

APPENDIX 13.3
WATER FRAMEWORK DIRECTIVE (WFD) SCREENING REQUEST AND
RESPONSE

Ellen Smith

From: Ros Boalch
Sent: 13 October 2017 14:23
To: 'Martyn, Joe'
Cc: Hannah Fiszpan; Ellen Smith; 'Wyatt, Kayleigh'
Subject: RE: Stag Brewery, Mortlake - WFD Screening
Attachments: WIE10667-101-1-3-4-RB-HF_Formal_Submission.pdf; Stag Brewery, Mortlake - WFD Screening [Filed 20 Jul 2017 15:02]

Joe,

Thank you for following up in writing, and we note the recommendation that a WFD assessment is required to “*assess the missed opportunity for ecological enhancement*”. This is contrary to the discussions you had in July with my colleague Ellen Smith.

As you will be aware, the initial request for consideration of WFD came as a consultation response to the request for an Environmental Impact Assessment (EIA) Scoping Opinion submitted to the London Borough of Richmond in March 2017. As indicated in the EIA Scoping Report submitted with the request for a Scoping Opinion (attached for convenience) we outlined:

- The Site for which planning permission is sought (and is subject to the EIA) includes the former Stag Brewery comprising the former Stag Brewery estate which includes 16 industrial buildings surrounded largely by hard-standing. This is an area of approximately 8.5 hectares, of which the tow path comprises a small component.
- Ecology is scoped into the EIA, and to support the assessment the following have been undertaken:
 - Preliminary Ecological Appraisal (PEA) comprising an ecological desk study, an ‘Extended’ Phase 1 Habitat Survey, a search for common invasive floral species and preliminary roost inspection at buildings (external) and trees (ground based).
 - A black redstart, and other protected bird species survey.
 - Bat Evening Emergence and Dawn Re-entry Surveys.
 - Bat Activity Surveys including an Automated Bat Detector Surveys
- Proposals for soft and hard landscaping (including proposals for ecological enhancements) will be incorporated into the design. These bespoke proposals are being informed by the ecological studies undertaken at the site to ensure they are appropriate, which may be in proximity to the tow path. Further details of the ecological enhancements, and full reports of the ecology studies will be provided as part of the forthcoming planning application.

In respect of further ecological enhancement to the banks of the river itself, as these are outside the Applicant’s ownership and modifications are not required to support the planning application, no opportunity for the Applicant to implement ecological enhancements in this area can be realised.

On this basis, we do not consider that a WFD assessment is required as the Development proposals do not include any significant changes to the foreshore or tow path that would not cause deterioration of the watercourse (even immediately adjacent to the Development). Furthermore, although the Development involves works and replacement of the existing flood defence wall (further details set out in Ellen’s email dated 20.7.17, as attached) this would not cause deterioration of the waterbody. Therefore, we consider that it would be compliant with the requirements of the Water Environment Regulations (Water Framework Directive), 2017.

Kind regards,

Ros Boalch
Principal Consultant
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Ellen Smith

From: Martyn, Joe <joseph.martyn@environment-agency.gov.uk>
Sent: 05 October 2017 17:11
To: Ellen Smith
Subject: RE: Stag Brewery, Mortlake - WFD Screening

Hi Ellen

Sorry to not get back to you sooner. I have checked with the officer who leads on WFD and he is of the opinion that if works are being done to the path but not to the bank then a WFD assessment will be required to assess the missed opportunity for ecological enhancement.

Kind regards

Joe Martyn
Planning Specialist- South London

Environment Agency | South East | Kent and South London | London
' 020 3025 5546 ✉ kslplanning@environment-agency.gov.uk
Address: Environment Agency, Ergon House, Horseferry Road, London, SW1P 2AL

From: Ellen Smith [mailto:ellen.smith@watermangroup.com]
Sent: 19 September 2017 17:21
To: Martyn, Joe
Subject: RE: Stag Brewery, Mortlake - WFD Screening

Joe,

Sorry to pester, but could I please have a response in writing to confirm a WFD assessment is not required?

Thank you,
Ellen

Ellen Smith
Senior Consultant
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From: Ellen Smith
Sent: 08 September 2017 17:03
To: Martyn, Joe <joseph.martyn@environment-agency.gov.uk>; Wyatt, Kayleigh <kayleigh.wyatt@environment-agency.gov.uk>
Cc: Ros Boalch <ros.boalch@watermangroup.com>; Pippa Kelly <pippa.kelly@watermangroup.com>; Hannah Fiszpan <hannah.fiszpan@watermangroup.com>
Subject: FW: Stag Brewery, Mortlake - WFD Screening

Joe,

As discussed, please see attached plans showing the proposed works to the tow path. I can confirm that the works will not extend to the river bank. As shown on the attached, enhancement works to the towpath would include new pavement and stairs.

I look forward to your formal written response.

Thank you,
Ellen

Ellen Smith
Senior Consultant
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From: Ellen Smith
Sent: 20 July 2017 09:46
To: Martyn, Joe <joseph.martyn@environment-agency.gov.uk>; Wyatt, Kayleigh <kayleigh.wyatt@environment-agency.gov.uk>
Cc: Ros Boalch <ros.boalch@watermangroup.com>; Pippa Kelly <pippa.kelly@watermangroup.com>; Hannah Fiszpan <hannah.fiszpan@watermangroup.com>
Subject: Stag Brewery, Mortlake - WFD Screening

Dear Joe / Kayleigh,

I am writing regarding the Environment Agency's (EA) comments on the EIA Scoping Opinion for Stag Brewery, Mortlake (dated 30/06/2017), which stated that a Water Framework Directive (WFD) Assessment should be undertaken. Could you please forward this email on to the relevant EA biodiversity officer?

We note that the Site lies adjacent to the Thames Upper part of the River Thames, classified a heavily modified transitional water body. Based on the 2016 data, the Thames Upper has been assessed as having a 'Moderate' Ecological Potential and has a 'Fail' in relation to its chemical status (with regard to tributyltin compounds).

We have briefly considered potential impacts on the Ecological Potential of the Thames Upper waterbody as a result of the proposals at Stag Brewery as follows:

- The development involves replacing the existing flood defence wall bordering the Site (approx. 368m in length) with a new wall (see attached photograph and draft plan proposals). The new flood defence wall would be constructed behind the existing flood defence wall using sheet piling to ensure the Site remains protected against flooding. The flood defence wall is located approximately 6 metres away from the river bank. The river bank and foreshore will remain as per existing.
- The existing flood defence wall is made of brick and from a condition survey appears to be in a poor to fair condition. Vegetation was identified growing on and against the flood defence wall, although results of the Phase 1 Habitat survey indicate these to be of limited ecological value. Given this and its distance from the River Thames (tidal water levels would only rise to the flood defence wall during very high spring tides), the flood defence wall is unlikely to offer any suitable habitat for macro-invertebrates or aquatic plants and its removal would not affect biological WFD Quality Elements.

- The proposals would also involve the construction of new surface water outfalls into the River Thames. However it would be ensured that oil interceptors and silt traps are provided to reduce the risk of any contamination entering the River Thames from any proposed car parking areas. The Development would not give rise to any land uses likely to lead to significant contamination and preliminary analysis has found ground contamination in the Made Ground and shallow soils to be minor, meaning there are unlikely to be significant impacts from any mobilisation. Tide locking mechanisms would be provided so that the outfalls would not be required to discharge at height above the Thames foreshore and thereby would not affect the hydromorphology of the river bed. Furthermore, as there are already existing outfalls that drain from the Site to the river, additional outfalls would result in little change to existing conditions, or be any more significant than when the Site used to be operational as an industrial site.

The scheme is currently being prepared for a planning application and full details of the development proposals will be available at this time. However, this preparation will not affect the current proposals regarding the river wall and the fact that there will not be any riparian works.

For the reasons set out above, we do not feel that a WFD assessment is required as the Development proposals do not include any significant changes to the River Thames flood defences or foreshore and would not cause deterioration of the waterbody (even immediately adjacent to the Development). Therefore, we consider that it would be compliant with the requirements of the Water Environment Regulations (Water Framework Directive), 2017.

In view of our client's programme to planning, we request your views and response to the above matters as soon as possible. We look forward to hearing from you and would be happy to discuss further, if required.

Kind regards,
Ellen

Ellen Smith
Senior Consultant
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