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Environment Agency

Josh Mclean
London Borough of Barnet
Planning Services
Barnet House 1255 High Road
London
Barnet
N20 0EJ

Our ref: NE/2024/137300/01
Your ref: 24/2686/OUT

Date: 27 August 2024

Dear Josh,

Broadwalk Shopping Centre and Associated Surface Level Car Park, Edgware Bus Station, Edgware Bus Garage and Redhill Medical Centre and Deans Brook Nature Reserve, Edgware, HA8.

Comprehensive, phased mixed-use redevelopment of the site comprising of residential (C2, C3, and Sui Generis) and a range of town centre uses; flexible commercial business and service, hotel, learning and non-residential (Use Classes E/C1/ F1/ Sui Generis), within a range of tall buildings, together with a new transport interchange, basement bus depot, public realm, car and bicycle parking, public open space, hard and soft landscaping and other associated works. (OUTLINE APPLICATION with full details in respect of access for phases 1, 3 and (in part) 2 and (in respect of part of phase 1) landscaping). Further information provided by the applicant for consultation purposes only (not forming part of the formal description of development set out below): The Outline Planning Application includes an Illustrative Scheme which indicates one way in which the development for which planning permission is being sought could be delivered. The Illustrative Scheme contains: - New buildings including tall buildings up to 29 storeys - 3,365 new homes (Use Class C3) - 463 student or co-living units (Sui Generis) in addition to a new transport interchange commercial, hotel, learning and non-residential uses, streets, open space, landscaping and public realm including improvements and public access to the Deans Brook Nature Reserve.

Thank you for consulting us on the above application on 2 August 2024.

As part of the consultation, we have reviewed the relevant documents within our remit. In particular:

- Flood Risk Assessment, prepared by Mott MacDonald, dated 05/07/24 (ref: BWE-MOT-ZZ-XX-RP-C-52001, revision P05).
- Sitewide - Parameter Plan 09 - Proposed Pedestrian & Cyclist Routes at Level 00 – Planning, prepared by Glenn Howells Architects, dated July 2024 (ref: BWE-GLE-SW-00-DR-A-10294, revision P01).

Environment Agency Position

We **object** to this application as it involves works within 8 metres of a watercourse

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(Dean's Brook). As submitted, it is unlikely that we would grant a flood risk activity permit for this application as required, in addition to planning, under the Environmental Permitting Regulations.

Reasons
After a review of the submitted plans, it is unclear how close the proposed cycle way/footpath is to the main river (Dean's Brook) and whether this cycle way/footpath will cross the main river to the south of the site. The document: Sitewide - Parameter Plan 09 - Proposed Pedestrian & Cyclist Routes at Level 00 – Planning, prepared by Glenn Howells Architects, dated July 2024 (ref: BWE-GLE-SW-00-DR-A-10294, revision P01), does not clearly demonstrate the location of the footpath in relation to the watercourse. Therefore:

- The proposed development may adversely affect the construction and stability of the riverbank which could compromise its function. The proposal may therefore increase the risk of flooding
- The structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.
- The proposed path, if raised, has the potential to obstruct flood flows, thereby increasing the risk of flooding on or offsite.

This objection is supported by Policy DM04 (Environmental considerations for development) of Barnet's Local Plan (Core Strategy) adopted September 2012 which states:

"Development proposals will wherever possible be expected to naturalise a water course, ensure an adequate buffer zone is created and enable public accessibility. Where appropriate, contributions towards river restoration and de-culverting will be expected."

Paragraph 5.10.1 also states; *"creating a buffer between the water course and the built edge of the development (<10m width is recommended…)".*

Overcoming our objection
We require more information regarding the cycle way/footway, specifically:

- A clear diagram demonstrating the distance between the footway and the watercourse.
- If the footway is within 8m of the top of bank of the watercourse, please provide evidence demonstrating that any footpath designs will not negatively impact the structure of the bank. An appropriate condition survey of the bank should be provided alongside any construction methods and loading calculations.
- Details of any crossing or structure proposed.
- Demonstration that the proposed footway will not increase flooding on or offsite, as required by National Planning Policy Framework paragraph 173.

Buffer zones should be free from built development and planted with native species to improve the river corridor.

If there is a bridge included as part of the proposals, we require details which include:

- Design profile, including detailed measurements of the bridge span and setback of any abutment, steps and/or ramps. Infrastructure should be setback 8m from the top of bank.

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- Any support mechanism.
- Soffit heights (we require these to be 600mm above 1 in 100 + Climate Change flood extent).

These details will help us to better understand how these works could affect the stability of the bank and whether any flood risk would be increased.

Any increase in built footprint within the flood zone will need to be compensated for on a level for level/volume for volume basis.

Informative

Flood Risk Activity Permit
Please note, if this planning application were to be granted it is likely the applicant would require a Flood Risk Activity Permit as per The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert **including any buried elements** (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to Local Planning Authority

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites
Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually

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the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Flood resistance and resilience
We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the Planning Practice Guidance (PPG). Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.aspx

British Standard 85500 – Flood resistant and resilient construction
https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686

Flood risk issues not within our direct remit
The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Flood warning and emergency response
We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles

during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The PPG states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

The Town and Country Planning Consultation Direction 2024
If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the The Town and Country Planning (Consultation) (England) Direction 2024 - GOV.UK (www.gov.uk).

This statutory instrument prevents you from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

Biodiversity Net Gain
We are not a statutory consultee for Biodiversity Net Gain (BNG) however, we are providing advice on the watercourse metric for your consideration on those applications that met our internal risk bar and where we are able to add value. For this application, we have **not** reviewed the BNG information or any metric calculations for watercourses as part of our response. Our position on this application **does not mean** that the BNG proposals are appropriate as submitted, however, we can offer the following advice:

The Watercourse Unit Module within the Statutory Biodiversity Metric is of key importance in determining whether BNG has been met for watercourses. The Watercourse Unit Module is applied to priority rivers; other rivers and streams; canals; ditches and culverted sections of these features.
Please be aware, this application is subject to statutory BNG **and** requires completion of the Watercourse Unit Module by a competent person because

- a watercourse is onsite.

Guidance on undertaking metric calculations is available in The Statutory Biodiversity Metric User Guide (Feb 2024) and all information regarding BNG can be found via https://www.gov.uk/guidance/understanding-biodiversity-net-gain or in the PPG.

Further information, data and advice on our rivers and catchments can be found using the England | Catchment Data Explorer and River Basin Management Plans.

Advice to Applicant

Water Resources
Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

The supply of water in the area is under serious water stress (as identified in our report: Water stressed areas – 2021 classification). All residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within the Building Regulations &c. (Amendment) Regulations 2015. This standard **or higher** may already be a requirement of the local planning authority.

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the BREEAM 'excellent' standard for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

Pre-Application Advice
Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at HNLsustainableplaces@environment-agency.gov.uk.

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNLSustainablePlaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at; https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions.

Final comments
Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

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If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

In accordance with the PPG (determining a planning application, paragraph 038), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Lucy Serjent
Planning Advisor

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Telephone: +44 20 3025 2653

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