

Chris Goddard
100 Pall Mall
London
SW1Y 5NQ

23 August 2019

Dear Chris Goddard,

REQUEST FOR FURTHER INFORMATION PURSUANT TO REGULATION 25 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017, AS AMENDED.

Application reference: 19/00097/FUL

Applicant: Stratford Garden Development Limited

Location: Land lying to the west of Angel Lane, Stratford, London, E15 1AA.

Proposal: Detailed planning permission is sought for the following:

“Development of a multi-use entertainment and leisure building comprising sphere, terraces, podium, plaza, ground and basement levels with an illuminated external display (sui generis use including flexible entertainment, assembly and leisure venue with an illuminated internal display, music venue, restaurant / members’ lounge / nightclub, bars, restaurants, cafés, retail and merchandising, hospitality and catering facilities, box office, security facilities, rehearsal spaces, back of house event facilities, offices, storage, vehicle parking, servicing and loading, external terraces with landscaping and café, bar, retail and open air entertainment facilities, and all supporting and complementary facilities for such uses) and the construction of new pedestrian and vehicular bridges, highway and access works, servicing, open space, hard and soft landscaping, demolition of existing structures, associated infrastructure, plant, utilities and other works incidental to such development.

We write with reference to the above planning application and accompanying 'MSG Sphere Environmental Statement' dated February 2019 and prepared by Trium ("Environmental Statement" or "ES"). The application was submitted together with an application for advertisement consent (reference 19/00098/ADV) The London Legacy Development Corporation Planning Policy and Decisions Team (LLDC PPDT) is of the opinion that further information is required to assess this scheme for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended ("EIA Regulations"). As such this letter is a request for further information pursuant to Regulation 25 of the EIA Regulations.

A table is attached which summarises the items we consider are "further information" as specified in Regulation 25 in the middle column. The right hand column summarises items in respect of which clarification is sought. Further detail on each item listed is set out in the appended reports prepared by Jacobs and Arup respectively:

- **MSG Sphere – High Level Review of Traffic and Transport** - prepared by Jacobs dated 22 August 2019; and
- **Environmental Statement Review** – prepared by Arup dated 23 August 2019.

Notwithstanding the attached summary table, the Applicant's response should address all of the further information requests and requests for clarification contained within the Jacobs and Arup review documents respectively.

Where any further information necessitates amendments or updates to assumptions, modelling and scenarios the Applicant should consider if this will result in any changes to related Environmental Statement topic areas.

The availability of further information provided pursuant to Regulation 25 will be advertised and we will also write to statutory consultees, as required under the EIA Regulations.

The LLDC PPDT would welcome the further information and matters for clarification to be provided by way of an update to the ES or an addendum to the ES. If the Applicant proposes to submit an updated ES it would be helpful for the further information and clarifications to be shown either with a clear explanation of the principal changes at the start of each chapter/section or in track changes/redline for ease of identification. A similar approach should be adopted for supporting documents.

Where the Applicant considers that such

- (i) further information; or
- (ii) clarification on any matter,

is unnecessary or has already been satisfactorily provided, the Applicant should provide full details in its response to the relevant request.

Where the LLDC PPDT considers that Regulation 25 further information or any clarificatory information that is received from the Applicant is inadequate, LLDC PPDT reserves the right to make additional Regulation 25 requests.

The determination of the Application shall be suspended pursuant to Regulation 25(7) of the EIA Regulations and shall not be determined before the expiry of 30 days after the latest of:

- (i) the date on which the further information or any other information was sent to all persons to whom the Environmental Statement was sent;
- (ii) the date that notice of it was published in a local newspaper; or
- (iii) the date that notice of it was published on LLDC's website.

I would be grateful if you could confirm in writing as soon as possible your intended timescale for submitting the information requested.

Please do not hesitate to contact Daniel Davies or Will De Cani should you have any questions or wish to discuss the matter further.

Yours sincerely,

Anthony Hollingsworth

Director of Planning Policy and Decisions

For London Legacy Development Corporation Planning Policy and Decisions Team

Enclosed:

MSG Sphere – High Level Review of Traffic and Transport - prepared by Jacobs dated
22 August 2019

Environmental Statement Review – prepared by Arup dated 23 August 2019

ES Chapter 6 (Highways, Transport and Movement) and Transport Assessment		
Topic	Regulation 25 Requests for Further Information	Requests for Clarification
Development Proposals		<ul style="list-style-type: none"> • Off-site vehicle screening: The proposals appear to assume off-site logistics screening but no details or certainty is provided • Mobility Assistance: this is outlined but insufficient detail provided of its operation or interactions with visitors or the wider public realm • Cycle parking: clarification/justification for the level of cycle parking is required to address the needs of all types of events, including locally focussed events • Use of the Podium: Clarification is required that the full range of non-event users that would make use of the link across the site has been addressed. • For overnight events, the proposals presented are partial and lack clarity on the arrangements for, in particular, car, taxi and coach pick-up and drop-off and provision of shuttle buses.
Assessment Methodology	<ul style="list-style-type: none"> • The approach to a number of topics has not adequately identified effects on the wider travelling public. This includes users of Stratford station and pedestrians and cyclists who will be affected by increased congestion and capacity restrictions. For all transport topics this needs to be addressed. • For overnight events, the assessment is partial and does not fully address the range of impacts on local receptors, including local highway congestion • The assessment does not fully address the question of mitigating where reasonably practicable adverse effects. This needs to be considered across all adverse effects. • For operational and management measures to mitigate adverse effects, the assessment needs to set out whether and in what circumstances these can be fully relied upon as being within the applicant's control and identify the impacts if they cannot be delivered. • The assessments, in focussing on large events, do not recognise the potentially different effects of different types of event. These need assessment. 	<ul style="list-style-type: none"> • In considering mitigation, clarification is needed as to how different elements of mitigation would apply to different types and size of event and clarity as to the commitment to such mitigation.

ES Chapter 6 (Highways, Transport and Movement) and Transport Assessment		
Topic	Regulation 25 Requests for Further Information	Requests for Clarification
	<ul style="list-style-type: none"> For construction, the effects of highways and other works on users of the local transport networks needs to be assessed. The potential effects on rail and highway accident risk due to driver distraction from the MSG Sphere and large scale moving images should be assessed. 	
Trip Generation – Arrival and Departure Profile	<ul style="list-style-type: none"> The arrival and departure profiles assumed are not considered robust in the context of the event characteristics. Revised profiles should be assessed to demonstrate a robust assessment. This is particularly the case for delayed start times (and late night events). Departure profiles from matinee events are considered to overstate early pre-peak clearance from the area and need review and re-assessment. 	
Trip Generation – Mode Share and Route Choice	<ul style="list-style-type: none"> The choice between different rail and bus lines needs to be re-assessed reflecting more robust origin/ destination data based on more closely comparable event types and more realistic choices of route. In considering different types of event, including smaller, more local events, alternative mode share options need to be assessed. Within particular modes, the route choices are not considered robust and require re-assessment. This includes likely use of different routes to Stratford station and use of Maryland station, potentially as sensitivity tests. Reduced car/taxi mode shares should be targeted and the impact of increased sustainable mode choice assessed. 	
Assessment Scenarios	<ul style="list-style-type: none"> The full range of event types need consideration, including smaller events, to ensure that a robust worst case has been assessed. 	<ul style="list-style-type: none"> Basing parts of the assessment on a limited selection of event scenarios needs to be demonstrated to address the full range of worst case scenarios for each aspect of the assessment.
Impact on the Highway Network	<ul style="list-style-type: none"> The effects of relatively high numbers of vehicles departing in a short period from the local area needs to be assessed. The assessment needs to recognise the potential for adverse effects on non-motorised users of increases in traffic and the potential for increasing congestion with small changes in traffic at heavily congested junctions. 	<ul style="list-style-type: none"> Clarification is needed to demonstrate that all potentially affected highway junctions have been assessed and that the modelling is based upon robust modelling.

ES Chapter 6 (Highways, Transport and Movement) and Transport Assessment		
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Impact on Car Parking	<ul style="list-style-type: none"> It is not accepted that visitors would not park on local roads given the lack of controls at times when the venue operates. This needs assessment and potential mitigation considered. 	<ul style="list-style-type: none"> It appears to be assumed that 100% occupancy of car parks is achievable, but this is not generally possible. This needs clarification and revision as appropriate including taking into account the variability in likely available capacity across the year. The use of the HS1 car park is mentioned and the status of this proposal – and how the current restrictive planning permission would be changed – needs clarification.
Impact on the Pedestrian Network and cyclists	<ul style="list-style-type: none"> The impact of construction works needs to be assessed together with the impact of high levels of crowding during events on the local pedestrian and cycling environment. The impacts of potential alternative visitor routeing to local stations, including higher use of Angel Lane, needs assessment. 	<ul style="list-style-type: none"> The assumption in local area crowd modelling of entry rates to Stratford station need clarification to demonstrate they are robust. Information on clearance times is unclear and both duration of congestion and the likely range of clearance time for individuals needs clarification.
Impacts on London Underground, Greater Anglia and HS1 and on Stratford Station	<ul style="list-style-type: none"> The assessment relies upon Stratford station being operated to “special event” conditions but this appears unacceptable to the station operators. Assuming this to remain the case, then the assessment needs to be revised to reflect conditions acceptable to the station operators. More robust assumptions regarding line choice need to be assessed. This needs to reflect robust assumptions regarding practicable, achievable train capacities and potential inefficiencies if visitors are required to use a non-preferred route. More robust route options between the venue and the station need assessment, which recognise that some visitors will choose non-optimal, conflicting routes. 	<ul style="list-style-type: none"> For combined Stadium or O2 events at the same time as events at the proposed venue, a range of management/ operational strategies are presented. Clarification is required to demonstrate that these are practicable, deliverable strategies that would be acceptable to the station/network operators. Clarity is required to understand the extent to which rail users are required to use ‘non-preferred’ lines due to capacity constraints. It is unclear how in-station routeing conflicts are considered in the static analysis of station capacity.
Impacts on HS1	<ul style="list-style-type: none"> Included above 	
Impact on Stratford Station	<ul style="list-style-type: none"> Included above 	
Impact on Hub Stations	<ul style="list-style-type: none"> The assessment needs to be updated based on a more comprehensive review of potential impacts on the wider rail network that should reflect any update to origin/ destination patterns. 	
Impact on Cycling	<ul style="list-style-type: none"> See requirements for pedestrian assessment 	

ES Chapter 6 (Highways, Transport and Movement) and Transport Assessment		
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	<ul style="list-style-type: none"> For different types of event, it seems possible that much larger numbers of cyclists might attend events. This needs to be assessed. Given the uncertainty over cyclist numbers, potential mitigation needs to be identified to address any shortfall in cycle facilities at the venue 	
Impact on the Bus Network	<ul style="list-style-type: none"> The assumptions regarding distribution of bus passengers between bus routes is considered unrealistic as it does not reflect likely origins/ destinations. This requires re-assessment. 	
Impact on Coaches	<ul style="list-style-type: none"> Little detail of likely arrangements for coach drop-off and pick-up is provided and, with this detail, an assessment of likely effects on other road users. For overnight events, arrangements for shuttle buses as well as coaches need to be described and agreed with the relevant highway authority/ owner. This then needs full assessment. 	<ul style="list-style-type: none"> Clarification is required to demonstrate that there is sufficient capacity for remote coach parking during events.
Impact on Taxis	<ul style="list-style-type: none"> For overnight events, arrangements for taxi and private hire need to be described and agreed with the relevant highway authority/ owner. This then needs full assessment. 	<ul style="list-style-type: none"> Little detail of likely arrangements for taxi and private hire drop-off and pick-up is provided together with its adequacy for the numbers involved. This needs clarification.

Environmental Statement (excluding Transport)		
Topic area	Regulation 25 Requests for Further Information	Requests for Clarification
Introduction and methodology	<ul style="list-style-type: none"> Provide an explanation and comparative environmental analysis of alternative locations, sphere designs, external structure designs and LED screen technologies considered. 	<ul style="list-style-type: none"> Clarify the assessment scenarios used within each of the technical assessments. Clarify the cumulative schemes considered within each assessment scenario (including peak construction, 2022 and 2031) and the criteria used by each technical discipline to select cumulative schemes for consideration within the assessments. Justify the study areas selected for each of the technical assessments.

Environmental Statement (excluding Transport)		
Topic area	Regulation 25 Requests for Further Information	Requests for Clarification
		<ul style="list-style-type: none"> • Clarify the biodiversity benefits of the proposed development. • Clarify all heights in meters above Ordnance Datum (mAOD) and provide clearly labelled figures of a suitable scale.
The proposed development description	<ul style="list-style-type: none"> • Assess the likely effects as a result of the indicative hours of operation and event timings, including overnight events, for each relevant technical discipline. • Provide a clear distinction between those mitigation measures considered to be embedded within the design for both event days and coincident events. Provide an assessment of scenarios where additional mitigation measures, including coordination with third parties, cannot be achieved. Confirm how the additional and embedded mitigation measures are likely to be secured, delivered and monitored. 	<ul style="list-style-type: none"> • Confirm the maximum occupancy of the podium, plaza and upper terrace and assess the likely significant effects should this change from 550 people.
Enabling works and construction		<p>Clarify the following:</p> <ul style="list-style-type: none"> • construction programme (length & timings of the sphere construction); • construction site logistics, layout, access and egress; • that appropriate consultation has been undertaken with London Borough of Newham; • extent of proposed night time construction works and that the assessment covers the likely worst case in terms of noise; and • the emergency construction works and complaints procedure.

Environmental Statement (excluding Transport)		
Topic area	Regulation 25 Requests for Further Information	Requests for Clarification
Townscape, Built Heritage, Visual Impact	<ul style="list-style-type: none"> • Provide a Zone of Theoretical Visibility (ZTV) which covers the full extent of the proposed development's visibility to confirm the viewpoint selections and likely effects on the surrounding conservation areas. • Assess the likely effects on visual amenity of the Greenwich Park London Panorama 5A and its two associated assessment viewpoints. • Assess the likely visual effects at additional viewpoints within the Lee Valley, Leyton Tube Station on the A112 and Drapers Fields. 	<p>Clarify the following:</p> <ul style="list-style-type: none"> • the assessment of visual effects as a result of light; • the assessment approach to visual sensitivity; • the likely effects on townscape character, built heritage and visual receptors as a result of light; • how the local townscape character areas have been derived; • the likely effects on the setting of heritage assets during night time, winter and when the sphere is in operational mode; and • labelling of committed schemes within selected verified views where a number are shown.
Socio-economics	<ul style="list-style-type: none"> • Confirm the likely significant effects in relation to agglomeration and the 'Do Nothing' scenario, with respect to the wider strategic need for the proposed development. 	<p>Clarify the following:</p> <ul style="list-style-type: none"> • the full extent of the impacts on the likely labour market and the effects on retail provision; • the mitigation considered within the assessment; • the assessment of venue provision and demand to demonstrate that the proposed development is genuinely additional, due to for example the provision of e-gaming facilities; • what 'reasonable endeavours' will be implemented to compel contractors/the supply chain to pay the London Living Wage; • methodology for calculation to the construction and operational employment and expected spend; and; • breakdown of the baseline demographic characteristics.
Human health	<ul style="list-style-type: none"> • Confirm the spatial extent of the local area and health baseline receptors and update the health assessment accordingly. • Clearly define and distinguish the specific health determinants, receptors and receptor populations. Assign appropriate sensitivities and magnitudes of impact for health. Confirm the likely health effects. 	<ul style="list-style-type: none"> • Clarify how each of the health determinants affects the sensitive receptors. • Clarify what measures are in place to reduce the burden on existing local A&E capacity, particularly as a result of climate change.

Environmental Statement (excluding Transport)		
Topic area	Regulation 25 Requests for Further Information	Requests for Clarification
	<ul style="list-style-type: none"> Assess the likely health effects on sensitive health receptors, including vulnerable groups, as a result of impacts on local transport capacity. Assess the likely health effects, including mental health, on sensitive health receptors, including vulnerable groups, as a result of light. Assess the likely effects on human health of the surrounding road and rail users, pedestrians and cyclists as a result of distraction and safety risks caused by the moving images and solar glare. 	
Noise and Vibration	<p>The following need to be assessed and the likely effects reported:</p> <ul style="list-style-type: none"> overnight events; prolonged egress times from the MSG sphere; 'get in/ get-out' activities; increased crowding on platforms at Stratford City Station; cumulative events including those with the music/bar venues; crowds traversing alternative routes during coincident events such as with the London Stadium; and external temporary facilities (smoking areas). 	<p>Clarify the following:</p> <ul style="list-style-type: none"> full spatial extent of the noise effects; the exact noise measurement locations; background noise measurements used to assess building plant noise; effects associated with night time construction works; ambient and predicted noise levels during the day and night time; road traffic data used for 2031; and likely details of the Section 61 agreement.
Air quality		<p>Clarify the following:</p> <ul style="list-style-type: none"> likely effects on air quality receptors to the east and north of the site; likely air quality effects on ecological receptors; screening of predicted PM₁₀ concentrations; air quality neutral calculation; calibration of background concentrations; verification of air quality model and why particular data has been used; and assessment methodology of the 'get-in/get-out' activities.

Environmental Statement (excluding Transport)		
Topic area	Regulation 25 Requests for Further Information	Requests for Clarification
Wind Microclimate	<ul style="list-style-type: none"> Review the wind tunnel model to ensure that it accurately reflects the existing site conditions and structures (notably the Town Centre link bridge) and the detailed plans of the proposed development submitted for approval. Undertake a further wind tunnel test should the model change. 	<p>Clarify the following:</p> <ul style="list-style-type: none"> details on how the baseline wind conditions have been calibrated (with reference to the selected drag coefficients) through a comparison of recently modelled development sites in the surrounding area. the height, crown width and species of trees considered as embedded mitigation and additional mitigation. wind conditions at additional sensitive on and off site locations; which committed schemes are included within the 2022 and 2031 scenarios; and residual significant effects as a result of construction and operation during winter and summer seasons.
Daylight, Sunlight, Overshadowing		<p>Clarify the following:</p> <ul style="list-style-type: none"> that the study area is BRE compliant; and that the daylight and sunlight model accurately reflects the existing buildings surrounding the site.
Light Intrusion Upward Sky Glow	<ul style="list-style-type: none"> Confirm whether the recommended ILP pre- and post- curfew luminance targets and thresholds can be met. Prepare illuminance contour plans for a white sphere and typical moving image to demonstrate levels of illuminance at sensitive receptors. Apply a consistent 'high' sensitivity to student accommodation and hotel receptors. Update the verified views to accurately reflect atmospheric effects such as sky glow and haze as a result of the proposed development. 	<p>Clarify the following:</p> <ul style="list-style-type: none"> thresholds and criteria to be set for a moving image to mitigate effects from flashes; what constitutes a change in the digital signage; how the lux levels at nearby receptors will be monitored; light effects as a result of other external lighting on the podium; the likely effects of dimming the light output from the façade in order to meet recommended ILP guidance; how the proposed luminance of the sphere compares to other existing similar venues, such as an open-roofed sports stadium; and the accuracy of the lighting model.
Solar Glare	<ul style="list-style-type: none"> Confirm the proposed façade material. 	

Environmental Statement (excluding Transport)		
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Geo-environmental	<ul style="list-style-type: none"> Confirm the management of the hydraulic connectivity between the Thanet Sand and Chalk during construction. 	<ul style="list-style-type: none"> Clarify the likely effects on potable groundwater resources and potential long-term risks to controlled waters. Provide details of an outline geo-environmental investigation scope and groundwater quality monitoring scheme.
Cultural heritage (Archaeology)		Clarify the following: <ul style="list-style-type: none"> the use of a 350m study area; and any design adjustments required to mitigate impacts on archaeology.
Ecology (Biodiversity)	<ul style="list-style-type: none"> Provide the bat activity survey report; Provide a calculation of the urban greening factor for the proposed development. 	Clarify the following: <ul style="list-style-type: none"> how opportunities for black redstarts will be addressed; the assessment of the likely effects on bats and provide further justification as to why a more detailed assessment has been scoped out; the likely effects of light on breeding birds, among other species; and the impact of intense artificial lighting on the biodiversity value of the habitats to be created by the proposed development.
Water, Flood Risk and Utilities		Clarify the following: <ul style="list-style-type: none"> that the Surface Water Drainage Strategy represents the detailed strategy; and whether the approach to surface run-off has been agreed with the LLFA.

