Wood Wharf: Ensuring Consistency through E.S Compliance Notes

Key Issues
A robust approach to assessing likely significant effects as a result of further design development or amendment.

Project Description
Wood Wharf is an opportunity to deliver and integrate a major mixed-use development at the scale of a city district within the pre-existing urban context of the Isle of Dogs. Canary Wharf Group’s latest Scheme includes a maximum of 728,880 sqm of floor space, comprising approximately 3,600 new homes, 350,000 sqm of business space, 27,500 sqm of retail and 7,000 sqm of community uses.

Outline Planning Permission was granted in December 2014, consenting the development of a comprehensive masterplan over a 12-year period, subject to approval of multiple Reserved Matters Applications. The nature of Outline Planning Permission (OPP) is such that it offers flexibility, with detailed designs submitted in instalments as part of the subsequent Reserved Matters applications. The EIA process undertaken for Wood Wharf involved an Outline Environmental Statement (ES), to assess the detailed design information available at the OPP stage with a focus on Parameter Plans, Development Specification, Design Guidelines and the Indicative Scheme. ES Addendums are then produced for each submission of Reserved Matters Applications to further support the Outline ES. As Reserved Matters Applications are within the Specified Parameters and largely align with the Indicative Scheme, the effects identified within the Outline ES should remain relevant.

However, as the Reserved Matters stage produces further detailed designs, it is crucial that these are appropriately reviewed to assess whether the effects identified in the Outline ES are altered, or if any new effects have arisen.

The requirement for Non Material Amendments (NMAs) is inevitable for a substantial development such as Wood Wharf, largely due to circumstantial changes and design evolution. Whilst ES Addendums are not statutorily required to be submitted in support of NMA applications, in the case of Wood Wharf they have proved a useful tool for investigating any potential for changes to the nature of effects and ultimately ensuring a high quality of design.

Amendments to the proposals can require additional technical assessments in order to evaluate whether design changes will alter the likely significant environmental effects submitted in the original Environmental Statement (ES) for the OPP or subsequent ES Addendums for Reserved Matters Applications, and importantly confirm if the current mitigation measures are sufficient or further mitigation needs to be identified.

The Importance of ES Compliance Notes for Non-Material Amendments (NMAs)
ES Compliance Notes have been prepared in order to review design alterations proposed through NMAs, and have formed a key part of the design and planning process. Design alterations could include minor changes to the external appearance or volume of a building, or alterations to the public realm.
Whilst such changes are considered non-material in the context of the proposals, it is essential that due consideration is given to the potential environmental impacts.

As the EIA Regulations require Environmental Statements (ES) to include a description of the likely significant effects of the development on the environment. To identify all likely significant effects the ES Compliance Notes prepared for the NMA applications provide an update to the OPP ES and subsequent Reserved Matters ESs, with a review of the relevant further technical assessments undertaken and the potential impacts relating to the following:

- Changes to the baseline conditions
- Consistency with the Specified Parameters and Indicative Scheme
- Effects that were not identified or identifiable at the Outline stage
- Incorporation of mitigation identified at the Outline stage
- Any further relevant information

With regards to the approach of the ES Compliance Note, an important part of the process is to liaise with the design team in order to understand the implications of the alterations against the previously assessed OPP and subsequent Reserved Matters. As Compliance Notes follow the general approach of the ES for OPP, the environmental topics which assessed the Indicative Scheme including Townscape and Visual, Wind and Micro Climate, and Sunlight, Daylight and Overshadowing are assessed at the NMA stage. A minor tweak in planning terms, such as the relocation of a flue for instance, may have the potential to produce significant changes to townscape and visual assessments.

It is therefore good practice to revisit the assessments through an ES Compliance Note and confirm the validity of previously identified likely significant effects of the development.

For a NMA, the changes should not be such that they trigger an EIA, however, it is still of pertinence to undertake the relevant technical assessments, and subsequently present their compliance with the ES for the OPP.

Therefore, whilst ES Compliance Notes are not a statutory requirement of a NMA application, they provide confirmation of the validity of previously identified environmental effects, or if necessary, identify the additional mitigation required. The ES Compliance Note ensures that the final design of the proposed development is the design assessed through the ES and consequently all likely significant environmental effects and necessary mitigation measures are identified.

*BDP, April 2017.*

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