

1. SUMMARY

- 1.1 The Council's Ecology Officer has provided further comments on the preliminary ecological impact assessment. The information provided is still insufficient to determine the ecological impacts of the development and whether they can be appropriately mitigated or compensated for. The applicant also needs to demonstrate that a measurable 10% net gain in biodiversity can be delivered before permission can be granted.
- 1.2 A further letter of support and a letter of objection from the neighbour at Holm Island has been received.
- 1.3 The applicant has provided a response to the letter of objection.
- 1.4 The applicant has provided a response to the concerns raised in the report to possible pollution such as noise, smell and fumes emanating from the proposed development.
- 1.5 The recommendation to refuse the application remains unchanged.

2 Comments from Consultee

Comment	Officer response	Change to recommendation?
<p>Ecology officer: (summary)</p> <p>It is now accepted that a Preliminary Ecological Appraisal (PEA) can be undertaken outside of the growing season subject to further botanical surveys being undertaken later.</p> <p>The submitted ecology report does not meet the key objectives of the CIEEM 'Guidelines for Preliminary Ecological Appraisal'. A Preliminary Ecological Assessment (PEA) including a walkover survey conducted by a suitably qualified ecologist would need to be provided before this application can be determined.</p> <p>Without knowing what there is and the site's ecological potential it cannot be determined that any ecological impacts could be appropriately mitigated or compensated for. If there are protected species onsite, particularly rarer species such as some woodland-specialist bats, then appropriate mitigation may not be possible.</p> <p>Planning Authorities have statutory duties under The Habitat Regulations and it needs to be satisfied that a licence for development works affecting protected species (such as bats) is likely to be granted by Natural England before planning permission is granted.</p> <p>Now that the Environment Act has been released, the applicant would need to demonstrate (using the Defra metric 3.0) at this early stage in the proceedings that the site/proposed development is capable of delivering a measurable 10% net gain for biodiversity, as given the habitats onsite (e.g. woodland priority habitat) it is not certain at this stage that it would be possible or that the priority habitat would not be adversely affected by the</p>	<p>The comments do not change the conclusion set out in paragraph 9.27 of the main report that it has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and the surrounding.</p>	<p>No</p>

proposals. A full mitigation plan and preliminary net gain calculations (in accordance with the Environment Act 2021, the NPPF, and the emerging BLP) would need to be provided before this application can be determined.		
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2.1 Comments from Interested Parties

One additional letter of support has been received from the Vice-Chair and Treasurer of The Barge Association. The comments are summarised as follows:

Comment	Officer response	Change to recommendation ?
<p>Many yards on the non-tidal Thames capable of slipping or docking have been built on.</p> <p>Boat owners have long trips for inspections</p> <p>Environment Agency objection based on flood issues – boats need water access</p> <p>Plot of land is blighted by the proximity to M25</p> <p>Proposal would be great facility for commercial and private vessels and good use of land</p>	<p>The points raised have already been covered in the main report –paragraphs 9.44-9.49</p>	<p>No</p>

One additional letter of objection from the occupier of Holm Island has been received and is summarised as follows:

Comments	Officer response	Change to recommendation?
<p>The private road provides access from the main road to Holm Island and was built and maintained by the occupier of Holm Island to provide safe access.</p> <p>The drive is unsuitable for the new development – strongly object unless an alternative access can be provided and the EA are satisfied that flooding would not worsen.</p>	<p>The issue relating to the building and maintenance of the drive is a civil/legal matter.</p> <p>The suitability of the drive and flooding issues are covered in the main report under paragraphs 9.9-9.21 and 9.30-9.40</p>	<p>No</p>

2.2 Response from applicant to letter of objection

The comments provided by the applicant in response to the letter from the occupier of Holm Island are summarised as follows:

Comments	Officer response	Change to recommendation?

<p>Applicant wishes to maintain a good relationship with his neighbour and has no intention of making their life difficult because of the development.</p> <p>The neighbour previously had no objection in principle to the granting of the outline application.</p> <p>The neighbour benefits from a right of access only – the freehold interest of the drive, its verges including subsoil and surface are the freehold property of the applicant.</p> <p>The neighbour did not have permission from the freeholder to construct the drive in 1999 or plant trees.</p> <p>It is accepted that the neighbour has a right of access across part of the application site.</p> <p>Land was formerly the property of a gravel extraction company – the site should be considered as a brown field site.</p> <p>Neighbour has carried out tree surgery works on trees owned by the applicant without discussion or consent.</p> <p>Alterations to the drive would form part of the detailed application and the drive could be widened or safe passing places introduced.</p>	<p>The issues relating to works to the drive and trees and rights of way are legal/civil issues and are not material to the consideration of the application.</p> <p>It is not accepted that the site is a brown field site.</p> <p>Alterations/ improvements to the drive will need to be considered at the reserved matters stage.</p>	<p>No</p>
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2.3 Response provided by the applicant to concerns raised relating to possible pollution issues emanating from the proposed development.

Comments	Officer response	Changes to recommendation?
<p>The applicant, Mr French and his extended family have been running boat yard facilities on the River Thames for at least 50 years and have never received a complaint.</p> <p>Maintaining the River Thames as a clean and environmentally friendly waterway is in everyone's interest.</p> <p>There is no evidence that the proposed facility would increase pollution risk.</p> <p>The area is already subject to high pollution levels from the M25 and surrounding industrial uses – the design of the development includes a living wall which will make a positive contribution to air quality and noise suppression.</p> <p>The development would need to comply with specific regulatory noise, fumes and odour restriction levels relating to industrial working which is monitored and regulated by RBWM and the UK Health & Safety Executive.</p>	<p>There is currently insufficient information to determine the impact the proposal on pollution such as noise, odour and fumes as set out in paragraphs 9.35-9.35 of the main report. Further information will be required.</p>	<p>No</p>

<p>All boatyards are strictly regulated in areas such as power washing vessels, paint use and storage. The facility will be equipped with a water quality monitoring system and a sealed, polluted water storage facility.</p> <p>A tugboat to be used in a river emergency will be equipped with pumps and portable floating spillage bunds to deal with possible pollution.</p> <p>The applicant acknowledges that these important issues will need to form part of a full planning application.</p> <p>The facilities are required to maintain the River Thames as a working waterway.</p>		
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