

Hoa Vong  
London Borough of Tower Hamlets  
Development Control  
PO Box 55739  
London  
E14 1BY

**Our ref:** NE/2018/128019/01-L01  
**Your ref:** PA/17/03268/NC  
**Date:** 25 January 2018

Dear Hoa,

**Construction of new pontoons to provide leisure moorings.  
Limehouse Marina, Limehouse Basin, The Highway, London, E14 8BT**

Thank you for consulting us on the above planning application. We received your email on 10<sup>th</sup> January 2018 and we have reviewed the information submitted with regards to our remit.

**Environment Agency Position**

We consider that planning permission could be granted to the proposed development as submitted if the following planning **conditions** are included on any planning permission. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

**Condition 1**

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and buffers around water bodies
- details of management responsibilities

## Reasons 1

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. It is also necessary to ensure that the landscape within the site is managed in such a way as to enhance the ecological value of the site including the watercourse/marina.

This condition is supported by the [National Planning Policy Framework](#) (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The proposed development will reduce the ecological value of the site by removing space and sunlight to the watercourse. It is therefore necessary that a buffer is provided between the pontoon and hard marina banks, which can be planted up with aquatic/semi-aquatic native plant species in order to enhance the ecological value. The pontoon should also be designed to allow as much light through to the water as possible.

## Condition 2

No development shall take place until a Construction Environmental Management Plan that is in accordance with the approach outlined in the Planning Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance, as well as a plan detailing the works to be carried out showing how the environment will be protected during the works.

Such a scheme shall include details of the following:

- The timing of the works
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution), including silt disturbance and mobilisation
- The ecological enhancements as mitigation for the loss of habitat resulting from the development, including the ongoing management of non-native invasive species
- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works
- Any necessary mitigation for protected species
- Construction methods
- Any necessary pollution protection methods. Including information on how grey and black waste water, and the capacity to deal with them on site, is to be addressed
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

## Reasons 2

This condition is to ensure that the site does not pose any risk to the water environment and to ensure the protection of wildlife, supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on water quality and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF also states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused and that opportunities to incorporate biodiversity in and around developments should be encouraged.

Article 10 of the Habitats Directive stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way and that such networks and corridors may also help wildlife adapt to climate change.'

If grey water and black water are discharged directly into a water course this will have significant impacts on water quality. We therefore expect that this development will have capacity to deal with both grey and black waste water from river users. Furthermore, we would expect to see in place, a means to educate marine users about their need to deal with their waste in the appropriate manner.

It's important to acknowledge that the two water courses which flow into the marina are classified as Water Framework Directive (WFD) waterbodies as follows:

- GB70610510 - Regents Canal – Current WFD Classification, Moderate
- GB106038077852 - Lee (Tottenham Locks to Bow Locks/Three Mills Locks) – Current WFD Classification, Bad

Therefore, they sit under legislation that requires them to achieve Good Ecological Status or Potential and ensure no deterioration occurs. We would like to see that the Construction Environmental Management Plan recognises this, and sets out to engage with actions that can be found in the River Basin Management Plan, to improve the status of these two waterbodies. We advise, if not already in place, the marina provides information boards regarding non-native invasive species and educates marine users about these issues. Guidance about formulating strategies to deal with non-native invasive species can be found [here](#).

### Advice to applicant

Under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 a **Flood Risk Activity Permit** (FRAP) is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Thames, River Lee and Regents Canal designated a 'main river'.

Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the [gov.uk](http://gov.uk) website. For further information please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk).

## **Final Comments**

Once again, thank you for consulting us. Our comments are based on our available records and the information as 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.

Yours sincerely,

**Mr Matthew Pearce**  
**Planning Advisor**

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