlikely to arise and that therefore that this topic can be scoped out of the ES.</p>	<p>It is noted that it has been agreed that Geoenvironmental can be scoped out of the ES.</p>
<p>The LBC Environmental Health Officer has requested that they will need to review and sign off the remediation strategy and verification report, which can be secured via appropriately worded planning conditions.</p>	<p>It is agreed that liaison will need to be undertaken with LBC's EHO to ensure that the remediation strategy and verification report and reviewed and signed off.</p>
<p>The report on ground investigation identified widespread contamination across the entire site. The contaminants identified include:</p> <ul style="list-style-type: none"> • TPH and PAH compounds • VOCs and SVOCs • lead • organic contaminants in groundwater • elevated levels of methane gas. • ground gases <p>The Conceptual model produced is comprehensive and the initial investigation satisfactory. The need for a remediation strategy to be designed and approved by the LPA has been successfully identified and any full application would be expected to provide</p>	<p>It is acknowledged that a number of contaminants have been identified on site. In response to this, additional investigation, remediation and mitigation measures have been suggested in the EIA Scoping Report Paragraph 353- 366.</p> <p>Further to the points listed in the EIA Scoping Report, in accordance with LBC's EHO comments, the following will also be committed to:</p> <ul style="list-style-type: none"> • details of any remediation measures and how they are to be undertaken will be provided to LBC; • verification to demonstrate that the remediation strategy complete and to identify any requirements for the longer monitoring of pollution linkages, maintenance and arrangements for contingency action will be provided; • ground gas monitoring and subsequent assessments will be considered; and



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<p>full details of the remediation measures required and how they are to be undertaken. A verification to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for the longer monitoring of pollution linkages, maintenance and arrangements for contingency action should also be provided. As already stressed in the past, ground gas monitoring and subsequent assessments should also be fully considered. Any investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11 / now LCRM)</p>	<ul style="list-style-type: none"> any investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11 / now LCRM).
<p>LBC's Environmental Health Officer has specifically addressed the following contaminants that would need consideration during the planning process:</p> <ul style="list-style-type: none"> Radon <p>Whilst the guidance advocates radon testing (which can take 3 months to complete) to establish whether radon protection is necessary, representative monitoring can only be undertaken post construction and whilst the building is occupied.</p> <p>If applicable and the proposal has basement provisions the potential radon risk can also be addressed via condition.</p> <ul style="list-style-type: none"> Asbestos <p>The contamination assessment report confirms that asbestos surveys were carried out for all buildings on site and the relevant risk was "moderate". A full application would be expected to contain an appropriate mitigation scheme to control risks to occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval. The scheme should detail removal or mitigation appropriate for the proposed end use and shall be independently verified.</p> <ul style="list-style-type: none"> Unexploded Ordnance <p>The Archaeological Desk Based Assessment confirms that the site appears to have been impacted by UXO during WW2, but no further comment was offered. It is therefore recommended that a detailed UXO assessment is undertaken and provided to the main contractor who is responsible for the health & safety of site workers and the public under the Construction (Design and Management) Regulations.</p>	<p>In accordance with LBC EHO's comments, surveys/investigations will be undertaken to investigate the presence and quantity of any potential contaminants in addition to that discussed in the EIA Scoping Report, including radon, asbestos and unexploded ordinance, and appropriate planning conditions stipulated by LBC to mitigate any potential risk associated.</p>
<p>Materials</p>	
<p>It is agreed, that subject to the measures outlined in the scoping report being put in place, that significant effects relating to materials are unlikely to arise and that therefore this topic can be scoped out of the ES.</p> <p>The LBC Sustainability officer has sign-posted waste reduction targets and further requirements for inclusion in a separate Circular Economy Statement below.</p>	<p>Notes from LBC's Sustainability Officer have been passed on to the project's Circular Economy Consultant for consideration within the Circular Economy Statement.</p> <p>Materials will not be considered any further within the in the ES than with regards to that stated in the EIA Scoping Report.</p>
<p>Waste</p>	
<p>It is agreed, that subject to the measures outlined in the scoping report being put in place, that significant effects relating to solid waste are unlikely to arise and that therefore this topic can be scoped out of the ES.</p> <p>The LBC Sustainability officer has sign-posted waste reduction targets and further requirements for inclusion in a separate Circular Economy Statement as included in the previous section on materials"</p>	<p>Notes from LBC's Sustainability Officer have been passed on to the project's Circular Economy Consultant for consideration within the Circular Economy Statement.</p> <p>Waste will not be considered any further within the ES than with regards to that stated in the EIA Scoping Report.</p>



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Format and Content of the EIA	
As per the earlier comment relating to climate change, a dedicated greenhouse gas emissions chapter should be included in the ES.	A Greenhouse Gas Chapter will be prepared as part of the ES.

We welcome your feedback on the points raised above. Please do let us know if you'd like a further discussion (over the phone or via an interactive meeting) should you have any queries.

Kind Regards,

Melissa Phillips-Maskry

Principal Consultant
For and on behalf of Trium Environmental Consulting LLP