

Planning Inspectorate
3/20 Eagle Wing
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: SL/2018/118397/04-L01
Your ref: EN010093
Date: 20 May 2019

Dear Sir/Madam

WRITTEN REPRESENTATIONS.

**THE PLANNING ACT 2008 – SECTION 89 AND THE INFRASTRUCTURE
PLANNING (EXAMINATION PROCEDURE) RULES 2010 – RULE 8 ETC**

**Application by Cory Riverside Energy for an order granting development
consent for the Riverside Energy Park - Riverside Energy Park, Belvedere,
South East London**

Please find attached our written representations as required to be submitted by 20
May 2019.

I hope our comments are helpful, if you have any questions please contact me.

Yours sincerely

**Joe Martyn
Planning Specialist**

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Written Representations on behalf of the Environment Agency

1) Thames Tidal Flood Defence

In our Relevant Representations (19 February 2019) we raised concerns regarding the potential impact of development on the Thames Tidal Flood Defence and the potential for the development to prevent raising in line with the Thames Estuary 2100 Plan (TE2100).

We have met with the applicant and their consultants to discuss these concerns and our Relevant Representation, The Applicant has submitted to us the following 4 drawings for our review:

- 172067-DC-XX-XX-SK-C-110 – Existing wall types Layout;
- 172067-DC-XX-XX-SK-C-111 – Existing Wall Types Sections;
- 172067-DC-XX-XX-SK-C-112 – Raising of Flood Defence Option A Sections;
- 172067-DC-XX-XX-SK-C-113 – Raising of Flood Defence Option B Sections.

We have reviewed these drawing and are satisfied that it has been demonstrated that future raisings in line with the Thames Estuary 2100 Plan are possible once the REP has been constructed. These drawings are indicative to demonstrate that raising will be possible and do not necessarily reflect the scheme that will be implemented in the future. These drafts which are currently marked as draft should be submitted in support of the draft DCO.

2) Mosaic Habitat

The Environment Agency and the Applicant have a current draft Statement of Common Ground (SoCG) that is likely to be subject to change as the examination progresses.

The Environment Agency remain concerned that the proposed mosaic habitat on the flood defence embankment will increase the risk of erosion and thus reduce the durability of the structure. Therefore the applicant and the Agency do not have an agreed position on this matter and thus that it falls within matters to be agreed between both parties. Only if agreement can be reached will it form part of the agreed matters in the SOCG.

3) Works exclude from the Flood Risk Activity Permit Area (FRAPA)

Section 1.1.1 of the SoCG states that ‘During operation of REP, activities within the FRAPA are anticipated to include a service road (as indicated in diagram XXX). The Parties agree that no buildings (as defined within the dDCO (APP-014) as “*..includes any structure or erection or any part of a building, structure or erection*”) will be placed within the Flood Risk Activity Area.’

In addition to this we are looking to discuss with the applicant how other works which fall outside of the above definition of ‘a building’ can be controlled to ensure that materials that could create a risk of damage to the flood defence structure are not stored in the FRAPA.

4) Protective provisions.

We are currently discussing the Protected Provisions (PPs) with the applicant's legal representatives. Those PPs currently in Part 4 of Schedule 10 of the Draft DCO (dDCO) are not accepted but it is hoped an agreed set will be able to be included in the next iteration of the dDCO at Deadline 3.

5) Draft Development Consent Order

We request that the following requirements be added to the dDOC to ensure the development is resilient to the risk of flooding and does not impact the stability of the Thames Tidal Flood defences or prevent future raising in line with the TE2100 Plan.

Requirement 1 - The finished floor levels of the main building will be set no lower than 2.97 m AOD and the Finished Floor Levels of elements of the development shall be implemented in line with Table 3.1: Proposed Elements and Assumed Flood Risk in the submitted Flood Risk Assessment by Peter Brett Associates ref 5.2 dated November 2018.

Reason – To reduce the risk of flooding affecting the energy generating critical infrastructure.

Requirement 2 - No buildings shall be erected or material stored which could create a risk of damage to the flood defence structure within the area defined by the red dotted line annotated as '16m FRAP Line' on Weedon Architects drawing 'DCO Boundaries and FRAP Area Indicative Building Layout' number VAA-WA-50080101_1.0 dated 23.03.19

Reason – To preserve open space for possible future works to the Thames Tidal Flood Defences as agreed in the statement of common ground.

Requirement 3 – A scheme of remedial works to bring the flood defences up to a good standard throughout shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented in full before commencement of the main building superstructure.

The scheme shall include: -

- An additional condition survey to establish the condition of the elements of the flood defences that have not been assessed as part of the condition survey undertaken by the applicant to date.
- Drawings defining the remedial works supported by a technical report that justifies the adequacy of those works.

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

Reason – To bring the defences up to a good standard and minimise the risk of flooding affecting the development as agreed in the statement of common ground.

Disapplication of legislation - It has been agreed with the applicant's legal representatives that reference to the disapplication of Section 24 (restriction on abstraction) of the Water Resources Act 1991 is removed. The Environment Agency hope to see such amendment in the next iteration of the dDCO.