

creating a better place
for people and wildlife

Planning Policy Team
London Borough of Wandsworth
Town Hall
Wandsworth High Street
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SW18 2PU



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Dated: 28 February 2022

Dear the Wandsworth Policy Team,

Thank you for consulting the Environment Agency on the draft Regulation 19 Wandsworth Local Plan and supporting documentation.

We welcome that the new draft has adopted most of our advice from our Regulation 18 consultation response and amended the policies in line with it. We have reviewed the new draft Local Plan and have some wording amendments to suggest.

Please see our comments attached.

We hope you find our comments helpful. We would be happy to discuss these comments in further detail with you should you find this useful.

Yours faithfully,

KSL Sustainable Places Team

Email: kslplanning@environment-agency.gov.uk

The comments below are in relation to policy LP 12 Water and Flooding. Please note our comments are related to fluvial and tidal flood risk only.

Part A

Part A states that *'All planning applications will need to clearly demonstrate that the proposals avoid, minimise, or reduce contributing to all sources of flooding...'*

The term *'minimise'* is weak wording and suggests that some increase in flood risk is acceptable. This is contrary to NPPF which states that *'development should be made safe for its lifetime without increasing flood risk elsewhere'*. We strongly recommend removing the word *'minimise'* from this policy wording. We welcome that since the Regulation 18 consultation, the policy has been updated to include that developments should *'reduce'* flood risk. This could help encourage proposals to provide betterment in terms of flood risk from the existing situation. For example, by raising finished floor levels that are currently below the flood level or by providing additional flood storage rather than just ensuring it is not reduced. We note that finished floor level requirements and compensation requirements are detailed in later parts of the policy. It may be prudent to reconsider what this part of the policy is trying to achieve.

Recommended action: remove the term *'minimise'* from Part A of Policy LP 12. We recommend you consider what this part of the policy is trying to achieve and re-wording the policy appropriately.

Part B

Part B states that *'The Sequential Test is considered to have been passed, and a Flood Risk Assessment will not be required, if the proposal is not a major development or at least one of the following applies...'*

Paragraph 167 of the NPPF states that *'Where appropriate, applications should be supported by a site-specific flood-risk assessment'*. Footnote 55 states that *'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use'*. Therefore, even if a site is considered to have passed the Sequential Test, a Flood Risk Assessment (FRA) is still required. It is needed to demonstrate the development is *'safe for its lifetime without increasing flood risk elsewhere'* in line with Paragraph 159 of the NPPF, and to demonstrate that it complies with the criteria set out in Paragraph 167 of the NPPF. The FRA should also demonstrate whether the site has passed the Sequential and/or the Exception Test, where applicable. An FRA is still required even if a site is not subject to the Sequential or Exception Test, as set out in Paragraph 168 of the NPPF.

If this wording was kept in the Local Plan we would find it unsound as it does not comply with National Planning Policy.

Recommended action: remove '*... and a Flood Risk Assessment will not be required...*' from Part B of Policy LP 12.

Part B4 states that the Sequential Test will be considered to be passed if development is '*minor development, conversions and change of use*'.

We strongly recommend you clarify which definition of '*minor development*' you are referring to here to avoid confusion for applicants. Given the context of part B4, we believe you are referring to minor development in relation to flood risk. This is defined in Section 1b 'Interpretation of Table' of Schedule 4 'Consultations before the grant of permission' of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ([The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)) and in Paragraph: 046 Reference ID: 7-046-20140306 of the Planning Practice Guidance ([Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk)). We strongly recommend you add this definition, or a link to it, to the policy, perhaps as a footnote.

If you are referring to '*minor development*' in terms of development providing nine units or less, then we would not support this policy. This is because the policy would then exclude almost all development, except windfall major development, from undergoing the Sequential Test. This would severely limit the application and benefits of the Sequential Test which ensures development is located in areas of lowest flood risk and is an important step in delivering sustainable development.

Recommended action: update the wording of part B4 of Policy LP12 to say '*minor development in relation to flood risk, conversions and change of use*'. Include the definition, or a link to the definition, of minor development in relation to flood risk within Part B4 of Policy LP12. This could be added as a footnote.

Part B5 states that '*For development sites falling outside of these areas, the default area of search for the Sequential Test to be applied will be the borough administrative area, unless justification is provided for a smaller area as described in the Strategic Flood Risk Assessment*'.

This appears to be guidance on how to apply the Sequential Test rather than the fifth criteria for determining whether the Sequential Test is considered to be passed or not. Therefore, we recommend that the formatting is updated to reflect this. We recommend removing the '5.' bullet point and setting the paragraph back to be in line with the opening paragraph of part B.

Recommended action: update the formatting for part B5 of Policy LP 12 as suggested above.

The Sequential Test is an important tool to determine which sites are appropriate to be developed in relation to flood risk. Once a site has been chosen, after passing the Sequential Test where appropriate, it is also important to consider a sequential approach to the layout of the site itself. This is supported by Paragraph 167a of the NPPF which states that *'within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location'*. For example, this ensures that if a site is partially within Flood Zone 3 and partially within Flood Zone 2 then residential development should be located in the lower flood risk area and any playing fields/public open space should be located in the higher flood risk area. We recommend that you encourage a sequential approach to the layout of sites within this policy.

Recommended action: We recommend that you add, perhaps into or after Part B of Policy LP 12, wording that encourages a sequential approach to be considered in the layout of the site.

Part C

Part C discusses the application of the Sequential Test; the Exception Test; safe access/egress and Flood Emergency Plans; providing additional flood storage and/or attenuation; and floodplain storage compensation.

All this different information is discussed in one long paragraph. We strongly recommend separating these different requirements into different paragraphs.

Recommended action: We recommend that you separate out the different issues covered by Part C of Policy LP 12 into separate paragraphs.

Please see our next comments for our recommendations in relation to updating the location/formatting and the specific wording/content of Part C of Policy LP 12.

Part C (Sequential and Exceptions Test) - Part C states *'Development will be guided to areas of lower risk, both on-site and by applying the 'Sequential Test' as set out in national policy guidance, and where required, the 'Exception Test'. Inappropriate developments and land uses will be refused in accordance with national policy and guidance, and the Council's Strategic Flood Risk Assessment (SFRA)'*.

Part B of Policy LP 12 has already set out when the council considers developments must undergo the Sequential Test. Therefore, it is confusing to also mention the application of the Sequential Test in Part C. Furthermore, it is potentially contradictory as it states the Sequential Test should be applied as *'set out in national policy guidance'* but you already consider some sites to have passed the test subject to criteria in Part B.

Recommended action: remove repetition about applying the Sequential Test.

We welcome that this section of Part C clarifies that the Exceptions Test should be carried out in accordance with national policy guidance. We also welcome that it confirms that

inappropriate development and land uses will be refused in accordance with the listed guidance. This wording should be kept.

In terms of the location/formatting of this text, we recommend it is kept after the current Part B as a separate lettered bullet point. The Exception Test related wording could become the new 'C.' bullet point. The bold heading could be updated from '*The application of the Sequential Test*' to '*The application of the Sequential and Exception Tests*' to incorporate lettered bullet point B and the new Exception Test bullet point C.

Recommended action: create a separate lettered bullet point (potentially the new bullet point C) which discusses the Exception Test requirements.

Part C (Safe access/egress and Flood Emergency Plans) – Part C states '*In flood zones 2 and 3, all planning applications (or other relevant applications) on sites of 10 or more dwellings or 1000sqm of non-residential development or more, or on any other proposal where safe access/egress cannot be achieved, a Flood Emergency Plan must be submitted*'.

The Environment Agency is not responsible for commenting on safe access/egress, safe refuge or Emergency Planning. We strongly recommend you discuss these requirements and associated formatting with your Emergency Planning Team.

Although we cannot comment on the content/requirements for Emergency Planning, we do have a recommendation in terms of the formatting of this section. We recommend that the Emergency Planning aspects of the current Part C of Policy LP 12 are separated out into its own separate lettered bullet point. This could be moved to after '*Table 15.1 Flood Zones – Development Restrictions*' or after '*Table 15.2 Requirements for Basements in Flood Zones*'. It could also have its own bold heading, such as '*Emergency Planning*'.

Recommended action: create a separate lettered bullet which discusses the safe access/egress, safe refuge and Emergency Plan requirements (currently set out in Part C of Policy LP 12). Consider, with your Emergency Planning Team, where this new bullet point should be located within the policy and whether the wording and requirements reflect what will be required in practice.

Part C (Flood storage compensation & surface water attenuation) – Part C states '*Where a Flood Risk Assessment is required, on-site attenuation solutions to alleviate fluvial and/or surface water flooding over and above floodplain compensation is required. The consideration of potential increases in flood risk off-site where development would result in a loss of floodplain storage is also required with suitable mitigation proposed in accordance with the advice of the Environment Agency and Lead Local Flood Authority*'.

This part of the policy is discussing two things for two different sources of flood risk: for surface water flooding and for fluvial flooding it is requesting that additional flood storage/attenuation is provided; and for fluvial/tidal flooding (and potentially surface water flooding) it is requesting that there is no loss of existing flood storage. We support the intent behind this wording for fluvial/tidal flooding but have the following

recommendations in relation to the location/formatting and the specific wording/content of this part of Part C of Policy LP 12.

We would like to remind you that the Environment Agency is not responsible for managing surface water flooding and recommend that you discuss the contents in relation to this with the Lead Local Flood Authority (LLFA) officers.

No loss of flood storage requirements – Firstly, we have the following recommendations in relation to part C's intent to ensure no fluvial/tidal flood storage is lost because of development. Part C states '*The consideration of potential increases in flood risk off-site where development would result in a loss of floodplain storage is also required with suitable mitigation proposed in accordance with the advice of the Environment Agency and Lead Local Flood Authority*'.

Development must ensure appropriate flood storage compensation is provided for the fluvial and undefended tidal floodplain. The undefended tidal floodplain is riverward of the flood defences.

For the fluvial floodplain, any loss of flood storage within the fluvial 1 in 100 inclusive of climate change flood extent (for example through an increase in built footprint or change of ground levels) must be compensated for on a level-for-level and volume-for-volume basis. For the undefended tidal floodplain, to ensure there is no loss of flood storage there should be no increase in built footprint or raising of ground levels as level-for-level and volume-for-volume flood storage compensation is not achievable in this location. If water compatible structures, such as pontoons or slipways, are proposed, they should be designed to minimise the loss of flood storage i.e. by being floodable, hollow structures rather than solid structures.

Recommended action: please see below (in blue) our proposed wording and formatting regarding fluvial/tidal flood storage in Policy LP 12.

Additional flood storage - Next, we have the following recommendations in relation to Part C's intent to provide additional flood storage. Part C states '*Where a Flood Risk Assessment is required, on-site attenuation solutions to alleviate fluvial and/or surface water flooding over and above floodplain compensation is required*'.

The word '*attenuation*' is usually used to describe managing surface water flooding. For example, for surface water flood risk alleviation, onsite attenuation is used to manage surface water and to mitigate increased runoff rates and volumes. This same mechanism, however, will not compensate for, or create additional storage for, fluvial or tidal flooding. For fluvial flooding, additional storage would have to be provided on a level for level and volume for volume basis or by reducing the built footprint. In undefended tidal areas, additional storage would have to be provided by reducing the built footprint, or in more extreme cases, by setting back the flood defence landward. As '*on-site attenuation solutions*' are not a form of providing additional flood storage for fluvial or undefended tidal

flooding, we recommend this wording is updated to incorporate these other forms of flooding.

Recommended action: please see below (in blue) our proposed wording and formatting regarding fluvial/tidal flood storage in Policy LP 12. We recommend this wording, or similar, is added to Policy LP 12 after the two tables or after the Sustainable Drainage (E, F & G) section, prior to the Flood Defences (H) section. Please note this wording is draft and would need additional clarifications regarding the additional storage provision (see additional comments below).

“Fluvial and undefended tidal flood storage

E. Applicants will be required to demonstrate that their proposal does not increase, and reduces, fluvial and/or tidal flood risk elsewhere by ensuring that:

1. Any loss of fluvial flood storage within the 1 in 100 plus appropriate climate change allowance flood extent must be compensated for on a level for level, volume for volume basis. Proposals must demonstrate that fluvial flood flow routes are not impeded.
2. In undefended tidal areas there is no increase in built footprint or raising of ground levels. Where water compatible structures are acceptable, such as pontoons or slipways, they must be designed to minimise the loss of flood storage i.e. floodable, hollow structures.
3. Additional flood storage must be provided on top of ensuring no loss of fluvial and/or undefended tidal flood storage.”

We welcome that since the Regulation 18 consultation the wording has been updated to remove ‘*where feasible*’ in relation to securing additional flood storage through development. However, we note that even without this wording, the policy is ambiguous as to how much additional storage must be provided on each site and would therefore potentially struggle to deliver additional storage.

To strengthen the policy, it would benefit from detailing how much additional flood storage each site should provide. This could be by requesting a certain percentage increase in flood storage, or a percentage reduction of built footprint on sites. This is similar to the 10% Biodiversity Net Gain (BNG) requirements set out in the Environment Bill. However, the implications and practicalities of this would need to be clearly thought out before including it as a policy requirement. For example, the BNG requirements are supported by the DEFRA metric tool to calculate increases. Similarly, guidance would need to be provided for how sites calculate percentage increases in flood storage.

We would like to note, however, that many sites’ constraints often restrict the overprovision of storage. In our experience, sites often struggle to demonstrate no loss of flood storage, let alone provide additional storage. This may be due to the size of the plots or their chosen designs or viability assessments. Therefore, if the council truly seeks to secure additional flood storage, then stronger policy wording, and potentially supplementary guidance or supporting text, must be implemented.

If the wording is to be maintained as *'where feasible'* to allow more flexibility for sites, then an explanation should be provided to define *'feasible'* and we recommend setting criteria and a process for determining whether a site must provide it. Alternatively, the wording *'Unless exceptional circumstances are demonstrated for not doing so, additional flood storage must be provided on top of ensuring no loss of fluvial and/or undefended tidal flood storage'* could be implemented. This would assign responsibility to the applicant to demonstrate whether additional storage or not is achievable.

Please note that our suggested wording above (E3) is draft wording and has not incorporated solutions to the issues we have raised above. These issues should be considered prior to finalising the additional fluvial and tidal flood storage policy wording.

Recommended action: We recommend you consider stronger policy wording for requiring additional fluvial and undefended tidal flood storage to be provided on site. Depending on the decision, supporting text may need to be added to the Local Plan.

Additionally, for the Environment Agency to maintain a consistent position across all areas, we will only be able to assess whether a site has demonstrated that there is no loss in flood storage. We will not be able to assess whether a site has demonstrated additional flood storage. You should consider how this policy will be assessed in practice e.g. whether case officers have the expertise required to assess flood storage calculations within an FRA.

Recommended action: We recommend you consider how whether additional flood storage has been delivered on site will be reviewed at the decision-making process. This should feed into decisions about how to word the policy.

Table 15.1 Flood Zones – Development Restrictions

The Flood Zone 3b section of Table 15.1 states that *'redevelopment of existing developed sites will only be supported if...a net flood risk reduction is proposed'*. In our Regulation 18 response we asked you to confirm what net flood risk reduction you are seeking. For example, increased flood storage, reduction in vulnerability, reduction of users etc. In our recent Duty to Cooperate meeting (held on 22.02.2022) you highlighted that you have decided to maintain this wording to give flexibility depending on the site. We support this stance, but recommend that you add some supporting text highlighting examples of different flood risk reduction options.

Recommended action: We recommend you add supporting text to expand on what you are seeking for *'net flood risk reduction'*.

The Flood Zone 3a (tidal/fluvial) and Flood Zone 2 section of Table 15.1 states that *'To provide safe refuge, and depending on location, finished floor levels for all development must be raised to a minimum of 300mm above the 1 in 100 fluvial level inclusive of an allowance for climate change, or an appropriate extreme water level as advised by the Environment Agency for defended tidal areas. Safe access and egress at a Low Hazard rating is required'*.

To ensure developments are safe for their lifetime, for all developments of all vulnerability classifications affected by fluvial flooding, all finished floor levels should be set at least 300mm above the 1 in 100 plus appropriate climate change allowance flood level. This is captured within the policy wording.

In tidal defended areas, only sleeping accommodation must be located on finished floor levels set at or above the appropriate extreme water level as advised by the Environment Agency. We welcome that the wording has been updated to remove reference to the 1 in 200 tidal flood level and replace this with '*appropriate extreme water level as advised by the Environment Agency*' in line with our Regulation 18 comments. However, the wording does not capture that it is only sleeping accommodation that must be raised above this flood level for defended tidal flood risk.

We note that the council may want to take a stronger stance in relation to raising finished floor levels above the flood level for tidal breach sites. Please discuss this stance internally and amend the policy wording as appropriate.

Recommended action: We recommend you update the wording to reflect that for tidal defended areas, only sleeping accommodation must be located above the extreme water level as advised by the Environment Agency. Please see our proposed wording (in blue) below.

We note that the wording '*to provide safe refuge and depending on location...*' comes before the finished floor level requirements. The Environment Agency is not responsible for assessing safe refuge or other emergency planning matters. Please discuss with your Emergency Planning Team whether any additional requirements should be incorporated with respect to safe refuge, safe access and egress and emergency plans. The Environment Agency recommends this finished floor level wording to the council for their policies as these requirements will ensure that developments are safe for their lifetime, in line with Paragraph 159 of the NPPF.

Also, we note that the wording '*... and depending on location...*' comes before the finished floor level requirements. We recommend that this is removed, as it would not be required if our proposed wording below (in blue) is adopted for detailing the finished floor level requirements.

Recommended action: We recommend you update the wording preceding the finished floor level requirements. Please see our proposed wording (in blue) below.

Table 15.1 Flood Zones – Development Restrictions, Flood Zone 3a and Flood Zone 2:

'In areas of fluvial flood risk, finished floor levels for all development must be raised to a minimum of 300mm above the 1 in 100 inclusive of an allowance for climate change flood level. In areas of defended tidal flood risk, as a minimum, all sleeping accommodation must be located on finished floor levels above the appropriate extreme water level as advised by the Environment Agency.'

Please note that the Environment Agency is not responsible for assessing Emergency Planning matters such as safe refuge, safe access and egress, or Emergency Plans. Please speak to the Emergency Planning Team to discuss these requirements and how they should be incorporated into the policy wording.

Table 15.2 Requirements for Basements in Flood Zones

This table sets out basement requirements in relation to different ‘breach hazards’. We understand this is an existing policy within the Richmond Local Plan (2018). As this is in relation to basements affected by ‘breach hazards’ then this relates to defended tidal flood risk areas only. Any additions to this table regarding fluvial flood risk should not be included in the current table, or the table should be amended to reflect fluvial and tidal breach flooding.

The different requirements depending on different breach hazards were designed by the council and are stronger than the Environment Agency approach. Therefore, we recommend you discuss internally what you require for basements in breach hazard areas and then amend the policy to reflect this.

To clarify, the Environment Agency position on basements is as follows:

For areas affected by fluvial flooding – self-contained residential basements and bedrooms at basement levels are not permitted. In these locations, it should be a requirement that all basements must have access threshold levels set to a minimum of 300mm above the 1 in 100 inclusive of climate change flood level. All basements must also have internal staircases to access floors set at a minimum of 300mm above the 1 in 100 inclusive of climate change flood level.

For areas tidal defended areas - no self-contained residential basements should be permitted. All access threshold levels must be set at or above the appropriate extreme water level as advised by the Environment Agency. They must also have internal staircases to access floors set at or above the appropriate extreme water level as advised by the Environment Agency. Your policy does not allow any bedrooms at basement level. Whilst we support this stance, it is stronger than our own stance of allowing basement bedrooms in tidal defended areas as long as there is an internal staircase access and threshold levels set above the flood level.

Recommended action: We strongly recommend that you either remove references to fluvial flooding from Table 15.2 Requirements for Basements in Flood Zones, or, update the table title and headings to incorporate fluvial and undefended tidal (breach hazards).

Part E

Part E3 states applicants will have to demonstrate that ‘*There should be no loss of flood storage in areas affected by fluvial flooding and any increase in built footprint within the fluvial 1 in 100 (inclusive of climate change allowance) flood extent must be compensated for on a level for level, volume for volume basis*’.

We welcome that this has been added in response to our Regulation 18 comments, where previously flood storage compensation was not mentioned at all in Policy PL 12. However, if our proposed wording above ([blue E: Fluvial and undefended tidal flood storage](#)) is adopted, then this can be removed from the 'Sustainable Drainage' Part E section.

If our proposed wording is not adopted, we would recommend keeping Part E3 – with undefended tidal flood storage wording added – but separating it from the 'Sustainable Drainage' (Parts E, F and G) section. This is because the term '*sustainable drainage*' is usually associated to surface water management and therefore it is confusing to contain information about fluvial and undefended tidal flooding here.

Recommended action: We recommend that Part E3 is removed, subject to our proposed wording on 'fluvial and undefended tidal flood storage' being incorporated.

If our suggested policy wording regarding additional fluvial and undefended tidal flood storage is adopted ([blue E parts 1,2,3](#)) then the requirement for additional surface water attenuation (contained within existing Part C) may need to be incorporated into this part of the policy. We strongly recommend discussing this wording with the LLFA.

Recommended action: consider adding the wording for additional surface water attenuation requirements, in discussion with the LLFA.

Part H

Part H3 states '*That any physical structures are set back from river banks and existing flood defence infrastructure unless it can be clearly demonstrated that the effectiveness of such infrastructure would not be compromised (the distances being 16 metres for the tidal Thames and 8 metres for other rivers including those culverted)*'.

We welcome that the set back requirements have been incorporated into Policy LP 12 following our Regulation 18 response. However, set back from flood defences would be required even if evidence was submitted to demonstrate that building closer to the defences would not impact their effectiveness. This is because the space is required for future flood risk management. Sufficient space is required where defences may need emergency works, maintenance and upgrading to ensure this can be carried out in a cost effective way, as supported by Policy LP12 Part H2. In some recent cases, developers have offered extremely minimal set backs from flood defences and demonstrated that certain technological strategies mean the defences can still be maintained and upgraded. These technological solutions are often high cost. The larger the set back the more strategies are available for future maintenance and upgrading in a cost effective way.

This is also supported by the London Plan (2021) Policy SI 12 Flood risk management part F which states '*Development proposals adjacent to flood defences will be required to protect the integrity of flood defences and allow access for future maintenance and upgrading. Unless exceptional circumstances are demonstrated for not doing so, development proposals*

should be set back from flood defences to allow for any foreseeable future maintenance and upgrades in a sustainable and cost-effective way’.

This is further supported by the NPPF (2021) paragraph 161b which states that plans should manage flood risk and the future impacts of climate change by *‘safeguarding land from development that is required, or likely to be required, for current or future flood management’.*

We note that this set back requirement also ties into the council’s other aims where you seek space next to the river for public walkways (including the Thames Path) and cycle paths for more active and sustainable travel. This is set out in Policy LP 52 Public Transport and Infrastructure part B, where you promote at least 6 metre wide paths for the Thames and at least 3 metre wide for the Wandle. Policy LP 49 Sustainable transport further promotes this and encourages *‘green and blue infrastructure [to be] improved to create more attractive neighbourhoods for people’* (Part B5). Supporting text paragraph 21.49 of Policy LP 59 Riverside uses, including river-dependent, river-related and adjacent uses states *‘New development will be expected to provide high-quality public realm that is safe and attractive and should, wherever possible, improve access and provide opportunities for the public to enjoy the rivers’.* Having a wider buffer zone adjacent to rivers would allow space for these improvements to be made and deliver wider placemaking outcomes as well as protecting flood defences.

Furthermore, the set back is required for enhancements to the biodiversity of rivers which is another aim for the council. Please see our biodiversity section for further information.

We also recommend reviewing the Thames Estuary 2100 Plan (available here: [Thames Estuary TE2100 Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612122/Thames-Estuary-TE2100-Plan-2019.pdf)) for further information about the importance of leaving space to manage flood defences.

We note that the Richmond Local Plan (2018) Policy LP 21 Part D3 has specified the 8m and 16m set back requirements in its existing policies. We hope this can alleviate any of your concerns with adopting this wording.

Therefore, we recommend that the wording of Policy LP12 Part H3 is updated. We recommend the following wording: *‘All development should be set back 16 metres from the landward side of tidal flood defences, and 8m from the top bank of all other main rivers (including from the outer edge of culverted main rivers)’.*

Recommended action: We strongly recommend that you update the wording for Policy LP 12 Part H3 as above.

Part 7 states *‘Culverting of water courses and building over culverts will be resisted unless it can be clearly demonstrated that such approaches are necessary in order to achieve the delivery of development. Deculverting is encouraged where possible’.*

We do not support this wording. The Environment Agency would object to any development that proposes building on top of an existing culvert or that proposes additional culverting of a main river.

Firstly, allowing building on top of a culvert would be contradictory to part H3 of Policy LP 12 that requires set back. It would also restrict access to the culvert and space should it be needed for future maintenance, upgrading or emergency works and could therefore increase flood risk elsewhere in the future. It also contradicts Policy LP60 Part C which currently states *'The culverting of river channels and watercourse will not be permitted, and the naturalisation of river channels and watercourses will be sought as part of development proposals where appropriate and feasible'*.

Also, culverting a watercourse would be contrary to policies seeking the protection and enhancement of blue infrastructure and biodiversity and would not be acceptable in any situation. It would also be contrary to the Water Framework Directive (2003) which seeks to enhance and prevent further deterioration of water bodies.

We would find this policy unsound should this wording, allowing the culverting and building over culverts in some situations, remain in the plan as it is against the London Plan (2021) Policy SI 12 Flood risk management; the NPPF (2021) Paragraphs 159 and 161; the Water Framework Directive (2003) and supporting biodiversity policies.

We strongly recommend that the wording of Policy LP 12 Part H7 is returned to the Regulation 18 version with some amendments. We recommend the following wording: *'The culverting of watercourses and building over culverts will not be permitted. Deculverting and the naturalisation of watercourses is encouraged where possible'*.

Recommended action: We strongly recommend you update the wording to Policy LP 12 Part H7 as above.

Part I

We welcome that Part I addresses that multiple benefits can be achieved by addressing flood mitigation opportunities into the design of the scheme.

As discussed at the recent Duty to Cooperate meeting, we would welcome receiving an informal consultation regarding the revised wording to Policy LP 12 Water and Flooding to help finalise the policy wording.

Policy LP 59 Riverside Uses, including River-dependent, River-related and adjacent Uses

We welcome that Part A 1-8 considers multiple aspects of development along river corridors by mentioning flood risk, biodiversity and public space considerations. This supports the riverside strategy approach encouraged by the Thames Estuary 2100 Plan.

We welcome that Part A8 is incorporated. We welcome that Part B reiterates that only water compatible uses will be acceptable in river channels. We recommend this is strengthened by referencing Policy LP12, potentially in brackets like other bulletpoints do.

Recommended action: Add reference to Policy LP 12 to Part A8 and Part B of Policy LP 59.

LP 60 Moorings and Floating Structures

We welcome that Part A6 and A7 have been incorporated into the policy to highlight the flood risk and biodiversity considerations of moorings and floating structures development. To strengthen them they could reference back to other policies that give more detail on these aspects, e.g. A6 could reference Policy LP 12 and A7 could reference Policies LP53, LP55 and LP58.

Recommended action: We recommend referencing Policy LP 12 in part A6 and Policies LP53, LP55 and LP 58 in part A7 of Policy LP 60.

Part C states *'The culverting of river channels and watercourse will not be permitted, and the naturalisation of river channels and watercourses will be sought as part of development proposals where appropriate and feasible'*.

We fully support this policy wording. We would recommend considering whether this wording fits better within Policy LP58 (River Corridors) rather than LP60 (Moorings and Floating Structures).

Recommended action: We recommend relocating Part C of Policy LP60 to become a new lettered bullet point in Policy LP 58.

LP53 Protection and Enhancement of Green and Blue Infrastructure

We support the inclusion of a policy which aims to create a comprehensive network of blue and green infrastructure. This ties strongly Environmental Objective 1 as increasing habitat connectivity through the provision of blue and green infrastructure increases the resilience of species to the impacts of climate change.

LP55 Biodiversity

We are pleased to see that this policy (Paragraph 21.32) states that your authority will incorporate the mandatory requirement for Biodiversity Net Gain (BNG) into the Local Plan once it has been incorporated into the Town and Country Planning Act. Whilst the Environment Bill has achieved Royal Assent, there are still a number of elements of BNG requirements under consultation. This includes what type of development will require BNG and technical details surrounding the use of the metric for subtidal habitats.

There are a number of reasons why would recommend writing a more Borough specific BNG policy in addition to the mandatory requirements, once BNG has been incorporated into the Town and Country Planning Act. A locally-specific policy will enable you to set out which

strategies you require developers to take into account in delivering BNG, e.g. Green Infrastructure strategies, Local Nature Recovery Strategies (LNRS). Including BNG in the Local Plan can also link biodiversity to your strategic objectives and overall place-making, enabling a more holistic approach.

We would refer you to Box 4.1 of CIEEM's [Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide](#) for best practice guidance on writing a BNG policy.

LP58 River Corridors

In our comments on this Policy in our Regulation 18 response we recommended that reference to the riverside strategy approach as outlined in the [Thames Estuary 2100](#) plan. We are pleased to see that this change has been incorporated in part (E) of this policy. We are also supportive of part (B) of this policy, the requirement to protect and enhance blue infrastructure assets ties in with the requirements of **LP55 Biodiversity** and future mandatory Net Gain.

We have the following comments in relation to the importance of buffer zones around main rivers for the benefit of biodiversity. In addition to flood risk benefits, providing buffer zones of at least 16m for the Tidal main rivers (including tidally influenced sections of the Thames) and 8m for all other main rivers also provides a host of other benefits to riverine habitats:

- Providing space for functioning riverine habitats.
- Creating habitat connectivity along the river corridor.
- Reducing the levels of diffuse pollution reaching the watercourse.
- Providing space for natural geomorphological processes to occur.

Additionally, the Rivers section of the DEFRA Biodiversity metric penalises any encroachment of development within **10m** of the top banks of main rivers. Therefore, in order to synergise with mandatory BNG requirements, we would encourage policies that require 8m buffer zone as a minimum.

Site Allocations and Place-making Policies

We are pleased to see that the vast majority of our comments in relation to biodiversity have been included in the plan's site allocation and place making policies.

Many of our comments related to buffer zones set back requirements and biodiversity net gain, which are also set out elsewhere in general policies of the plan.

Please see our comments below which relate to site allocations and place making policies where we feel our comments at the Regulation 18 Stage have not been incorporated fully into policy, or where further improvements to wording should be made.

WT5, WT6 & WT7, Frogmore cluster

We recommend that requirement for a wide buffer area between the river and new development. The buffer habitat should include providing estuary edge habitats, and integrate these around the public access improvements, including those to the Wandle Trail.

Terrestrial biodiversity improvements within the buffer zone should be in addition to restoring more natural margins to the watercourse.

WT11 Western Riverside Waste Transfer Station

Our comments at Regulation 18 regarding this site have not been incorporated into the plan. We request that any redevelopment of the site should consider alternative wharf frontage designs that allow for naturalisation of the edge of the river Thames whilst continuing to provide river access.

WT20 Southside Shopping Centre, Wandsworth High Street

We are pleased to see the inclusion of a requirement to explore deculverting the Wandle at this location. It is prudent to note that any deculverting would need to ensure it does not increase flood risk elsewhere in line with national policy and therefore is likely to need to be supported by hydraulic flood modelling.

NE9, NE11 Kirtling Street Cluster and NE10 Middle Wharf, Nine Elms

In line with our previous comments regarding these sites, we request that where Safe-guarded wharves prevent enhancement as part of the scheme, proposals should consider terrestrial improvements and offsite enhancements that provide net gains for the River Thames.

RIV6 36 Lombard Road

This development site has the potential to include estuary edges enhancements to ensure a Biodiversity Net Gain to the riverside. We would like to see this mentioned in this site allocation.

PM10 The Wandle Valley

We feel that this place making policy could be stronger. Whilst it is mentioned that any new development could along the Wandle Valley should “*respect the small scale of the river corridor, offer public access and provide positive frontage to the riverside*”, improvements could be made in the text so it is more in line with Paragraph 180 of the NPPF.

Improved access along the riverside must not lead to a loss of biodiversity and must therefore ensure that there is no increase in lighting or disturbance to the river overall, by ensuring a net gain in biodiverse habitats.

Existing green spaces along the river should be scoped for providing potential sites for the delivery of Biodiversity Net Gain along the river where other urban sites are unable to achieve a significant uplift. The policy should state that all management plans for riverside public space must include aims to restore riverside habitat and in-channel habitat where desirable.

WV1 Riverside Business Centre and Former Bingo Hall, Bendon Valley

We are pleased to see that this Site Allocation includes the requirement for “*a landscape management and maintenance plan will be required setting out the aspirations for the landscape treatment of the River Wandle frontage.*”

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We feel that the policy could be improved by stating that any development proposals should also include the restoration of natural river banks, and in-channel resoration, in order to deliver Biodiversity Net Gain to the river in line with **Policy LP55**.