

Committee	PLANNING COMMITTEE B	
Report Title	Deptford Creek adjacent to Phoenix Wharf, Norman Road, London, SE10	
Ward	New Cross	
Contributors	David Robinson	
Class	PART 1	30/08/2018

Reg. Nos. DC/18/105966

Application dated 20.02.2018

Applicant Costain, VINCI Construction Grands Projets and Bachy Soletanche (CVB)

Proposal Application for various marine works within Deptford Creek adjacent to Phoenix Wharf, Norman Road, London SE10 to facilitate barge movements including:

- Checking the pile line for potential obstructions and removing any encountered
- Capital dredging between the Network Rail Bridge and Creek Road Bridge (A200)
- In-river maintenance measures to maintain the baseline (post capital dredging works) river bed profile. This includes maintenance dredging, local bed levelling, installation of scour protection (rip-rap or similar) and reactive dredging
- Construction of a gravel campshed alongside Phoenix Wharf including placement of stone gabion baskets to form part of the campshed
- Placement of permanent scour protection to protect the downstream abutments of the Network Rail Bridge, including provision for walking access across the scour protection by the Creekside centre
- Installation of marine safety equipment / ladder access and navigational lighting
- Ecological trough boxes fixed to a river wall

On completion of TTT tunnelling works the following works will be undertaken to restore the creek:

- Reinstatement of the campshed foreshore and creek bed to pre-dredge gravel levels using appropriate marine sourced gravel.

Applicant's Plan Nos.

Location Plan 5400-TONYG-GREPS-240-CZ-DA-745011, Dredge Plan (Site Plan) 5400-TONYG-GREPS-240-VZ-DA-745013, Key Plan 5400-TONYG-GREPS-240-CZ-DA-745015, General Arrangement Drawing (Campshed) 5400-TONYG-GREPS-240-VZ-DA-745014, Dredge Section 5400-TONYG-GREPS-240-VZ-DA-745016, General Arrangement Drawing (River Wall, Fender and Mooring) 5400-TONYG-GREPS-240-VZ-DA-745050, Planning Statement 5700-CVBJV-GREPS-520-TZ-LS-003513, Flood Risk Assessment 5700-CVBJV-GREPS-151-TZ-AS-003749, Noise Impact Assessment 5700-CVBJV-GREPS-151-TZ-AS-003756, Archaeology Assessment 5700-CVBJV-GREPS-151-TZ-AS-003750, Construction Environmental Management Plan 5000-CVBJV-GREPS-160-WZ-PQ-002080 P02, Water Framework Directive Assessment 5600-CVBJV-GREPS-520-NZ-RG-200047, Dredge and Scour Impact Assessment 5080-TONYG-GREPS-520-SZ-RG-325030

Background Papers

- (1) Case File DE/124/P/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority
 Site of Nature Conservation Importance
 Flood Risk Zone 3
 Deptford Creekside Conservation Area

Screening

N/A

0.1 Background

0.2 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- the Council's Head of Planning considers that the matter would be more appropriately dealt with by the relevant committee

0.3 Officers are also in receipt of 3 objections, though it is noted that all are not considered to be wholly relevant to the development for which permission is now sought.

1.0 Property / Site Description

Existing Site and Location

- 1.1 The application site element within Lewisham is a section of the Deptford Creek extending close to Creek Road Bridge at the north and from the railway Deptford Creek Lifting Bridge in the south. The eastern boundary is effectively the middle of the Creek (the borough boundary), and the western boundary is the creek wall.
- 1.2 The wider application site lies across the London Borough of Lewisham and partially within Royal Borough of Greenwich. The borough boundary between the Lewisham and Greenwich runs approximately through the middle of the site as per Images 1 and 2 below.

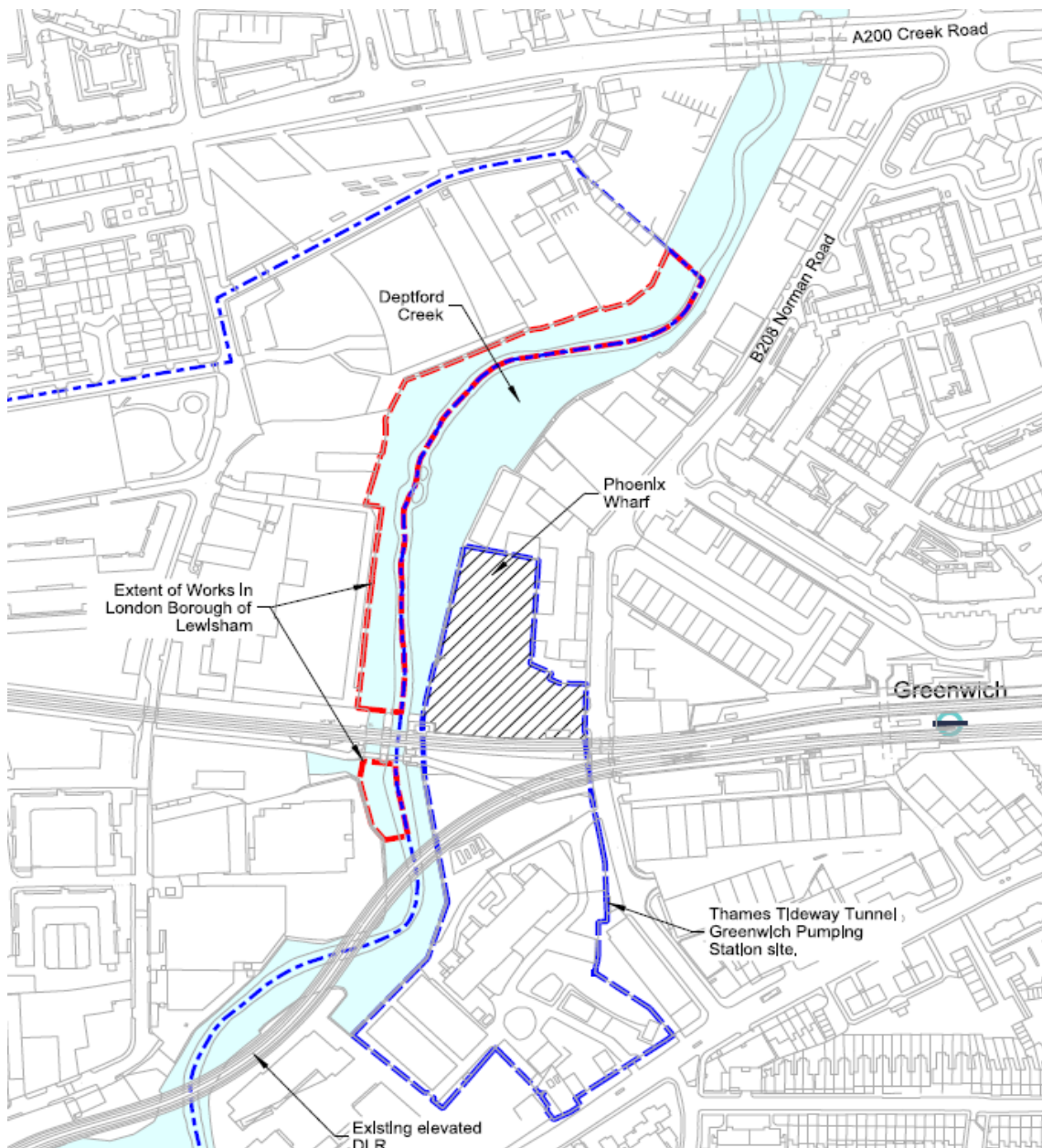


Figure 1- Lewisham Area

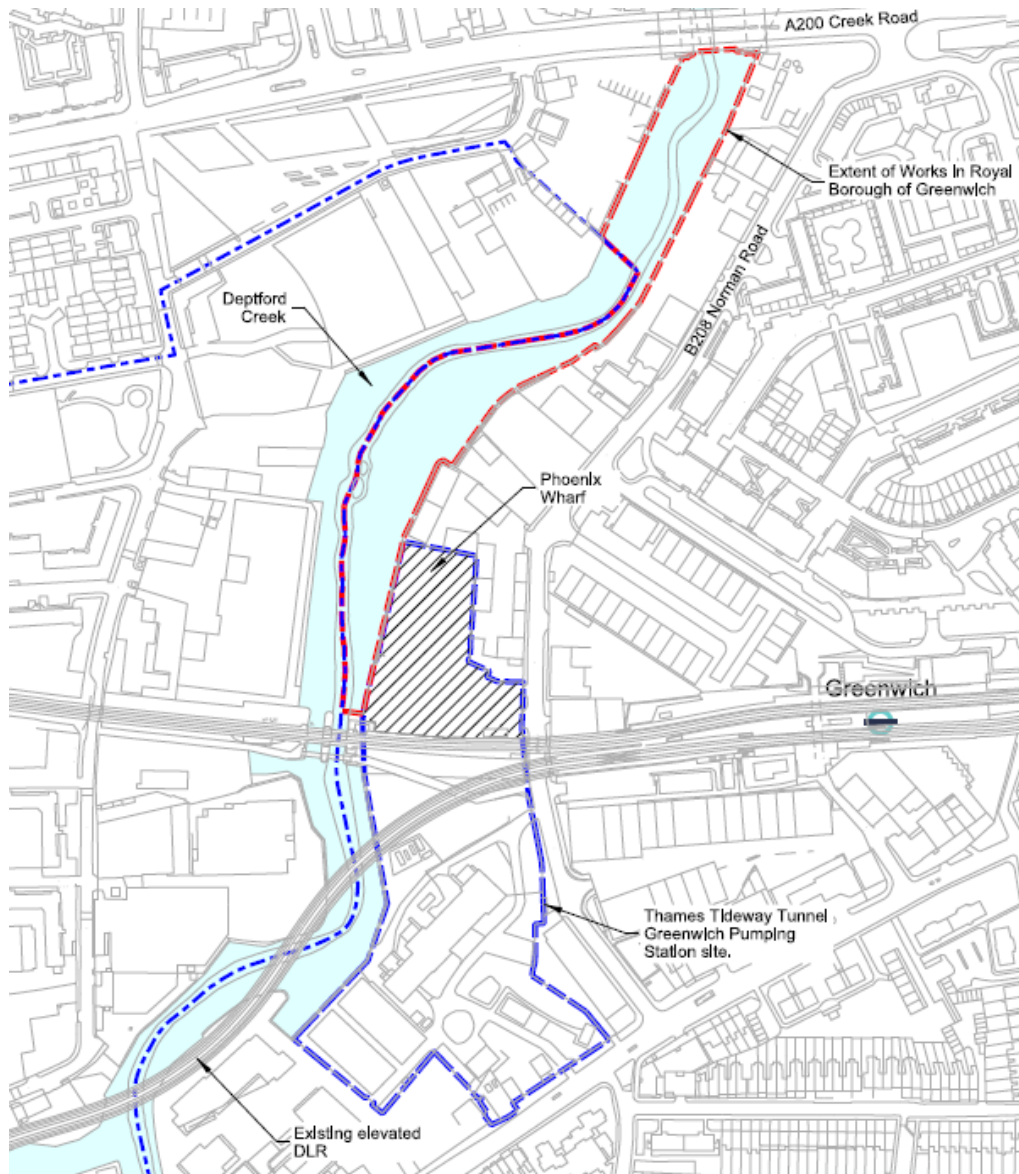


Figure 2 – Greenwich Area

- 1.3 Deptford Creek is embanked by river walls which are located some 100 metres south of the proposed development and contains a number of existing houseboats. The creek is also currently used by Creekside Centre for ecology walks.
- 1.4 There is currently a layer of silt within the Creek which has accreted over the years. The site lies in the flood plain of the River Ravensbourne, the lower part of which is known as Deptford Creek and falls within the tidal Flood Zone 3 of the River Thames and Deptford Creek, which is protected by flood defences.

Surrounding Context

- 1.5 The Creek Road Bridge is located to the north of the Site, which was the first bridge crossing the downstream end of the Creek, built in the early 19th century. The Deptford Creek Railway Viaduct including Lifting Bridge is located to the south of the site. The Railway Viaduct is formed of the arches either side of Deptford Creek and spreads across Lewisham’s and Greenwich’s administrative boundaries. The Railway Viaduct is part of a long grade II Listed part of the London and Greenwich railway, built in the 1830s.

- 1.6 The creek is surrounded by a mix of different uses. The area is dominated by existing residential developments and local businesses. To the east of the creek, from the north to the south it is bordered by a concrete plant (Brewery Wharf), art studios, new residential apartments being currently built, a M.O.T. centre and garage, and part of the Thames Tideway Tunnel GREPS worksite including Phoenix Wharf. To the west of the creek, from north to south respectively, the creek is bordered by the Laban Centre, new residential development (Kent Wharf and Faircharm Estate) and a catering equipment company and an art studio.

Site Designations and Constraints

- 1.7 The site is designated as a Site of Importance for Nature Conservation (SINC) and is located within an Area of Archaeological Priority and Flood Zone 3. The site is also partially located within the Deptford Creekside Conservation Area.

2.0 Current Planning Application

Background

- 2.1 This application relates to the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (the order) that came into force on 24 September 2014, approved as a Development Consent Order (DCO). Development Consent Orders are means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects such as energy, transport, waste and water projects. Development Consent Orders are required for Nationally Significant Infrastructure Projects rather than attaining consent by planning permission.
- 2.2 The DCO gave planning permission for the construction of the Thames Tideway Tunnel, a new 15 mile long interception, storage and transfer tunnel between Acton Storm Tanks and Abbey Mills Pumping Station. The tunnel will intercept identified combined sewer overflows (CSOs) that frequently discharge into the River Thames. The flows of combined sewage (raw sewage mixed with rainwater) discharged from those CSOs would be captured, stored and pumped out for treatment at Beckton Sewage Treatment Works. 24 sites in London are required to construct and operate the project.
- 2.3 One of the construction sites is located at Greenwich Pumping Station (referred to as GREPS by the order) is required to connect the Greenwich Pumping Station to the Greenwich Connection Tunnel and drive the connection tunnel to Chambers Wharf in the London Borough of Southwark, where it would be connected to the main tunnel. The GREPS site is adjacent to the Creek. The route of the main tunnel and the Greenwich Connection Tunnel is outlined below in Figure 3.

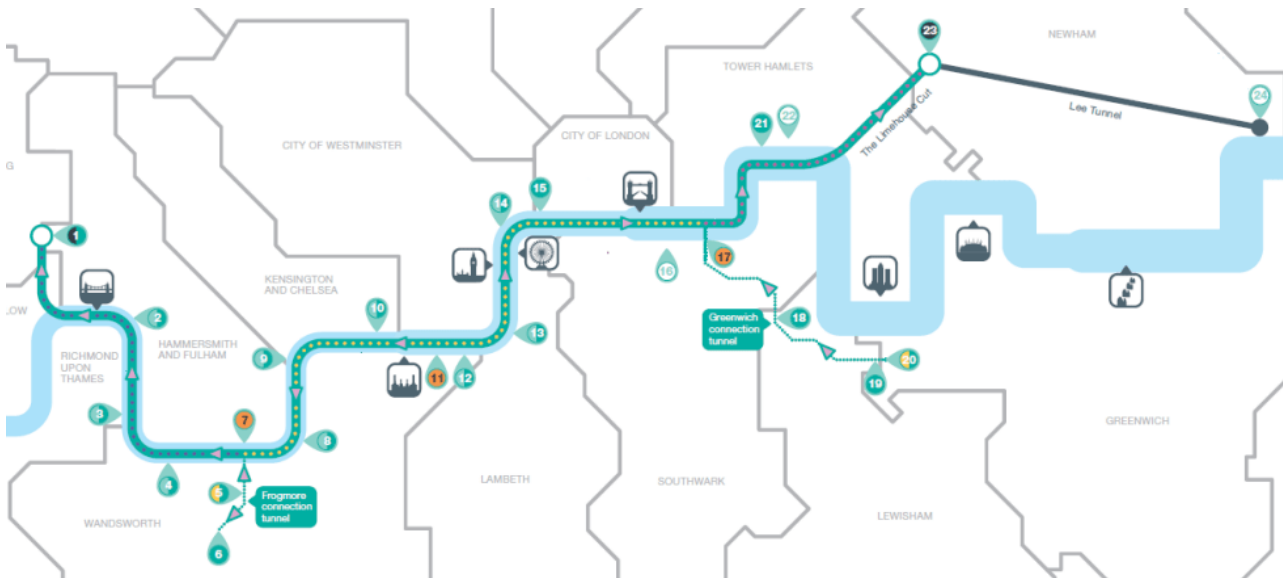


Figure 3

- 2.4 The works at Greenwich Pumping Station will result in large amounts of spoil which will require removal from the site. The applicant has undertaken a feasibility study and relevant assessments, which proposed implementing river transport on the Deptford Creek as part of the larger Tideway East “More by River” strategy. This has identified that 80,000 tonnes of spoil (24% of total) could be removed from the site by barge.
- 2.5 Once in operation, the applicant intends to remove approximately two 500 tonne barges per day of excavated material by river. This would equate to 60 heavy goods vehicles (HGVs) per day (120 movements, 60 in 60 out) being removed from the highway. To further reduce the number of HGV movements from the site the applicant proposes to remove an additional 500 tonne barge during night time hours (equates to 30 HGVs and 60 movements). This would equate to the removal of 9,600 HGV movements from the road network across the construction period.
- 2.6 The Development Consent Order (DCO) was granted on the basis that the use of Deptford Creek for such activities was not essential for delivery of the Project. This is clearly reflected in the relevant sections of the Order 2014 and its supporting documents including Works Plans listed under Schedule 2 of the Order and the Environmental Statement.
- 2.7 Whilst the DCO does explicitly permit the use of Deptford Creek to transport material by river and delivery of the project on time, the potential for using the creek for this purpose is widely acknowledged.
- 2.8 One of the project requirements imposed by the DCO is the production and implementation of a River Transport Strategy. As required under conditions stated in the Strategy, the applicant has carried out a feasibility study and relevant assessments which proposed implementing river transport on the Deptford Creek as part of the larger Tideway East “More by River” strategy.
- 2.9 The proposal has been reviewed and approved on 10 May 2017 by the Strategic Relevant Authority (SRA) – this is a body of all involved London Boroughs, the Greater London Authority (GLA), the Port of London Authority (PLA) and Transport for London (TfL).

- 2.10 The outcome of the review is an agreed target commitment for moving 80,000T (24%) of material by barge, as a minimum, and this could be achieved without impacting the project programme. The commitment can only be achieved, however, following the receipt of the required consents and carrying out of the enabling works prior to the start of tunnelling.

Proposed Works

- 2.11 To increase the potential for use of the river to transport excavated material from the Tideway Greenwich Pumping Station site (GREPS), the applicant has outlined that it is necessary to remove existing tidal constraints within the Creek itself. This would require the following works to be undertaken (LBL = works on the Lewisham side of the Creek, RGB – in Greenwich. Works in *italics* are entirely within Greenwich):
- a) Checking the pile line for potential obstructions and removing any encountered. Installation of circa 100m sheet pile retaining wall. (LBL and RGB)
 - b) *Installation of 9no. mooring / fender piles in front of installed retaining wall (RGB)*
 - c) Capital dredging between the Network Rail Bridge and Creek Road Bridge (A200) (LBL and RGB)
 - d) In-river maintenance measures to maintain the baseline (post capital dredging works) riverbed profile. This includes maintenance dredging, local bed levelling, installation of scour protection (rip-rap [*loose stone*] or similar) and reactive dredging (LBL and RGB)
 - e) Construction of a gravel campshed (*a defensive structure along the bank of a river to protect the bank*) alongside Phoenix Wharf including placement of stone gabion baskets to form part of the campshed (LBL and RGB)
 - f) Placement of permanent stone riprap scour protection (*to prevent the removal of material around the base of supporting structures*) to protect the downstream abutments of the Network Rail Bridge, including provision for walking access across the scour protection by the Creekside centre (LBL and RGB)
 - g) *Placement of permanent stone riprap scour protection to protect the toe of RW524 (opposite Thanet Wharf) (RGB)*
 - h) Installation of marine safety equipment / ladder access and navigational lighting (to be defined in the river regulator applications) (LBL and RGB)
 - i) *Placement of a temporary floating platform between mooring piles and river wall to prevent material being loaded into barges from falling into the creek (RGB)*
 - j) Ecological enhancements e.g. approximately 25m of trough boxes fixed to a river wall (specific scope to be confirmed) (LBL)

- 2.12 On completion of TTT tunnelling works the following works will be undertaken to restore the creek;
- a) *Full removal or cropping of mooring piles to 1m below existing bed level (RGB)*
 - b) *Full removal or cropping of sheet piles to 1m below existing bed level (RGB)*
 - c) Reinstatement of the campshed foreshore and creek bed to pre-dredge gravel levels using appropriate marine sourced gravel. Use of hazel faggots or similar material to facilitate silt accretion in front of Phoenix Wharf (LBL and RGB)
 - d) Removal of temporary floating platform (RGB)
- 2.13 The proposed works within Deptford Creek to facilitate the use of the creek for river logistics are not consented under the Thames Tideway Tunnel Order 2014 and would be subject to the following consents:
- Town and Country Planning Act 1990 (relevant to Lewisham Council and Royal Borough of Greenwich).
 - Marine and Coastal Access Act 2009 (relevant to the Marine Management Organisation)
 - Environmental Permitting (England and Wales) Regulations 2010 as amended (relevant to the Environment Agency)
 - Port of London Act 1968 as amended (relevant to the Port of London Authority)
- 2.14 This application is made under the Town and Country Planning Act 1990 (as amended) to the London Borough of Lewisham; a concurrent application has been submitted to the Royal Borough of Greenwich (application reference number 18/0615/F). The Greenwich application was approved following a meeting of Greenwich's Planning (Board) Committee on 9th July 2018.
- 2.15 The relevant consents from the Marine Management Organisation, the Environment Agency and the Port of London Authority will be sought under the legislation outlined above.
- 2.16 *Detailed Proposals*
- Pile Line Clearance and Obstruction Removal*
- 2.17 Prior to the mobilising of marine plant, a foreshore probing survey will be carried out. This will determine any debris and areas of potential further investigation in the soft surface material of the foreshore. Once marine plant has been mobilised, a crane will lower an excavator onto the foreshore (at low water). Working along the line of the sheet pile retaining wall, the excavator will probe either side of the pile line to a depth of circa 1m. If any obstructions are identified the excavator will locally dig out the obstruction.

- 2.18 All excavated material will be placed into skips lowered onto the foreshore using the crane.

Sheet pile retaining wall installation (Royal Borough of Greenwich only)

- 2.19 In order to ensure the river walls at Phoenix Wharf are not undermined during the construction of the camp shed, a row of sheet piles approximately 100 metres in length will be installed circa 4 - 5 metres in front of the existing river walls. The purpose of this retaining wall is to retain the ground in front of the river wall and thus maintain its support.

- 2.20 The sheet pile wall will be removed once the works are completed in 2021.

Installation of mooring piles (Royal Borough of Greenwich only)

- 2.21 Following construction of the sheet pile retaining wall, 9no. mooring/fender piles 660mm in diameter and approximately 19 metres long will be installed immediately in front of the retaining wall. The height of the mooring piles above bed level will be circa 7m.

- 2.22 The purpose of the mooring piles is to maintain the position of the muck away barges alongside Phoenix Wharf, so they can be loaded with excavated material from the site.

- 2.23 Once installed, the end mooring piles will be equipped with navigational lighting and fenders. Navigational lighting will be installed as agreed with the Port of London Authority (PLA). The mooring piles will also have composite rubber fender strips (or similar) installed to the berthing face. The mooring piles will be removed once the works are completed.

Capital dredging works (both Boroughs)

- 2.24 Part of Deptford Creek between the rail bridge and the Creek Road Bridge will need to be partially dredged to deepen and widen the existing channel so that 500t barges can be towed up to Phoenix Wharf.

- 2.25 The maximum dredge depth is expected to be approximately 2.5 metres below existing bed level (greater dredge depth on channel edges). To remove shaft spoil by river, the dredging campaign will be carried out in the autumn of 2018, outside of the fish sensitive season. This dredging is proposed to occur 18 months in advance of tunnel spoil and it may require some further maintenance dredging to remove any silt accretion in this period.

- 2.26 Material shall be loaded into hopper barges that are brought alongside the dredging barge when the tide is high enough for removal. As part of the dredging campaign a low flow channel will be profiled into the riverbed. Sediment sampling carried out at Deptford Creek to date confirmed there are levels of contamination in the creek. Therefore, the dredged material will need to be deposited at an appropriately licensed land-based facility.

- 2.27 The final methodology will need to be approved by the Marine Management Organisation (MMO), the Environment Agency (EA) and the PLA under the relevant consenting regimes of these organisations.

In-river Maintenance (both Boroughs)

- 2.28 Such measures will be installed as required following on-going monitoring of scour and accretion levels of the creek bed throughout the duration of the project. Trigger levels agreed with the river regulators (EA, PLA and MMO) will be used to determine the actions required to prevent excessive scour or accretion in the creek. Permission is sought for the following activities;
- Installation of rip-rap (or similar) for scour protection, including localised bed levelling to provide a stable base for such installation.
 - Reactive dredging, using the same methods stated in the 'Dredging Works' section, to remove excessive accreted sediment.
 - Maintenance dredging of the navigable channel to ensure safe navigation of craft through the creek.
- 2.29 These maintenance activities will be subject to agreement with the river regulators.

Campshed construction (Greenwich)

- 2.30 It is proposed to build a campshed along the berthing facility at Phoenix Wharf to provide a stable berth for barges until the tide allows them to be transported to the main river (Thames) and on for disposal of the material. This will remove the tidal constraint for barge loading and reduce pressure on the logistical operation for the placement and removal of barges.
- 2.31 The proposed campshed will be approximately 75 metres long by 12 metres wide and built in front of the constructed retaining wall to accommodate two 500t hopper barges. This will provide a flat surface for barges to rest on should they be required to berth during low tide.
- 2.32 Approximately 500 cubic metres of marine sourced gravel is required to install the campshed facility at Deptford Creek. It will be delivered by barge and deposited in the campshed. The material will be agreed with the MMO, PLA and EA.
- 2.33 The campshed shall be maintained during the course of the operational phase. If required, additional gravel/aggregate within shall be placed where necessary.
- 2.34 Once the campshed is no longer required, it will be removed and the foreshore will be reinstated to original levels using marine sourced gravel with natural sediment accretion on top.

Scour Protection (both Boroughs)

- 2.35 Scour protection will be laid to the south side of the Network Rail Bridge abutments and in front of the river wall (RW524). This will be a concrete mattress or stone riprap. Once the rocks are installed (probably 200mm-300mm diameter boulders), some finer gravel with a wide grading (20 to 80mm) will be installed to create a path across the scour protection that should be easily walkable.
- 2.36 Where necessary localised levelling of the river bed will be carried out to ensure a level surface for the placement of the scour protection. Provision will be made for a walkway across the Network Rail bridge scour protection to allow the Creekside

Centre access to the downstream section of the creek. The scour protection will be left in-situ following completion of the works.

Marine Safety Equipment (Greenwich)

- 2.37 Ladders shall be installed from the campshed to the top of the retaining wall and from the foreshore at the top of the retaining wall to the top of the river wall (if the existing ladders are inadequate). Safety chains will also be provided.
- 2.38 Navigation lights shall be agreed with the PLA Harbour Master prior to installation and shall be fixed to tubular piles.

Floating Platform (Greenwich)

- 2.39 A temporary floating platform (material made of plastic 'Jet Floats') shall be placed between the existing river wall and the mooring piles. The purpose of the platform is to prevent tunnel spoil falling into the creek during loading operation from the landside muck bins to the barges.
- 2.40 The platform will sit on the foreshore at low water. The edge of the platform closest to the berthing face will overhang the sheet pile retaining wall at low water. The handrail in this area will be located further back from the edge to prevent personnel accessing this section. At the end of the tunnelling works the floating platform will be lifted out of the creek and dismantled.

Removal and Re-instatement (both Boroughs)

- 2.41 On completion of tunnelling, the mooring facility will be decommissioned. The method to remove the mooring piles and campshed as well as reinstatement of the creek will be subject to relevant applications for approval of the works to the Environment Agency (EA), the Marine Management Organisation (MMO) and the Port of London Authority (PLA).
- 2.42 The remainder of the creek will also have gravel reinstated where it had previously been removed during the original dredging campaign. This will be reinstated to pre-dredge levels using marine sourced gravel. In the location of the campshed, hazel faggots or similar will be fixed to the backfilled gravel bed to help speed up the accretion of surface silt. Silt accretion will only be assisted in the campshed area. The floating platform will be removed.

Planning History

- 2.43 No relevant planning history other than the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 Development Consent Order as outlined above.

3.0 Consultation

- 3.1 The Council's consultation exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.
- 3.2 Five site notices were displayed and letters were sent to residents and businesses in the surrounding area, as well as the relevant ward Councillors. A press notice was also published in a local paper.

Written Responses received from Local Residents and Organisations

3.3 *Neighbour Representations*

3.4 Three representations were received from the occupants of neighbouring properties in objection to the proposed development. The objections are summarised as follows, and largely do not relate to the scope of works which are currently sought:

- Concerns regarding maintenance of navigational rights of way for house boats on the creek
- Poor signage on the creek creates a potential hazard
- The legacy of the tunnel works could be served by creating visitor moorings or a tidal grid for hull inspection
- Potential for improvement in docking facilities on the creek – this should be done in consultation with local stakeholders

3.5 The navigational rights for house boats will remain unchanged as a result of the proposed development – this is discussed further below. The other points raised relate to the existing situation at Deptford Creek and thus are not relevant to this application.

3.6 A further objection had been received from the Creekside Education Trust at the Creekside Discovery Centre; however, this has since been withdrawn following further discussion between the applicant and the Creekside Education Trust.

Written Responses received from External Statutory Agencies

Environment Agency

3.7 We generally agree with the findings and subsequent recommendations of the Dredging and Scour Impact Assessment report (reference: 5080-TONYG-GREPS-520-SZ-RG-325030P01) but need more information on the proactive scour protection opposite Thanet Wharf, and details of monitoring and mitigation plans including locations and frequency of monitoring prior to commencement to allow for baseline data collection.

3.8 There is uncertainty over the extent of the ecological impact on Deptford Creek. The environmental enhancement and compensation will need to be designed before the works end and agreed with land owners where options including improvements on third party land are proposed. Clearly the applicant can only be expected to employ best endeavours in seeking the agreement of third parties. The Creekside Centre and the Environment Agency may be able to assist with those conversations.

3.9 We are requesting planning conditions to address these concerns

3.10 We request that a piling risk assessment addendum is prepared that considers the likelihood of adverse impacts on the geology beneath the river bed from piling works, particularly focussed on risk associated with piling through river bed expected to contain historic contamination. A useful reference for preparing a

piling risk assessment is the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73).

- 3.11 We are therefore requesting a compliance condition to that effect.
- 3.12 There should be no percussive piling from April to September due to the impacts upon migrating fish species.
- 3.13 There should be no dredging activity June to August due to large numbers of sensitive juvenile fish, spawning activity and higher risk of hypoxia events in summer months.
- 3.14 We have reviewed the submitted Water Framework Directive (WFD) assessment and are in agreement with its conclusions, in that for those (chemical water quality) elements of WFD compliance for which we offer our advice, we agree that the application does not pose a threat to achievement of WFD objectives.

Historic England (Archaeology)

- 3.15 This office having considered the submitted documentation I am happy to recommend approval of CEMP - section 6.8: Heritage & Archaeology, and Archaeological Assessment that includes the dredging report prepared by Pre-Construct Archaeology Ltd, as a submission of detail towards the satisfying of Schedule 3 Requirement GREPS8 of the above Order on the understanding that there has been no material change to the scope or detail of the site work programme that would otherwise trigger possible revision to the above building recording report at the above named site.

Marine Management Organisation

- 3.16 Confirmed no comments to make.

Port of London Authority

- 3.17 The purpose of the proposed works is to enable the use of Deptford Creek for river logistics to reduce lorry movements associated with the removal of excavated material from the works at the TTT worksite. It will enable continued compliance with the project wide requirement to ensure materials and wastes associated with the TTT works are transported by river. For this reason the PLA raises no principle objection to the works.
- 3.18 The application site and works sit south of Brewery Wharf, which itself is Safeguarded for cargo handling purposes by Ministerial Direction and via Policy 7.26 of the current London Plan (and will continue to be protected within the new, draft, London Plan). Whilst the various works proposed are themselves located at a distance from the safeguarded wharf, the construction works and operational works associated with this new logistics site must not result in any adverse impact on operations at Brewery Wharf.
- 3.19 With regard to the individual works proposed, the PLA does not have any specific planning concerns regarding these. However, notwithstanding the information contained within the submitted documentation, ensuring minimal harm to heritage assets and archaeology during these works is important.

- 3.20 Capital Dredging Works – These must not affect the operational activity of the Safeguarded Brewery Wharf.
- 3.21 Other matters – the PLA is pleased to see the inclusion of lifesaving equipment in the form of ladders. It would also be prudent to include lifebuoys.
- 3.22 Navigation – The PLA will require the installation of a navigation spar with the top 450mm painted red at Northern most end of the lead in sheet pile wall.
- 3.23 Construction – Cropping of mooring piles and sheet piles if necessary should be done to at least 1 metre below the bed level, with a further allowance for scour (which is assessed as up to 2 metres in the event of extreme flows).
- 3.24 The method statement proposes the use of a backhoe excavator with open bucket for dredging. This is considered to be a dispersive method. Sample test results show high levels of metal and Polycyclic Aromatic Hydrocarbons (PAH) contamination in all samples, which would not normally be considered suitable for dispersive dredging. An open bucket method could be considered if areas of contaminated fine sediment can be identified and dredged at low tide in the dry.
- 3.25 Design – We would encourage further discussion around the design/efficacy of any proposed ecological enhancements.
- 3.26 It is intended to place hazel faggots to promote the accretion of silt in front of Phoenix Wharf – a general arrangement drawing and section should be provided so that the size and location can be assessed. Details of how the faggots will be fixed will be needed, especially noting that those in Dartford Creek washed away over time.

Written responses for Internal Consultees

Ecology

- 3.27 Agreement with the Environment Agency response.

Highways

- 3.28 No objection

Environmental Protection

- 3.29 No objection

4.0 Policy Context

Introduction

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and

- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

4.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

4.3 The revised NPPF, itself originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.

4.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

4.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

4.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

London Plan (March 2016)

4.7 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a

departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

- Policy 2.9 Inner London
- Policy 2.13 Opportunity areas and intensification areas
- Policy 5.12 Flood risk management
- Policy 5.14 Water Quality and Wastewater Infrastructure
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.14 Freight
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.24 Blue Ribbon Network
- Policy 7.26 Increasing the use of the Blue Ribbon Network for Freight Transport
- Policy 7.30 London's Canals and other rivers and waterspaces

Core Strategy

4.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 1 Lewisham Spatial Strategy
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 11 River and waterways network
- Core Strategy Policy 12 Open space and environmental assets
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

4.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting

policies from the Development Management Local Plan as they relate to this application:

- 4.10 The following policies are considered to be relevant to this application:
- DM Policy 1 Presumption in favour of sustainable development
 - DM Policy 22 Sustainable design and construction
 - DM Policy 23 Air quality
 - DM Policy 24 Biodiversity, living roofs and artificial playing pitches
 - DM Policy 25 Landscaping and trees
 - DM Policy 26 Noise and vibration
 - DM Policy 27 Lighting
 - DM Policy 28 Contaminated land
 - DM Policy 30 Urban design and local character
 - DM Policy 34 Thames Policy Area and Deptford Creekside
 - DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting, conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

5.0 Planning Considerations

5.1 The main issues to be considered in respect of this application are:

- a) Principle of use
- b) Noise and Impact on Adjoining Properties
- c) Flood Risk
- d) Design
- e) Heritage
- f) Transport and Highways
- g) Air Quality
- h) Ecology and Biodiversity

Principle of use

5.2 One of the key elements of the London Plan is to assist delivery of sustainable development through sustainable transport. The Plan sets out the strategic vision for London increasing the use of the Blue-Ribbon Network (BRN), especially the Thames and its tributary rivers, for passenger and freight use and facilitating the efficient distribution of freight whilst minimising its impacts on the transport network (Policy 6: Strategic Approach). It applies that local authorities should promote efficient and sustainable arrangements for the transportation and delivery of freight to allow for the smoothing of the traffic flow to tackle congestion on the local roads (Policy 6.11 (Smoothing Traffic Flow and Tackling Congestion) and confirms that the Mayor's commitment is to work with all relevant partners to promote the movement of freight (including servicing and deliveries) by waterway (and rail) (Policy 6.14 (Freight)).

5.3 Moreover, it states that proposals which increase the use of the BRN for freight transport will be encouraged (Policy 6.14(B)(c)) and Policy 7.24 (Blue Ribbon Network 'BRN') and reiterates that the BRN should contribute to the overall quality and sustainability of London by 'prioritising uses of the waterspace and land alongside it safely for water related purposes, for passenger and freight transport.

- 5.4 London Plan Policy 5.14 (Water Quality and Wastewater Infrastructure) seeks to ensure that London has adequate and appropriate wastewater infrastructure to meet the requirements placed upon it by population growth and climate change and to protect and improve water quality having regard to the Thames River Basin Management Plan.
- 5.5 London Plan (Policy 7.26 (A) Increasing the use of the Blue Ribbon Network for Freight Transport) confirms Mayor's strategic view seeking to increase the use of BRN to transport freight. The same Policy 7.26(B)(d) further confirms that development proposals close to navigable waterways should maximise water transport for bulk materials particularly during demolition and construction phases. In addition, using water-based transport for freight is fully in line with the NPPF in terms of promoting sustainable modes of transport, and recognises that water transport is one of the most sustainable modes, particularly for bulk movements (paragraph 7.75).
- 5.6 Policy 7.30 A (London's Canals and Other Rivers and Waterspaces) requires that development proposals along London's canal network and other rivers and water space (such as reservoirs, lakes and ponds) should respect their local character and contribute to their accessibility and active water related uses, transport uses, where these are possible. The same Policy 7.30 (B) (b & e) highlights that developments within or alongside London's docks should promote their use for mooring visiting cruise ships and other vessels and their use for transport.
- 5.7 The proposed works would result in at least 24% of excavated material from the Greenwich connection tunnel (approx. 80,000t) being transported by river within two 500t barges per day (approximately 160 barges in total). This equates to approximately 4,800 HGVs or 9,600 movements (one in one out for each HGV) being removed from the highway between April 2020 to April 2021.
- 5.8 It is considered that the proposed use of the Creek is a much more sustainable solution than utilising the already consented method of disposal through the Development Consent Order (i.e. vehicular transport with 154 HGV's daily at peak by road). Officers also consider that the proposed development would result in significantly less air pollution in the locality.
- 5.9 The works can and will also be able to occur without excessive interference with existing river movements, such as protected wharf movements at Brewery Wharf.
- 5.10 The principle of the development is in accordance with the NPPF, the London Plan and Lewisham Local Plan, as such the development is considered to be acceptable in this respect.

Noise and Impact on Adjoining Properties

- 5.11 Core Strategy Objective 5 'Climate change' states that the Council will take measures necessary to minimise the environmental impacts of development including water, noise and air pollution.
- 5.12 The aim of DM Policy 26 'Noise and Vibration' is to reduce excessive noise or vibration which can be detrimental to human health and well-being.
- 5.13 The closest residential receptors to the proposed development are located on the Lewisham side of the Creek, on Creekside at the Faircharm Estate and Kent

Wharf, some 100m from the site. The impact on these properties has been considered as part of the assessment of this application.

- 5.14 During operation of the berth, vessels will only be active in the creek for a short duration – to deliver and remove the material. Vessel and barge movements for the dredging, construction works, and movement of material will be minimal approximately 4 movements per day, with potentially another 2 at night if the applicant resolves to facilitate the removal of a further barge load.
- 5.15 In accordance with the Construction Management Environmental Plan (CEMP) all plant (excluding vessels) to be used will comply with non-road mobile machinery NRMM guidelines. Plant will be shut down when not in use and all vessels used on the project are required to meet the Port of London Authority Technical and Operational Standards for Commercial Vessels on the Tidal Thames (2013 or updated standards).
- 5.16 In terms of noise, a Noise Impact Assessment has been carried out to assess proposed works. The findings of this assessment concluded that there would be no significant effects subject to the use of the impact hammer during sheet piling works being managed to ensure that construction noise remains below the significance criteria. This will require consideration of daily duration of use and the avoidance of concurrent enabling activities during the impact piling.
- 5.17 In respect of the use of the river by barges, the assessment indicated cumulative noise levels will not create new significant noise effects at the receptors assessed in the study, if barge movements during night time periods are restricted to a single trip per hour (either coming in to the loading platform or moving out towards the river) rather than two barge movements per hour. This would ensure that the muckaway operations can still occur during the night time period, albeit in a slightly reduced capacity but would minimise the risk of potential significant effects. The barge movements would not be in excess of two trips an hour.
- 5.18 The submitted Construction Environment Management Plan (CEMP) outlines the noise and vibration control measures and proposed mitigation measures to be implemented where reasonably practicable. The specific working controls during both construction of the marine works and use of the river will be detailed in the Section 61 consent (of the Control of Pollution Act 1974) application (to be submitted to Lewisham Environmental Protection), to ensure significant effects are avoided.
- 5.19 The Council's Environment Protection team have reviewed the proposed development and have raised no objections. Given the above, the proposed development is considered to be acceptable with regard to noise and impact on adjoining properties.
- 5.20 Flood Risk
- 5.21 A Flood Risk Assessment (FRA) has been prepared and submitted with this planning application. The FRA confirms the proposed development is "Water Compatible" as it involves work associated with a docks/wharf. Although the site is located within Flood Zone 3, flood risk to the site is predominantly tidal/fluvial. Risk from other sources of flooding is considered low. As the use is classified as "Water Compatible", the Sequential and Exception Tests are not required.

- 5.22 The FRA also notes there will be a minor beneficial effect in that the proposed dredging will increase the flow capacity of the river, as well as storage at low tide and when the Thames Barrier is closed. Effects on the existing flood defences from the works are assessed in the additionally submitted Dredging & Scour Impact Assessment (summarised in the FRA) which concludes that there is no significant impact on the stability of flood defences through dredging and scour and accretion. The assessment recommends river wall monitoring along some sections of defences, two locations of scour protection and a sheet pile retaining wall adjacent Phoenix Wharf. These works are included in the proposed scheme.
- 5.23 To conclude, the fluvial flood risks to the site are high but given the fact that the structure is located on the bed of the watercourse plus is water compatible and thus requires no protection means it will have no detrimental impact in this respect. The works would also not increase flood risk elsewhere.

Design

- 5.24 The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 5.25 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design
- 5.26 Given the temporary nature of the development within Deptford Creek, the applicant has designed the works to minimise the effect on the creek. In particular, care has been taken to ensure the works do not affect the integrity of the existing river walls/flood defence. The proposal does not include any permanent external alterations to the existing site. Therefore, it is considered that the current application will not adversely affect the character and appearance of the existing site or wider area.

Heritage

- 5.27 Part 16 of the NPPF highlights the importance of archaeology, conservation and heritage, requiring an applicant to describe the significance of any heritage assets affected by the development to understand the potential impact of the proposal on their significance.
- 5.28 Similar to the NPPF, London Plan Policy 7.8 highlights the importance of the London's heritage and archaeology and the desirability of sustaining and enhancing their significance. The policy outlines that development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.
- 5.29 The applicants have undertaken an assessment of the archaeological, historical and cartographic evidence available for the site and a 250m-radius buffer surrounding it has confirmed that the site lies within three Archaeological Priority Areas and is adjacent to the Deptford Creekside Conservation Area (within LB Lewisham). The nearest Listed structure is the Grade II Listed railway viaduct

extending from platforms of Greenwich Railway Station to Deptford Creek, which is adjacent to the southern boundary of the site. There are no World Heritage Sites, Scheduled Monuments or Registered Parks and Gardens within the study area.

- 5.30 The evidence examined during the preparation of the assessment suggests that there is a low potential for encountering archaeological evidence on the site from the prehistoric, Roman and early medieval periods, and low to moderate potential for medieval and post-medieval periods. However, the results of archaeological investigations within the study area indicate that there is a high potential for the preservation of paleo-environmental evidence sealed within alluvial and peat deposits.
- 5.31 The alluvium provides a link between the past environment of the Thames and that of the Ravensbourne. It is likely to record events caused by human activity and environment changes upstream, as well as the influence of the tidal Thames on the freshwater environment of the tributary. As the alluvium provides a good medium for organic survival a wide range of environmental indicators, such as seeds, pollen, ostracods, insects and snails are likely to be preserved, which could provide evidence of changes in water salinity and flow, past vegetation, as well as indirect evidence for human activity and catchment disturbance, with the potential for establishing a timeframe through radiocarbon dating.
- 5.32 It is proposed that the dredging activities will be monitored under an archaeological watching brief to ensure that the arising is inspected in a controlled fashion, to allow the identification of any buried surfaces and the retrieval of finds. This approach has been used on other elements of the Tideway project and is considered to be an appropriate means to mitigate the dredging impact.
- 5.33 The above proposed mitigation work is to comprise of an archaeological watching brief during dredging works as designed within a Site Specific Archaeological Written Scheme of Investigation provided within Archaeological Assessment, Appendix E.
- 5.34 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134). Additionally, Section 66 of Listed Building Act states that in considering whether to grant planning permission or development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.35 The proposed works are located in the vicinity of the Grade II Listed railway viaduct extending from platforms of Greenwich Railway Station to Deptford Creek. The proposals do not directly affect the fabric of the structure and given their temporary nature and location are unlikely to have any detrimental effect on its setting. The Greenwich Pumping Station itself is also listed but given the separation there will be no significant impact. There are no World Heritage Sites,

Scheduled Monuments, Registered Parks and Gardens within the area of the proposed works.

- 5.36 Given the above, the proposed development is considered to be acceptable with regard to impact on Heritage.

Transport and Highways

- 5.37 As outlined above, one of the key elements of the London Plan is to assist delivery of sustainable development through sustainable transport. The Plan sets out the strategic vision for London increasing the use of the Blue-Ribbon Network (BRN), especially the Thames and its tributary rivers, for passenger and freight use and facilitating the efficient distribution of freight whilst minimising its impacts on the transport network (Policy 6: Strategic Approach). It applies that local authorities should promote efficient and sustainable arrangements for the transportation and delivery of freight to allow for the smoothing of the traffic flow to tackle congestion on the local roads (Policy 6.11 (Smoothing Traffic Flow and Tackling Congestion) and confirms that the Mayor's commitment is to work with all relevant partners to promote the movement of freight (including servicing and deliveries) by waterway (and rail) (Policy 6.14 (Freight)).
- 5.38 The target commitment of the proposed development is to remove at least 24% of excavated material from the tunnel (approx. 80,000t) by river. This equates to approximately 4,800 HGVs or 9,600 movements (one in one out for each HGV) being removed from the highway between April 2020 to April 2021.
- 5.39 The use of Deptford Creek will therefore reduce the number of HGVs on the local highway network and therefore provide a benefit in terms of potential emissions associated with road vehicles.
- 5.40 Additionally, the Council's Transport and Highways Officer has raised no objections to the development.

Air Quality

- 5.41 DM Policy 23 implements Core Strategy Policy 7 (Climate change and adapting to the effects) and Policy 9 (Improving local air quality). These policies deliver the approach in London Plan Policy 7.14 (Improving Air Quality) and are supported by the Lewisham Air Quality Action Plan (2016-2021) in reducing air pollution from new developments and providing appropriate measures for areas where air quality is poor.
- 5.42 The proposed development is located within Air Quality Management Area 2. The applicant has addressed air quality concerns in their application. Potential sources of air pollution from the construction works would include dredging, loading of barges with excavated material and emissions from vessels using the river.
- 5.43 Given the number of barges proposed and the extent of the works, it is not envisaged that emissions from the river vessels would have a significant effect on air quality. Conversely, and as explained above, the target commitment is to remove at least 24% of excavated material from the tunnel (approx. 80,000t) by river. This equates to approximately 4,800 HGVs or 9,600 movements (one in one out for each HGV) being removed from the highway between April 2020 to April 2021. The use of Deptford Creek will therefore reduce the number of HGVs on the

local highway network and therefore provide a benefit in terms of potential emissions associated with road vehicles.

- 5.44 With regard to impact on air quality concerning the excavated and dredged material, it is considered that there is likely to be no significant effects on air quality as this would be wet when loaded into barges.

Ecology and Biodiversity

- 5.45 Core Strategy Objective 7 'Open spaces and environmental assets' states that the important environmental, ecological and biodiversity features of Lewisham will be protected and capitalised to promote health and well-being by protecting Sites of Importance for Nature Conservation and supporting and promoting local biodiversity
- 5.46 The River Thames and Deptford Creek are designated as Sites of Importance for Nature Conservation (SINC), Sites of Metropolitan Importance.
- 5.47 The proposed works have been designed to minimise the effect on the SINC and a Water Framework Directive (WFD) assessment has been undertaken and submitted with the application. This confirms that there are not expected to be any non-temporary effects on the ecological potential or chemical status at water body level and that the works would not prevent the water body from meeting its WFD objectives
- 5.48 To promote the local aquatic ecology and habitat within the creek, the applicant proposes to install ecological 'trough box(es)' (habitat shelves) on the Faircharm Estate river wall similar to those installed on that existing adjacent river wall close to the Creekside Centre, however it is noted that this is subject to the land owner's approval. Furthermore, the applicants also propose to maintain a walkway across the scour protection close to the network rail lifting bridge in order that the Creekside Centre can continue its nature walks.
- 5.49 Embedded mitigation will be provided during the works via measures including conducting dredging in September to avoid sensitive periods for fish, conducting percussive pile driving at low water only and utilising vibro-piling at other times, and measures to make effects on hydro morphology as temporary as possible.
- 5.50 The Environment Agency and Marine Management Organisation have been consulted regarding the proposals and have raised no objections subject to appropriate conditions; the inclusion of such has been recommended by officers.
- 5.51 Given the above, the proposals are considered to be acceptable in terms of their impact on ecology and biodiversity.

6.0 Local Finance Considerations

- 6.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 6.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.3 The Mayor of London's (CIL) and Local CIL are not payable on this application.
- 7.0 Equalities Considerations**
- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Human Rights Implications

8.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998.

8.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

8.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.4 This application has the legitimate aim of providing enabling works to support a nationally significant infrastructure project. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

9.0 Conclusion

9.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.

9.2 It is considered that the scale and nature of the development is acceptable, removing a significant number of HGV movements from the road network and thus reducing emissions. The applicant has demonstrated that the proposed development can be carried out with minimal disturbance to neighbouring residential properties and ecology.

9.3 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Location Plan 5400-TONYG-GREPS-240-CZ-DA-745011, Dredge Plan (Site Plan) 5400-TONYG-GREPS-240-VZ-DA-745013, Key Plan 5400-TONYG-GREPS-240-CZ-DA-745015, General Arrangement Drawing (Campshed) 5400-TONYG-GREPS-240-VZ-DA-745014, Dredge Section 5400-TONYG-GREPS-240-VZ-DA-745016, General Arrangement Drawing (River Wall, Fender and Mooring) 5400-TONYG-GREPS-240-VZ-DA-745050, Planning Statement 5700-CVBJV-GREPS-520-TZ-LS-003513, Flood Risk Assessment 5700-CVBJV-GREPS-151-TZ-AS-003749, Noise Impact Assessment 5700-CVBJV-GREPS-151-TZ-AS-003756, Archaeology Assessment 5700-CVBJV-GREPS-151-TZ-AS-003750, Construction Environmental Management Plan 5000-CVBJV-GREPS-160-WZ-PQ-002080 P02, Water Framework Directive Assessment 5600-CVBJV-GREPS-520-NZ-RG-200047, Dredge and Scour Impact Assessment 5080-TONYG-GREPS-520-SZ-RG-325030

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. Prior to the commencement of dredging, proactive scour protection and camp shed construction works, a scheme of surveying, monitoring and damage contingency measures for the river walls likely to be impacted shall be submitted to and approved in writing by the local planning authority. The scheme shall comprise:

- a programme of initial and ongoing monitoring of the river bed level, river wall condition and position / tilt monitoring, showing how any wall movement or significant bed level reduction will be identified in a timely manner so that corrective measures can be implemented before there is a risk of wall failure;

- river bed level reduction and river wall movement / tilt trigger levels which if exceeded will require the river wall contingency measures to be implemented;
- contingency measures to be implemented in the event of the river bed level and or river wall trigger levels being exceeded, or accidental damage to the river walls.

The development shall then only proceed in strict accordance with the approved scheme.

Reason: To minimise the risk of damage to the flood defence / river walls and to prevent an increased risk of flooding in accordance with policies 5.12 'Flood risk management' and 5.14 'Water Quality and Wastewater Infrastructure' of the London Plan and Policies 10 'Managing and reducing the risk of flooding' and 11 'River and waterways network' of the Core Strategy (June 2011).

4. Prior to either the cessation of the removal of materials by river, or by 1st January 2023, whichever is the earlier, a scheme of:

- restoration of the river bed habitat and material to resist riverward wall movement;
- river wall remediation works;
- ecological compensation / enhancement works comprising the creation of new, or improvements to existing habitat features within Deptford Creek and on its river walls.

Shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of the timing of implementation. The approved scheme shall then be implemented in full in accordance with the approved details.

Reason: To repair any defects in the flood defence / river walls caused by the in-channel works and vessel movements, and restore the river bed, to prevent an increased risk of flooding and to provide environmental enhancement and compensation for the temporary and any permanent ecological impacts on the habitat in Deptford Creek and the river walls enclosing it flooding in accordance with policies 5.12 'Flood risk management' and 5.14 'Water Quality and Wastewater Infrastructure' of the London Plan and Policies 10 'Managing and reducing the risk of flooding' and 11 'River and waterways network' of the Core Strategy (June 2011).

5. Piling works shall only be carried out using methods that minimise the risk of pollution to groundwater.

Reason: To minimise risk of pollution to groundwater from piling through the river bed which is expected to contain historic contamination flooding in accordance with policy 5.14 'Water Quality and Wastewater Infrastructure' and 5.21 of the London Plan and Policies 10 'Managing and reducing the risk of flooding' and 11 'River and waterways network' of the Core Strategy (June 2011).

6. All Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW shall be registered at <http://nrmm.london/>. Proof of registration must be submitted to the Local Planning Authority. The NRMM used during the demolition and construction phases must be carried out in accordance with the approved details.

An inventory of all Non-Road Mobile Machinery (NRMM) must be kept on site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and DM Policy 23 of the Development Management Local Plan.

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. The applicant is advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. *Flood Risk Activity Permit* – Under the Environmental Permitting (England and Wales) Regulations 2010 any activities in, over, under or within 16 metres of the landward extent of the flood defences may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmentalpermits>.

The proposed works will require a permit prior to commencement. The applicant should contact the Environment Agency's Partnerships & Strategic Overview team at PSO.SELondon&NKent@environment-agency.gov.uk to apply.

- D. *Piling Activity* – The applicant is advised that there should be no percussive piling from April to September due to the impacts upon migrating fish species.
- E. *Dredging Activity* – There should be no dredging activity June to August due to large numbers of sensitive juvenile fish, spawning activity and higher risk of hypoxia events in summer months.
- F. *Navigational Equipment* – The applicant is advised that the details of all navigational equipment including lights, buoys and spars will need to be submitted to and agreed by the Port of London Authority. The installation of a navigation spar with the top 450mm painted red at Northern most end of the lead in sheet pile wall will form part of the required equipment.

- G. *Dredging Details* – The applicant is advised that the detailed methodology of the dredging needs to be agreed with the Port of London Authority, the Environment Agency and the Marine Management Organisation under their relevant legislation.

- H. *Mitigation Measures/Ecological Enhancements* – The applicant is advised to liaise with the Creekside Educational Trust regarding future mitigation measures and proposed ecological enhancements.