

LONDON BOROUGH OF RICHMOND UPON THAMES
LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC
WRITTEN STATEMENT

MAIN MATTER 13:
RESPONDING TO THE CLIMATE EMERGENCY AND TAKING ACTION (POLICIES 3 – 9)

WEDNESDAY 3 JULY 2024

COUNCIL RESPONSES TO MAIN MATTER 13

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Abbreviations

BRUKL – Building Regulations UK Part L

DtC – Duty to Cooperate

EA – Environment Agency

GLA – Greater London Authority

LDS – Local Development Scheme

LP – The London Plan

NPPF – National Planning Policy Framework

NZCS – Net Zero Carbon Study

PINS – Planning Inspectorate

PPG – Planning Practice Guidance

PTAL – Public Transport Accessibility Level

RLP – Richmond Local Plan

SA – Sustainability Appraisal

SAP – Standard Assessment Procedure for the energy rating of dwellings

SCI – Statement of Community Involvement

SoCG – Statement of Common Ground

TfL – Transport for London

WLWP – West London Waste Plan

WMS – Written Ministerial Statement

13.1 Is the plan’s response to the climate emergency justified by appropriate available evidence, having regard to national policy and guidance, local context, and meeting the requirements of the London Plan?

The requirements of the policies in Chapter 16 ‘Responding to the climate emergency and taking action’ are justified by appropriate available evidence and have had regard to national guidance, local context and the London Plan (LP). The primary sources of evidence are:

- Net Zero Carbon Study (March 2023) (SD-066)
- London Heat Map and LBRuT Heat Mapping Study (March 2012) (SD-165)
- Climate Emergency Strategy 2019-2024 (SD-093)
- Climate Emergency Strategy 2023 Action Plan (SD-094)
- Strategic Flood Risk Assessment (March 2021) (SD-061)
- Further Groundwater Investigations (March 2021) (SD-062)
- Surface Water Management Plan (December 2021) (SD-063)
- Flood Risk and Development Sequential Test (SD-039)
- West London Waste Plan (2015) (SD-030)
- Waste Sites Monitoring Report (2022) (SD-087)
- Infrastructure Delivery Plan (SD-069 and SD-070)

The NPPF paragraph 158 sets out that ‘Plans should take a proactive approach to mitigating and adapting to climate change’ and that ‘policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts’. The NPPF together with duties on local planning authorities and requirements from the London Plan, set the expectation for climate change to be addressed. The Council declared a Climate Emergency in July 2019 and since then Council has updated its commitment, with partners across London, to be a net zero borough by 2043. [The Climate Emergency Strategy 2024 Action Plan](#) was recently produced to update the previous version published in 2023. The local approach is more ambitious than the national UK Climate Strategy (2021) designed to reach net zero by 2050. The London Plan objective to become a zero-carbon city by 2050 has also been updated by the Mayor’s commitment for London to be net zero carbon by 2030, selecting an accelerated green pathway to net zero¹. Other partners and organisations are also playing their part, including vital progress on decarbonisation of the UK’s electricity grid.

An ambitious approach in the RLP is considered justified due to the borough’s constraints and types of development, with a reliance on small sites (as set out in the Council’s response to Main Matter 1), impact of the borough’s location in London and with the River Thames running through the borough. The approach has also been justified as

¹ www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/climate-change/zero-carbon-london/pathways-net-zero-carbon-2030

demonstrated within The Net Zero Carbon Study (NZCS) (March 2023) (SD-066) and the Whole Plan Viability Study (SD-071). Consultation responses during the preparation of the Plan included some broad support for addressing climate change. While net zero cannot be achieved by the Council alone, immediate and ambitious action has been considered as necessary, to take positive action and avoid the impacts of climate change that will be felt by the most vulnerable in society. Policies seek all new development to be net zero carbon, and address climate change mitigation and adaptation. Chapter 16 in the RLP brings together a number of policy areas which link with climate change, including sustainable construction, energy, waste, flooding and water.

The Net Zero Carbon Study (NZCS) (March 2023) (SD-066) demonstrated that the policy targets and requirements set out in the pre-publication Local Plan (Regulation 18 Version) are achievable and deliverable for applicants it also assessed whether there could potentially be other policy areas which could include more ambitious climate change mitigation and adaptation requirements. The Council commissioned consultants Climate Integrated Solutions (CIS) to produce the Study, who are experienced in providing energy and sustainability advice, and were already providing the Council with consultancy advice through reviewing submissions with planning applications and so familiar with the borough context. In order to assess the impact of the RLP approach, this study examined 5 domestic building typologies and for each typology it examined:

- Carbon reduction over Part L of the Building Regulations (2021)
- New Local Plan minimum carbon reduction % over Part L
- CO² tonnes/year
- The financial contribution required at the current £95 per tonne rate (as tested as part of the viability assessment of the London Plan)
- The financial contribution required at the current £300 per tonne rate

The study also examined 6 commercial building typologies and for each typology it examined:

- Calculated CO₂ Emission Rate from notional building
- Building CO₂ emission rate (BER)
- Target Emission Rate (TER): the maximum emission rate allowed by building regulations. Refurbishment/change of use projects have no fixed target. In kg of CO₂ per year per m²
- Percentage improvement in CO₂ emission
- Pass or fail for refurbished buildings based on draft local policy changes.

This Study justifies the plan's response to climate change as it concluded that the proposed energy targets are demanding but do not exceed the best developments being brought

forward in London, and they will drive up the standards of lower performing developments. These new targets will require upskilling of contractors and designers to deliver the higher standards but that is to be expected if build quality is to improve. From a technical and commercial standpoint these standards should not preclude projects being either technically or commercially viable as per the Whole Plan Viability Assessment (WPVA).

A number of comments raised in the Regulation 19 responses (as set out in the Schedule of responses to the Publication Local Plan (Regulation 19) consultation (in plan order) with the Council's response (January 2024) (SD-014)) raise matters of feasibility and deliverability, largely from a developer perspective. However, the Council considers that the NZCS (SD-066) sets out a robust evidence base. The NZCS (SD-066) followed the approved Part L methodologies i.e. Standard Assessment Procedure (SAP) used by the government to assess and compare the energy and environmental performance of dwellings, and Building Regulations UK Part L (BRUKL), as set out in Appendix 2 of the study. These methodologies are hugely complex and are the correct ones to use. There have been and will continue to be updates to various parts of these methodologies since the study, but it is considered these are unlikely to change the overall findings on viability. Moving forward, if anything they are likely to introduce yet lower tonnes of carbon per kWh figures making the £300per tonne of CO2 figure even more appropriate.

The archetypes selected for assessment in the NZCS (SD-066) were based on most common building types to be representative of the borough that the Council considers will come forward, with a particular focus on small sites.

St George plc and Marks and Spencer (Rep No. 320) mention the specification used going beyond best practice in going into an exemplary level of building fabric performance aligning with Passivhaus standards. Some of the specifications used go to the minimum standards allowed in Passivhaus but not those required to achieve Passivhaus overall, with other specifications not being to these standards creating space to achieve the same results without using any particular specification that proves problematic. Even if it was the case that every aspect of the specification was to passive house standards, Passivhaus buildings can and are built ever more frequently with the long-term viability of the approach shown in other countries.

The NZCS (SD-066) identified that in some technical areas there is scope for developments to be more ambitious than the proposed policy targets, however, in some technical areas feasibility is likely to be an issue. The study identifies that raising the BREEAM standards to 'Outstanding' would lead to some viable developments being unable to achieve the standard due to either local building factors or a lack of early credits being achieved, and it would be

extremely unlikely that smaller non-residential developments under 500 sqm could achieve BREEAM 'Excellent'.

Amends were made in the Regulation 19 Plan (SD-001) to reflect the findings of the NZCS (SD-066). The RLP continues to focus on considering the whole life cycle of development, including existing buildings' embodied carbon, supporting upgrading and reusing existing buildings rather than demolition. The amendments made to Policy 3 in the Regulation 18 Local Plan following consultation included:

- amends to reference ambition for a net-zero borough by 2043 at the latest
- inclusion of lack of impacts from development on effects of climate change and flood storage along with flood risk.
- updates to the glossary definitions
- amends and updates to the supporting text, including reference to the evidence base – the Net Zero Carbon study

The Planning and Energy Act 2008 part 1 Energy policies, requires local planning authority development plan documents to include policies imposing reasonable requirements for:

- a. proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;
- b. a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;
- c. development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.

The RLP climate policies comply with this. The Council considers that national Government policy on planning for net zero homes in England is complex and contradictory (see the Council's response to Main Matter 13.6). The UK Climate Action Plan has been found to be unlawful with insufficient carbon emission reducing policies (see discussion on RLP Policy 4). The Government's Future Homes and Buildings Standards aims to set mandatory requirements for energy efficiency and heating for new homes and non-domestic buildings. The Government's Future Homes and Buildings Standards Consultation on changes to Part 6, Part L (conservation of fuel and power) and Part F (ventilation) of the Buildings Regulations for dwellings and non-domestic buildings seeking evidence on previous changes to Part O (overheating) closed on 27 March 2024 and has yet to be reported on. However, it has drawn criticism from a wide spectrum of industry organisations, for lack of ambition and the fact that neither of the two options proposed can be considered genuinely 'future', as many buildings in the UK are already built to a higher standard. The RLP policies on climate change provide clarity and certainty to the delivery of net-zero carbon by 2043.

Policy 3 Tackling the Climate Emergency: NPPF (2023) paragraph 157 requires the planning system to support the transition to a low carbon future and to help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

RLP Policy 3 supports this transition at a borough level. This policy is justified, consistent and reasonable as it is a strategic policy, setting out broad expectations of zero carbon development, with the aim that all buildings and infrastructure projects in the borough will be net-zero carbon by 2043, at the latest. Specific requirements are detailed in the policies that follow (policies 4 to 9). It reflects the strategic vision of Council set out in and MM1 question 1.4 which is aspirational but deliverable, and multiple London Plan policies including:

- SI 2 *Minimising greenhouse gas emissions* requires major development to be net-zero carbon; and requires boroughs to establish and administer a carbon offset fund.
- SI 4 *Managing heat risk* seeks to minimise adverse impacts on the urban heat island through design, orientation, materials and green infrastructure.
- SI 5 *Water infrastructure* seeks to minimise mains water, protect and conserve water supplies and resources.
- SI 7 *Reducing waste and supporting the circular economy* seeks to conserve resources, reduce waste, increase material re-use and recycling.
- SI 8 *Waste capacity and net waste self-sufficiency* seeks to manage London's waste sustainably and how waste can be reduced in line with the Circular Economy.
- SI 12 *Flood risk management* requires flood risk from all sources to be managed in a sustainable and cost-effective way.
- S13 *Sustainable drainage* sets out sustainable drainage requirements to development.
- G1 *Green Infrastructure* seeks to protect and enhance London's network of green and open spaces and requirements for green infrastructure.
- T1 *Strategic approach to transport* seeks to support development that facilitates the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

Policy 4 Minimising Greenhouse Gas Emissions and Promoting Energy Efficiency: NPPF Paragraphs 157 applies (as in policy 3 above) and 159b requires new development to reduce greenhouse gas emissions, and local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 164 provides greater support for energy efficiency measures through requiring decisions on planning applications to place significant weight on the need to support energy efficiency

improvements to existing buildings. RLP Policy 4 requires new development to meet the national requirements of Building Regulations Parts O (Overheating) and F (ventilation).

London Policy SI 2 *Minimising greenhouse gas emissions* requires major development to be net zero-carbon and reduce greenhouse gas emissions in accordance with the energy hierarchy, as set out in the Plan. SI 2 part C requires a minimum on-site reduction of at least 35% beyond Building Regulations (2021) for major development.

RLP Policy 4 goes beyond the requirements of the London Plan to require ‘new-build residential of 1 or more dwellings, major residential development and non-residential development over 100 sqm to achieve net-zero carbon with a minimum of 60% on-site reduction.’

The inclusion of minor developments and requirement for a minimum level of onsite carbon reduction based on development type is justified as set out in paragraph 16.12 of the Local Plan:

‘... the majority of developments in Richmond borough are minor schemes for which the London Plan policy would not apply. In order to achieve our carbon reduction target as cost effectively as possible, all new development must therefore be fit for the future (i.e. be ultra-energy efficient and climate resilient, and maximise low carbon and renewable energy). The cumulative impact of all minor developments represents a large source of carbon emissions, and they will play a significant role in becoming a net-zero carbon borough by 2043 at the latest. Development that takes place now will become part of the existing built stock, and if the borough is not moving towards a net-zero requirement for all developments as part of this Local Plan, it would be inevitable for these developments to be retrofitted at a significant cost in the future. Therefore, all development will need to reduce its greenhouse gas emissions to near zero on site and become net-zero carbon or net-positive buildings. In addition, given that a significant proportion of non-residential schemes in Richmond are less than 1,000sqm GIA, the threshold of 100sqm has been applied to non-residential schemes to ensure that minor developments also achieve the required emission reductions.’

The net zero carbon and on-site carbon emission reduction requirements are summarised in table 16.1:

Development Type	Minimum on-site total reduction in CO2
Major residential development of 10 or more dwellings (including new build, change of use, conversions, and major refurbishments).	Net-zero with minimum 60% on-site reduction; with a maximum of 40% to be offset at a rate of £300/t
Minor new-build residential development of 1 or more dwellings.	Net-zero with minimum 60% on-site reduction; with a maximum of 40% to be offset at a rate of £300/t
Minor residential change of use and conversions resulting in the creation of 1 or more dwellings.	Net-zero with minimum 35% on-site reduction; with a maximum of 60% to be offset at a rate of £300/t
Non-residential development of 100sqm Gross Internal Area (GIA) or more (including new build, change of use and refurbishments).	Net-zero with minimum 60% on-site reduction; with a maximum of 40% to be offset at a rate of £300/t

RLP Policy 4 is required in order to achieve the borough’s target of net-zero carbon by 2043 at the latest. To support these ambitious policies, the NZCS (SD-066) assessed the deliverability and feasibility of these policy requirements and found that the minimum on-site carbon reductions and carbon offsetting requirements are achievable, including for small sites.

Changes made to Policy 4 in the Regulation 18 Local Plan following consultation included:

- amends to reference ambition for a net-zero borough by 2043 at the latest;
- updates to the Building Regulations including on overheating and ventilation;
- amend that the net zero minimum on site reduction should require 60% reduction for non-residential development with a maximum of 40% to be offset of 500sqm GIA or more (including new build, change of use and major refurbishments);
- inclusion to requirement to disclose space heating demand and over at least the 5 years of operation;
- reduce the threshold requirement for on-site carbon emission reductions from 500sqm to 100sqm for non-residential development;
- other amends and updates to the supporting text including on the conflict between the historic environment, introducing new sustainable technologies to buildings in conservation areas, and updates to Building Regulations including on overheating and ventilation.

The requirements have also been tested as part of the Whole Plan Viability Study (SD-071), which overall considered the cumulative impact of policies. The modelling of Policy 4 considers on-site delivery, as stated in Policy 4 the intention is to incentivise developers to implement on-site lower carbon strategies where possible.

The recent legal challenge determined on 3 May 2024 (Friends of the Earth and ClientEarth joint action with Good Law Project against the Department for Energy Security and Net Zero (DESNZ)) over the decision to approve the Government's Carbon Budget Delivery Plan (CBDP) in March 2023, found the UK climate action plan unlawful with insufficient emission reducing policies; breaching the Climate Change Act 2008. The CBDP outlines how the UK will achieve targets set out in the sixth carbon budget, which runs up to 2037, as wider efforts to reach net zero by 2050. The Government will now be expected to draw up a revised plan to ensure that the UK achieves its legally binding pledge to cut emissions by more than two thirds by 2030, compared with 1990 levels, which it is not on track to meet.

The Home Builders Federation (Rep No. 318) raise that it is not feasible technically to build to net zero and the Council should follow the Government's stepped pathway to net zero, raising impacts on building safety, and affordable housing supply due to the impact on viability. McCarthy & Stone Retirement Lifestyles Ltd (Rep No. 323) also raise that requirements should be stepped in line with Government targets. In January 2021 the Government set out plans to improve the energy performance of new homes, with all new homes to be highly energy efficient, with low carbon heating and be zero-carbon ready by 2025. The International Energy Agency (IEA) defines a zero-carbon ready building as: highly energy efficient and either uses renewable energy, or uses an energy supply that will be fully decarbonised by 2050, such as electricity or district heat. The intention is that homes built to the Future Homes Standard will not need to be retrofitted with any additional measures or technology to become net zero. However, the Future Homes and Buildings Standard Consultation (2024) has been criticised for the following reasons:

- 'zero-ready' is not compatible with achieving Net Zero in operation, because they do not use energy use intensity (EUI) as a key metric and do not address the performance gap;
- Fabric performance of a building should be better than Part L 2021, in order to reduce both energy use and residents' bills, and in so doing address energy affordability;
- On-site renewable energy generation (PVs should be encouraged);
- Embodied and whole life carbon should be addressed, it is not included in the proposed regulation.

LP Policy SI 2 already goes further than the proposed national policy, requiring all major developments to be net zero. Likewise, Policy LP 22 in the adopted RLP (July 2018) requires all major residential development to achieve net zero carbon in line with London Plan policy. Building to Net Zero means offset payment for any carbon that cannot be eliminated by on site measures. Therefore, Net Zero is not a technical feasibility issue but a financial viability issue. The RLP contains a definition of zero-carbon (net-zero carbon) (on page 183, at the start of chapter 16). However, it is suggested for clarity a modification could be considered to clarify 'net-zero ready', meaning that no further energy efficiency retrofit work will be necessary to enable them to become zero-carbon as the electricity grid continues to decarbonise.

Notting Hill Genesis (Rep No. 321) raise concern regarding requirements beyond the London Plan without evidence-based justification, in relation to 60% on-site carbon reduction for new build residential, beyond the requirements of 35% reduction the London Plan which will impact on viability and has not been tested. The NZCS (SD-066) shows that the carbon reduction requirements in Policy 4 are achievable in most cases, with a suitably ambitious specification. For major development, it is a long-standing GLA policy that carbon reduction must be maximised and only carbon clearly demonstrated not be eliminated by onsite measures can be offset by payments to achieve the net-zero requirement. Analysis confirmed most newbuild residential developments were considered to be able to achieve in excess of 60% savings on site based on review of selected archetypes and agreed typical specifications. Therefore, this policy is considered to be justified by appropriate evidence and have regard for the local context.

St George plc and Marks and Spencer (Rep No. 327) raise the ban on gas boilers after 2024 is not consistent with national policy, the London Plan and guidance allow low Nox gas boilers in certain circumstances, in line with the energy hierarchy. The GLA heating hierarchy already means that it is extremely rare that a gas boiler could be considered after a review of stated exceptions for Major developments. LP Policy SI 3 *Energy Infrastructure* Part D clearly stipulates the assessment steps to be completed to consider gas boilers in major development proposals. The GLA Energy Assessment Guidance (June 2022) (SD-145) at paragraph 9.44 states: “A heating strategy led by ultra-low Nox gas boilers should only be considered when it has been clearly demonstrated that all of the above options (a to c) have been fully investigated and ruled out with sufficient evidence provided.” The very limited exceptions are typically found in historic buildings. In practice for Majors, there is very little difference between the proposed policy as written in Rep No. 327 suggestion of mirroring the GLA policy. The majority of minor new build development proposals are already specifying heat pumps and it is rare for there to be any request for an alternative heat source.

A number of Regulation 19 responses from developers commented on the justification for carbon offset of £300/t to be greater than London Plan £95/t, and impact on viability (Rep No.s 319, 320, 321, 322, 323). LP policy SI 2 requires boroughs to establish and administer a carbon offset fund; and requires any development which demonstrates that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided either:

- through a cash in lieu contribution to the borough’s carbon offset fund;
- or off-site provided that an alternative proposal is identified and delivery is certain.

Note that Policy 4, in relation to the increase in the carbon offset rate, was not adopted for development management purposes and determining planning applications at the time the Regulation 19 Local Plan was agreed by the Council, as it was considered that appropriate weight in accordance with paragraph 48 of the NPPF should be applied once the outcome of the Examination was known, therefore it has not yet been put into practice.

The cost of carbon offset in RLP Policy 4 at £300/tonne goes beyond the LP price of £95/tonne. This is justified in Part E and through the viability assessment of this policy in the NZCS (SD-066). This is not out of line with other carbon pricing already adopted in London for example:

- Westminster Planning Obligations and Affordable Housing SPD (March 2024) carbon offset price: £330/tonne for electricity-based emissions and £880/tonne for non-electricity based emissions;
- Islington uses £95/tonne for major developments. Carbon offset payments for small sites are a flat fee based on the development type £1,000 per new build flat and £1,500 per new build house.

The LP and its accompanying GLA Energy Assessment Guidance (June 2022) (SD-145) explicitly state that councils are expected to set their own carbon offset figure based on local viability evidence. The £95/tonne is an indicative value which the GLA state will be updated regularly. It is considered unlikely that the GLA guide price per tonne of CO₂ will remain unchanged during the lifespan of this local plan. However, it is not clear when the next update to the GLA reference carbon cost will be, so simply tracking that may result in a significant amount of time with a figure that is now inappropriately low to reflect inflation, heightened climate urgency in policy, improved low carbon technologies and grid decarbonisation, since it was adopted.

Grid decarbonisation alone means that an electrically heated building (as the vast majority of cases are) with identical regulated electricity demand would have approximately 1/3 (from 0.519 to 0.136) of the amount of embedded CO₂ in each kilowatt hour of electricity consumed (compared to SAP 2012). Since the issue of the NZCS (SD-066) in April 2023, the SAP software has been updated again to 10.2. It is likely to be lower as the SAP/BRUKL carbon factor is updated further during the life of this local plan. Thus, the increase in cost per tonne of carbon can be seen as roughly cancelling out the decreased tonnes per kWh of energy giving no overall impact on viability. Without this increase in cost per tonne the financial incentive created by the carbon offset payments towards maximising building efficiency would be significantly undermined.

The National Grid is working towards delivering a zero carbon electricity grid, therefore the carbon offset payment cannot be relied upon to motivate construction of increasingly efficient buildings into the future without alternative policies.

Avanton Richmond Developments LTD (Rep No. 319) says the viability report shows that “it would not be viable for a significant portion of the testing scenarios”. The viability report refers to a number of different types of scenarios about e.g. different national trends in sale prices. It is considered that the reduction in CO₂ in energy and improvements in build quality should alleviate any costs that could lead to non-commercial viability for the majority of applications, this is supported by the assessments of most common archetypes provided by the LBR.

Policy 5 Energy Infrastructure: NPPF Paragraph 157 supports renewable and low carbon energy and infrastructure; and paragraph 160 seeks to increase the use and supply of renewable and low carbon energy and heat; 160c) requires plans to identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems. London Policy SI 3 *Energy infrastructure* requires energy masterplans for large-scale development; borough plans to identify any necessary energy infrastructure; major development within Heat Network Priority Areas to have a communal low-temperature heating system. RLP Policy 5 is justified and consistent with the requirement to prepare an Energy Strategy in line with the GLA Energy Planning Guidance. It sets out the requirement to connect to and extend existing decentralised energy networks, where possible; provide assessment of the provision of on-site DEN and/or make provision for connection to a wider DEN, as appropriate.

Policy 6 Sustainable Construction Standards:

Policy 6 requires high standards of sustainable design, evidenced by national sustainable design and construction standards exemplified by the Building Research Establishment (BRE) and their internationally recognised BREEAM validation and certification system.

The NZCS (SD-066) assessed the cost implications of BREEAM requirements against building typologies. It concluded that the proposed targets are demanding but do not exceed the best developments being brought forward in London and will drive up standards of lower performing development. It also concluded that from a technical and commercial standpoint, these standards should not preclude projects being either technically or commercially viable see Whole Plan Viability Study (SD-071).

Policy 6 requires new developments to mitigate and adapt to climate change over its intended lifetime reflected through a sustainability statement and achieve the following standards:

- All new-build residential developments must achieve a four-star rating (as a minimum) under the BRE Home Quality Mark scheme.
- Proposals for conversions or change of use to residential will be required to meet BREEAM Domestic Refurbishment 'Outstanding' standard or equivalent. If a developer can provide evidence from an accredited BREEAM assessor that achieving 'Outstanding' is not technically feasible than 'Excellent' would be acceptable.
- New non-residential buildings over 500sqm will be required to meet BREEAM Nondomestic New Construction 'Outstanding' standard or equivalent.
- All major non-residential refurbishment of existing buildings and conversions over 500sqm will be required to achieve a final (post-construction) certified rating of

‘Outstanding’ under BREEAM Non-domestic Refurbishment and Fit-out ‘Outstanding’ standard or equivalent.

Alternative permitted standards are supported where submitted evidence demonstrates the required outstanding standard is not technically feasible. Policy 6 is justified by the applications of national sustainability standards and assessment of the policy against different building typologies, through our evidence study. Policy LP 6 is considered to be positively prepared. It provides a clear ambition to deliver zero carbon development with flexibility where it is not technically feasible. It enables Richmond to meet energy infrastructure needs, through requiring developments to undertake appropriate mitigations in order to reduce emissions. Policy LP 6 provides a robust (justified, effective, positively prepared and effective) pathway of ensuring that developments are environmentally sustainable and are part of transforming the environment for the future.

The impact of the policy on viability was considered at Regulation 18, particularly in relation to minor development under 500m². RLP Policy 6 was amended as follows:

Changes made to Policy 6 in the Regulation 18 Local Plan following consultation include:

- Amends to clarify development of 500sqm or more of non-residential floorspace does include conversions, refurbishments, and major developments.
- minimum threshold for new non-residential building required to meet BREEAM Non-domestic New Construction standard increased from 100sqm to 500sqm.
- Amend to require developers to provide evidence from an accredited BREEAM assessor which demonstrates that ‘Outstanding’ is not technically feasible and in such a situation ‘Excellent’ would be acceptable.
- Reduce the threshold requirement with regards to fabric efficiency standards from 500sqm to 100sqm.
- Other amends and updates to the supporting text include update of BREEAM standards (2022), reference to shell and core and core only developments, reference to water efficiency standards.
- A summary table includes all the climate change and carbon requirements for different types of developments.

Notting Hill Genesis (Rep No. 328) raise the requirement for BREEAM Outstanding is onerous and could affect viability, and policy references should be replaced with the London Plan BREEAM minimum performance. This is discussed at 3.8 in the NZCS (SD-066) it notes “the applicant will need to show detailed information for consideration of any reduction of the BREEAM requirement below ‘Outstanding’. This requirement may be more suitable for larger buildings of 500sqm+”. As referred to above, changes were made in the Regulation 19 Plan (SD-001), with Policy 6 part A.6 amended and the threshold for non-residential raised from 100sqm to 500sqm under the advice of the NZCS. It also states at A.3 and A6 that if a

developer can provide evidence from an accredited BREEAM assessor that achieving 'Outstanding' is not technically feasible than 'Excellent' would be acceptable.

Policy 7 Waste and the Circular Economy:

The Council is required to not only meet the London Plan apportionment requirements as a minimum but also comply with national policy and the national waste management plan.

The PPG notes that "Waste is a strategic issue which can be addressed effectively through close co-operation between waste planning authorities and other local planning authorities and public bodies to ensure a suitable and sustainable network of waste management facilities is in place" (Paragraph 15).

The PPG for Waste goes on to say that "Given the unique waste needs of London, there is likely to be a need for waste planning authorities surrounding London to take some of London's waste. The Mayor and waste planning authorities in London should engage constructively, actively and on an ongoing basis with other authorities, under the duty to cooperate, to help manage London's waste" (Paragraph 44).

The London Plan sets challenging targets for recycling, including a target exceeding recycling and reuse levels in construction, excavation and demolition (CE&D) waste of 95 per cent.

The London Plan states that London should manage as much of its waste within its boundaries as practicable, aiming to achieve waste net self-sufficiency by 2026 in all waste streams except for excavation waste. To help meet this aim, Policy SI8. 'Waste capacity and net waste self-sufficiency' Part B.3) requires development plans to "allocate sufficient sites, identify suitable areas, and identify waste management facilities to provide the capacity to manage the apportioned tonnages of waste, as set out in Table 9.2.

Policy 7 contributes to the Mayor of London's aim to manage as much of London's waste within London as practicable, Richmond will work in collaboration with the Mayor and industry to ensure that there is zero biodegradable or recyclable waste to landfill by 2026, the Borough moves to a more Circular Economy, waste reduction is encouraged and to meet the 65% recycling target for municipal waste by 2030.

The West London Waste Plan (SD-030) forms part of the development plan for the borough and is not superseded by the new Local Plan. It deals with the allocation of sites and identification of waste management facilities in order to provide sufficient capacity to manage the apportioned tonnages of waste. It sets out policies to assess proposals for new or additional waste management facilities in the borough. Therefore Policy 7 signposts the WLWP where appropriate, and deals with specific issues not covered by the WLWP such as borough refuse and recycling storage requirements.

Policy 7 is in general conformity with London Plan Policy SI8.B.3) by safeguarding existing waste sites. Proposals affecting existing waste management sites, as well as proposals for new or additional waste management facilities, will be assessed against the policies of the WLWP.

Policy SI8.B.3) also encourages boroughs to collaborate by pooling their apportionment requirements. Richmond is working in partnership with the West London Waste Authority boroughs of Brent, Ealing, Harrow, Hillingdon and Hounslow (this also includes the Old Oak and Park Royal Development Corporation), on the recently commenced review of the WLWP (as indicated in SD-025 and SD-087).

It is noted that Surrey County Council (Rep No. 330) raise that reference should be made in the policy to the waste hierarchy, and to the National Planning Policy for Waste in terms of determining applications for non-waste development in the context of sustainable waste management. As addressed in the Schedule of responses to the Publication Local Plan (Regulation 19) consultation (in plan order) with the Council's response (January 2024) (SD-014), the Council considers these aspects are dealt with in other parts of the Local Plan or the West London Waste Plan, and there is a policy framework to assess proposals.

Policy 8 Flood Risk and Sustainable Drainage:

The aim of Policy 8 'Flood Risk and Sustainable Drainage' is to ensure that all sources of flooding are properly considered when assessing development proposals, in line with national, and London Plan policy SI 12 'Flood risk management' and SI 13 'Sustainable drainage' and guidance in accordance with the Council's detailed evidence base set out in the Strategic Flood Risk Assessment (SFRA) (SD-061).

Policy 8 sets out the acceptable land uses for each flood zone as well as mitigation and resilience requirements, attenuation measures, throughflow and groundwater, sustainable drainage, flood defences, basements in areas of flood risk and climate change allowances. This is considered to be consistent with Paragraphs 165 – 175 of the NPPF.

The supporting text for Policy 8 expands on the nature of flood risk within the borough and sets out how the Sequential Test will be applied. It provides details on how the functional floodplain will be protected and how existing developed sites within it are expected to contribute to a reduction in flood risk when they are being redeveloped. The Flood Risk and Development Sequential Test (SD-006) accompanies the Plan and applies the Sequential Test to the Publication Local Plan site allocations to determine their suitability / compatibility for the proposed uses in terms of flood risk.

Further information on Flood Risk Assessments and on managing flood risk, such as through mitigation measures, is also set out in the supporting text.

The SFRA (SD-061) sets out the areas at particular risk of flooding within the borough and it includes recommendations for planning and development which have informed the preparation of the RLP. This has included a specific approach to flood risk issues from groundwater / throughflow.

The policy also sets out the relevant flood risk management strategies affecting this borough, including the Thames Estuary 2100 Plan, which sets out measures for managing tidal flood risk, and the riverside approach, which is a proposed programme of works for managing fluvial flood risk along the Thames. In addition, the policy covers sustainable drainage as well as flood defence requirements, which are in general conformity with London Plan policies, particularly Policy 5.12 (Flood Risk Management) and Policy 5.13 (Sustainable Drainage) which also sets out the drainage hierarchy that the Local Plan should follow.

The Council has continually engaged with the Environment Agency (EA) in the development of the Local Plan. The close working with the EA has led to significant changes as Policy 8 'Flood Risk and Sustainable Drainage' has developed through Regulation 18 and Regulation 19 stages. The Council have produced and signed a Statement of Common Ground with the EA (SOCG-08) which sets out a number of agreed changes proposed to Policy 8 as set out in LBR-002 and the relevant extracts at the end of this statement.

Policy 9 Water Resources and Infrastructure:

The aim of Policy 9 'Water Resources and Infrastructure' is to ensure that the borough's water resources and supplies are protected by ensuring development that poses a threat to rivers, surface water and groundwater quality and quantity is prevented.

Policy 9 is in line with the NPPF paragraph 180. E) requirement for development to improve water quality and is in general conformity with London Plan Policy SI 5 'Water Infrastructure' by requiring development proposals to protect and improve the water quality of the Borough, ensuring that adequate wastewater infrastructure capacity is provided and ensuring that there is sufficient capacity in terms of water supply, surface water, foul drainage and sewerage treatment capacity to serve the development.

13.2 Are the requirements of Policies 3 – 9 which seek to tackle the climate emergency both viable and deliverable when applied alongside all other policy requirements of the plan?

There are skill and technology challenges with ambitious decarbonisation plans. However, modelling in the NZCS (SD-066) evidence base has shown the minimum proposed policy requirements can be met with specifications falling somewhere between current good practice and current best practice so is technically feasible for the most common build types.

The costs involved in achieving these are investigated in detail in NZCS (SD-066) with elements from a further study completed by BNP Paribas (SD-071) in relation to costs of measures required.

The assumptions applied within the Whole Plan Viability Study (SD-071) for policies 3-4 and 6 included a cost uplift of 5% (on residential and non-residential floorspace) and a 15% cost uplift for operational and embodied carbon on residential and non-residential floorspace). The assumptions applied within the study were reviewed by the Council's consultants (CIS) who carried out the NZCS (SD-066) report, and determined the assumptions applied were reflective of the Richmond context. The Council also carried out stakeholder engagement as part of the Whole Plan Viability Study (SD-071) and the assumptions applied for policies 3 to 7 were not disputed by any of the respondents (responses are included within SD-071, Appendix 2).

The Whole Plan Viability Study (SD-071) also included sensitivity testing of policies 3-7 to determine the individual and cumulative impact of climate change policies. Within the overall outputs it indicated that on the most common site types (as defined with the Housing Delivery Background Topic Paper (SD-019)) that Secondary Industrial sites and Backland garden and infill sites are shown to be viable within the Whole Plan Viability Study (SD-071). However, it is important to note that Whole Plan Viability can only determine viability at a single point in time and it is highly likely that over time carbon saving technologies will be more readily used within the construction industry, reducing the costs of this technology over the plan period. Therefore, it would be fair to assume that the costs applied as part of the study would likely be reduced in the later part of the Local Plan period.

These measures can be achieved with technology that has been on the market and used safely and successfully for years (and which continues to improve). Examples include key technologies such as both air and ground source heat pumps (ASHP & GSHP) and mechanical ventilation heat recovery (MVHR). It should be noted that the LP 'Be Lean' policy mandates prioritising a fabric first approach, with the most tried and tested technology of superior insulation, well designed junction details and high-quality construction.

Consideration should also be given to the cost of living, fuel cost inflation and cost volatility. The policy recognises the need to build for efficiency and also energy affordability to reduce the risk of fuel poverty, particularly for affordable homes.

The revenue generated by the zero offset payments is reinvested in retrofitting local buildings to improve energy efficiency and install renewable energy sources. These existing

buildings would otherwise continue to have poor energy performance/poor EPC scores and/or pose a fuel poverty risk. The Council's Housing and Homelessness Strategy (SD-095) seeks to reduce fuel poverty for low income and vulnerable households, and the Council has been supporting residents through the cost of living crisis providing advice on energy efficiency and supporting residents to reduce their energy bills and carbon emissions.

The Whole Plan Viability Study (SD-071) did not identify direct cost impacts for Policies 8 and 9. Elements of the policy relate to land use and will restrict developments in certain areas vulnerable to flooding. Sustainable drainage systems are considered well established requirements already reflected in base costs. There were no additional cost burdens identified with standard requirements for water resources and infrastructure.

13.3 Do the Policies 3 –9 provide clear direction as to how a decision maker should react to a development proposal?

Yes, Policies 3 – 9 provide a clear direction as to how a decision maker should react to a development proposal. The Council’s response to Main Matter 1 sets out the general context for the Plan as a whole, providing clear direction for a decision-maker. The Council considers that Policies 3 – 9 are in accordance with the NPPF paragraph 16, which requires that they are ‘clearly written and unambiguous’, and drafted in such a manner that it is ‘evident how a decision maker should react to development proposals’. Policies are positively worded unless local evidence suggests an alternative approach, and where appropriate, set out the requirements for decision makers using a criteria-based approach. The threshold to which a policy applies are clearly set out. The justification for each policy and how it will be applied is clearly set out within the relevant supporting text.

A summary table (Table 16.3) was added to the Publication (Regulation 19) Plan to include all the climate change and carbon requirements for different types of developments, following a similar format to the adopted Plan which it is understood has been well used by Development Management officers to signpost applicants and developers to. A number of policy areas reflect London Plan policy requirements and there is considerable supplementary guidance to aid policy implementation through London wide LPGs, including on energy, whole life-cycle carbon, the circular economy and sustainable drainage (SD-143 to SD-147). Where policies deal with technical requirements, there are references to how this can be clearly demonstrated and that if it is not practicable or feasible to do so this will be taken into account.

The Council’s Monitoring Report on Environment Agency Consultations 2016 – 2022 (August 2023) (SD-085) provides more detail on applications subject to consultation with the Environment Agency, finding no planning applications were granted contrary to EA advice on flooding and water quality grounds. In many cases additional comments and consultation may be sought after an initial objection. This suggests the policies provide an appropriate framework for implementation, including assessing impacts and any mitigation measures.

With regard to Policy 7, comments on behalf of Arlington Works (Rep No. 329) raise that the waste use has ceased and there is no reasonable prospect of an application coming forward for a waste use and that the Local Plan is the most appropriate way to release the site. As set out in the Council’s response above to question 13.1 in regard to Policy 7, a review of the West London Waste Plan (SD-030) has commenced (the appointment of consultants is underway) (as indicated in SD-25 and SD-087). The Council therefore considers at this stage it would not be appropriate to prejudice the preparation of the new WLWP.

The Schedule of Proposed Modifications suggested by the Council (May 2024) (SD -002) sets out a number of proposed modifications including those to add clarity, see extracts as relevant to this statement in the table at the end.

The Council has worked with the EA and the Lead Local Flood Authority (LLFA) on Policies 8 (Flood Risk and Sustainable Drainage) and 9 (Water Resources and Infrastructure) to ensure that it is clear how a decision maker should react to a development proposal. The Council have produced and signed a Statement of Common Ground with the EA (SOCG-08) which details the agreed changes to policies 8 and 9. As set out in the SoCG with the EA, for clarity, the Council and EA have also agreed a suggested modification to paragraph 16.66 to confirm that for the River Thames, the functional floodplain is defined as land riverward of the Thames Tidal Flood Defences.

13.4 Is the plan's policy for flood risk (Policy 8) prepared with the objective of achieving sustainable development and does it avoid unnecessary duplication of national policy and guidance?

The purpose of Policy 8 is to ensure that flood risk and sustainable drainage is embedded within the RLP policy framework. Policy 8 has been prepared to ensure the environmental objectives of sustainable development are achieved through the RLP.

Policy 8 aims to achieve sustainable development by requiring development to consider a range of impacts, both as a direct result of development, indirectly, immediately and into the future. Policy 8 does this by requiring development to be made safe for their lifetime and clearly demonstrating that they would avoid, minimise or reduce contributing to all sources of flooding, taking account of climate change and that they do not increase flood risk elsewhere. By applying the 'Sequential Test' as set out in national policy, development will be guided to areas of lower risk and where necessary the 'Exception Test' will be applied, aiding the sustainable location of development. Avanton Richmond Developments LTD (Rep No. 336) raise part A applies the sequential approach to the layout of sites, a more restrictive requirement than national policy and is not justified, however this was added in response to Environment Agency comments on the Regulation 18 Plan and is considered to accord with the NPPF which refers to consideration of flood risk within a site.

Policy 8 requires development to mitigate against flood risk and build in resilience going forward. The SFRA (SD-061) sets out that to enable development, proposals must provide mitigation and resilience against flood risk and provide appropriate compensation to existing flood risk levels and volumes. For applications that require a Flood Risk Assessment, Policy 8 requires appropriate on-site attenuation measures to alleviate both fluvial and surface water flooding should be provided over and above the minimum fluvial and undefended tidal flood storage compensation requirements where feasible.

Part H of policy 8 directly requires the use of Sustainable Drainage Systems (SuDS) in all development proposals to manage surface water runoff as close to its source as possible, using the most sustainable solutions to reduce runoff volumes and rates. Part H stipulates that ideally, all surface water should be managed on site and that the development must not increase flood risk elsewhere and where possible reduce flood risk overall.

Part I of policy 8 outlines that applicants will have to demonstrate that their proposals comply with; the retention of the effectiveness, stability and integrity of flood defences and other formal and informal flood defence infrastructure, that development should be set back from riverbanks and existing flood defence infrastructure to allow for future maintenance and upgrades space to take place and that the requirements of the Thames Estuary 2100 Plan and the River Thames Scheme have been taken into account. Policy 8 also requires Flood Risk Assessments to use the appropriate climate change scenarios when implementing the climate change allowances for surface water and fluvial flood risk. Combined with other

strands of Policy 8, this enables future proofing in light of our changing climate and flood risk to be considered, aiding the objective of sustainable development.

The Council feel that Policy 8 clearly sets out the requirements for development with regard to flood risk and sustainable drainage.

Table 16.4 clearly sets out the different flood zones, restrictions and requirements, making it clear for developers to follow and enabling them to follow the different requirements for different development proposals. Table 16.5 sets out further guidance for basement developments in areas of flood risk, making it clear for developers what guidance they should follow depending on the flood zone.

There is reference to national policy within Policy 8; however generally these do not repeat wording or criteria and are considered either necessary to clarify the application of the policy or helpful for purposes of signposting. National policy is often set out in a format to inform plan-making, rather than directly applicable to decision-making. The Council feels that duplication of national policy and guidance is helpful and assists the reader in understanding the requirements of Policy 8.

The Council have worked with the Environment Agency and the LLFA officers to ensure that Policy 8 has been prepared correctly and that any issues that cut across fluvial tidal, surface water, groundwater and flooding from sewers have been covered (proposed modifications in LBR-002 and in the table at the end of this statement). The Statement of Common Ground with the EA (SOCG-08) details these discussions further resulting in no outstanding issues. Surry County Council (Rep No. 334) and the River Thames Scheme (Rep No. 335) suggested additional wording in the supporting text to embed the Council's support for the scheme, which is suggested as a proposed modification. Thames Water (Rep No. 333) support the policy approach to sewer flooding and the requirements around sustainable drainage and protecting basements.

13.5 Has Policy 9 (Water Resources and Infrastructure) been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees?

Representations on the Council's Regulation 18 and 19 versions of the Richmond Local Plan were received from the Environment Agency, Thames Water, Friends of the River Crane (FORCE) and the Home Builders Federation (HBF), as set out in the [Statement of Consultation – Including all the Pre-Publication responses and the Council's response](#) (SD-007) and the [Schedule of responses to the Publication Local Plan \(Regulation 19\) consultation](#) (SD-014).

The Council's changes following the Regulation 18 consultation:

A minor amendment was proposed to Policy 9 C.1: "protect the water quality of rivers and groundwater; where rivers have been classified by the Environment Agency as having 'poor' failing to meet 'good' status, any development affecting such rivers is encouraged to improve the water quality in these areas."

Some amendments were proposed in response to the HBF, including clarifying that developers need to provide information that shows there is adequate supply and capacity (this is to reflect that it's not the applicant's responsibility to ensure this; additional text has been added to the supporting text to clarify that water companies are responsible for ensuring that water supply, drainage and wastewater infrastructure is in place in advance of new development coming forward.

Thames Water's comments were addressed by referring to the fact that any adverse land use or environmental impacts are minimised as far as possible. The other points raised by Thames Water do not necessitate any further changes.

A number of changes were proposed as a result of the Environment Agency's (EA) response, although Policy 6 already deals with water efficiency standards and the fact that the borough is in a water stressed area, therefore, these will not be repeated within policy 9 as well.

The EA's suggested advice note on riverbank protection goes beyond the scope of this Local Plan.

Further changes were proposed to Policy 53 in relation to Construction Management Plans and necessary requirements to ensure that surface and ground water is not polluted as a result of a development, particularly its construction.

The Council's changes following the Regulation 19 consultation:

Policy 9 is considered to provide an appropriate framework for water resources and infrastructure. Although the Home Builders Federation (Rep No. 342) raise concerns the policy is unreasonable, it has already been clarified as set out above in respect of the responsibilities of applicants to show there is adequate supply and capacity. Thames Water

(Rep No. 343) support the policy and the approach and will work with developers and local authorities to ensure any necessary infrastructure reinforcement. They raise part B should be located under the 'Water and Sewage Infrastructure' heading and a modification is suggested to move the subheading for part B of the policy (P9.1 as set out in LBR-002 and in the table at the end of this statement). The Environment Agency (Rep No. 344) recommend advice on how the Water Framework Directive (WFD) waterbodies can achieve good ecological status/potential is set out and a modification could be considered to reference WFD waterbodies achieving good ecological status/potential.

The Council do not feel that any further changes are necessary. The Council has made amends to clarify on responsibilities around wastewater management, improvements to water quality, water supply, drainage, wastewater infrastructure for new development, and in supporting text reference requirements of water companies to provide infrastructure, use of planning conditions to ensure adequate infrastructure and requirements on developers to make contact with water companies early in the process.

Alongside this, Thames Water are continually reviewing their actions and investments and the Council work productively with them to share information in this regard. Currently, no significant infrastructure needs have been identified in relation to water and sewerage for new development in the borough, but nevertheless the policy framework will enable assessment of proposals and keep infrastructure needs under review.

The Council have worked with the Environment Agency and the LLFA officers to ensure that Policy 9 has been prepared correctly and that any issues that cut across fluvial tidal, surface water, groundwater and flooding from sewers have been covered. The Statement of Common Ground with the EA (SOCG-08) details these discussions further.

13.6 Is the RLP consistent with Government policy in the written ministerial statement by Baroness Penn, Parliamentary Under Secretary of State for Levelling-up, Housing and Communities on of 13 December 2023, in relation to local energy efficiency standards? Particularly, where it states ‘that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations’?

As set out above, the Council considers its position is justified by local circumstances, having regard to the WMS as a statement of national policy. The RLP does go beyond current building regulations and is beyond future ones in terms of timescale, but not in terms of target (which is ultimately zero carbon for policy at all levels). These are demonstrated to be viable and calculated as a percentage uplift over TER as required. The policies are applied flexibly and allow for exceptions where developers demonstrate that they are not technically feasible.

The Council has a statutory requirement to mitigate against the impact of climate change through the Local Plan. The WMS is a material consideration, which is subservient to primary legislation and cannot be interpreted in a way that undermines legislative requirements placed on local planning authorities or undermine the powers that are granted to local authorities through primary legislation including the primacy of the Local Plan. The NPPF paragraph 158 requires Plans to take a proactive approach to mitigating and adapting to climate change in line with the objectives of the Climate Change Act 2008, to set energy efficiency standards.

Schedule 7 (15C) of the Levelling Up and Regeneration Act 2023 (which amends Section 19 of the Planning and Compulsory Purchase Act 2004) requires that: ‘The local plan must be designed to secure that the use and development of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’ This obligation – first introduced through the Planning Act 2008 alongside the Climate Change Act 2008 – makes clear that local plans must contribute to the national carbon budget of 78% carbon reduction by 2035 and the net zero by 2050 target. The Council’s evidence base provides robust evidence to demonstrate compliance with this legal requirement.

The Planning and Energy Act 2008 (PEA 2008) gives power to local authorities to set higher energy efficiency standards than Building Regulations, provided such standards are “reasonable” and comply with the usual plan-making requirements of section 19 of the Planning and Compulsory Purchase Act 2004. This statutory power has not been revoked and remains fully extant. Government have recently confirmed that they are not intending to amend this act. This primary legislation is not removed by the WMS.

Richmond climate change policies are based on well-reasoned and robustly costed evidence. The energy efficiency standards required in RLP Policy 4 departs from the WMS and is based on rational and justified evidence. These are discussed in detail in the Council's response to Main Matter 13.2 above.

The Council was a signatory of the [statement](#) sent by the Town and Country Planning Association on 16 January 2024 in response to the WMS. National Government policy on planning for net zero homes in England is seen as complex and contradictory, subject to a number of legal challenges. The Council considers that local authorities are able to take innovative action on climate change, which seeks to protect local communities from the impact of climate change and build resilience; and some local authorities have already been able to progress adopted plans in this way, and the London Plan already forms part of the development plan. The WMS seeks to curtail the use of policy approaches that use energy-based metrics, which are designed to achieve emissions reductions through securing fabric efficiency standards and highly energy efficient buildings. The RLP is informed by robust evidence on carbon reduction, including those that set energy-based metrics to secure emissions reductions from new development.

The <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hlws120>WMS published on 13 December 2023 raises the following issues:

- i. 'The Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations'

This is inconsistent and subservient to the statutory powers granted to local planning authorities under the Planning and Energy Act 2008.

- ii. 'A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise'

This further change is 'planned' for 2025 but fails to provide certainty. In March 2020 the Government set a deadline of December 2023 for all authorities to have up-to-date Local Plans in place. Richmond declared a Climate Change Emergency in July 2019 and the Council has committed to be a net zero borough by 2043. In order to deliver the Council's statutory requirement to mitigate against climate change, the Local Plan policies have set out clear energy efficiency and carbon reduction requirements, providing clear direction as to how a decision maker should react to a development proposal. These policies are required and justified now and should not be subject to uncertain further changes in building regulations, which may or may not happen.

iii. 'Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.'

The viability of climate change policies has been discussed in the Council's response to Main Matter 13.2.

- 'The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).'

The RLP is compliant with this requirement (see Policy 6 and paragraph 16.11).

Table of Proposed Modifications

Details taken from the Schedule of Proposed Modifications suggested by the Council (May 2024) (LBR-002).

Change Ref.	Response Ref(s)	Page	Section of the Plan	Proposed Modification
				Policy 3 Tackling the Climate Emergency (Strategic Policy)
P3.1	The Richmond Society (comment 311)	184	Policy 3 Tackling the Climate Emergency (Strategic Policy), Part D	The Council will work with partners and local communities to improve the energy and water efficiency of the existing building stock and wider public realm, with a particular focus on increasing energy efficiency of homes and businesses, especially improved insulation in lofts, walls and floors....
				Policy 4 Minimising Greenhouse Gas Emissions and Promoting Energy Efficiency (Strategic Policy)
P4.1	St George plc and Marks and Spencer (comment 320)	187	Policy 4 Minimising Greenhouse Gas Emissions and Promoting Energy Efficiency, Part D 5.	Correct the reference to the Building Regulations at part D.5: 5. to reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the London Plan’s Cooling Hierarchy (Policy SI 4 Managing Heat Risk) and meet the requirements of Part O of the Building Regulations (TM5 92 (domestic) and TM5 29 (nondomestic))
				Policy 6 Sustainable Construction Standards

P6.1	Thames Water (comment 325)	192	Policy 6 Sustainable Construction Standards, Part A 4.	<p>Clarify the approach to the water consumption target and the water efficiency standards:</p> <p>Development that results in a new residential dwelling, including conversions, change of use, and extensions that result in a new dwelling unit, must be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to meet BREEAM water-efficiency credits. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption) using the 'Fittings Approach' in Table 2.2 of Part G of Building Regulations. Planning conditions will be applied to new residential development to ensure that the water efficiency standards are met. will be required to incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day for homes (including an allowance of 5 litres or less per person per day for external water consumption).</p>
Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy)				
P8.1	Environment Agency (comment 337)	200	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Part A	<p><i>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)]</i> Remove the term minimise:</p> <p>All developments will need to be made safe for their lifetime and clearly demonstrate that they avoid, minimise or reduce contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers; taking account of climate change and that they do not increase flood risk elsewhere.</p>

<p>P8.2</p>	<p>Environment Agency (comment 337)</p>	<p>200, and 207</p>	<p>Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Part B, and Paragraph 16.69</p>	<p><i>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)]</i> Clarify in part B reference to all types of flooding: B. To enable development, proposals must provide mitigation and resilience against flood risk as set out in the Council’s SFRA, including but not limited to adequately raising finished floor levels, providing flood storage compensation and alleviation, and provide appropriate compensation to existing flood risk levels and volumes, addressing the predicted 1 in 100 year Risk of Flooding from Surface Water (RoFSW) mapped depths as a minimum. Advice should be sought from the Lead Local Flood Authority (LLFA) and/or the Environment Agency as appropriate.</p> <p>As a consequence of the above changes to part B, add the following details to supporting text after paragraph 16.69: In relation to surface water flooding in line with the current SFRA, proposals must provide mitigation and resilience against flood risk (taking advice from the LLFA as appropriate) and provide appropriate compensation to existing flood risk levels and volumes (addressing the predicted 1 in 100 year RoFSW mapped depths as a minimum), supported by detailed flood risk modelling if appropriate.</p>
<p>P8.3</p>	<p>Environment Agency (comment 337)</p>	<p>200, and 208</p>	<p>Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Part D, and Paragraph 16.70</p>	<p><i>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)]</i> Clarify in part D the approach to flood storage compensation: Where a Flood Risk Assessment is required, appropriate on-site attenuation measures to alleviate both fluvial, undefended tidal and surface water flooding should be provided over and above the minimum fluvial and undefended tidal flood storage compensation and on-site attenuation requirements, where feasible and justified by evidence.</p> <p>As a consequence of the above changes to part D, agree to add the following to supporting text after paragraph 16.70: A FRA should contain the evidence for the preferred method of mitigation, including any alternatives it was not possible to provide and detail how any associated risks from the chosen form of mitigation can be minimised.</p>

P8.4	n/a	203, and 208	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Part H, and Paragraph 16.76	<p><i>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)]</i> Add clarification, as agreed with the LLFA, to reference runoff rates as one of the most important factors in terms of flood risk:</p> <p>H. The Council requires the use of Sustainable Drainage Systems (SuDS) in all development proposals to manage surface water runoff as close to its source as possible, using the most sustainable solutions to reduce runoff volumes and rates. Ideally, all surface water should be managed on site. The development must not increase flood risk elsewhere and where possible reduce flood risk overall. Applicants will have to demonstrate that their proposal complies with the following:</p> <ol style="list-style-type: none"> 1. A reduction in surface water discharge to greenfield run-off rates wherever feasible. 2. where greenfield run-off rates are not feasible, this will need to be demonstrated by the applicant, and in such instances, the minimum requirement is to achieve at least: <ul style="list-style-type: none"> a. a runoff rate of 2 l/s or below, or b. a Where this is not possible and justification is provided, applicants should detail how at least 50% attenuation of the site's surface water runoff at peak times based on the levels existing prior to the development, will be achieved. <p>The following change is also proposed to paragraph 16.76 for clarity:</p> <p>The Council's SFRA identified reducing the rate of discharge from development sites to greenfield runoff rates as one of the most effective ways of reducing and managing flood risk within the borough. Greenfield run-off is the surface water drainage regime from a site prior to development. To maintain the natural equilibrium of a site, the surface water discharge from a developed site should not exceed the natural greenfield run-off rate. Where greenfield run-off rates are not technically feasible, applicants will be expected to clearly demonstrate how all opportunities to minimise final site runoff, as close to greenfield rate as practical, have been taken. In such instances, the minimum requirement is to achieve at least a runoff rate of 2 l/s or below. Where this is not possible and justification is provided, applicants should detail how at least, or a 50% attenuation of the site's surface water runoff at peak times, based on the site's performance prior to development, will be achieved.</p>
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P8.5	Environment Agency (comment 337)	203	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Part J	<p>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)] Amend as follows to reference the latest TE2100 Plan and future-proof against future updates:</p> <p>In addition, in line with the requirements of the Thames Estuary 2100 Plan, developments adjoining the River Thames must maintain and where necessary enhance or raise (or demonstrate how they could be raised in the future) flood defences to the 2065 statutory level as set out in the TE2100 Plan (or latest version) (or show how they could be raised in the future), demonstrating that they will continue to provide adequate flood protection for the lifetime of the development.</p>
P8.6	Environment Agency (comment 338)	205	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Part L	<p>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)] Amend as follows to remove 'central' and add 'appropriate' in reference to the climate change scenarios:</p> <p>Submitted FRAs should utilise the 'central' appropriate climate change scenarios when implementing the climate change allowances for surface water and fluvial flood risk. Assessments of tidal flood risk should use the current TE2100 crest levels guidance and breach modelling to account for worst-case scenarios.</p>
P8.7	Environment Agency (comment 338)	208	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Paragraphs 16.72 and 16.74	<p>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)] For clarity, amend the drainage hierarchy in paragraph 16.74 to the following:</p> <ol style="list-style-type: none"> 1. Store rainwater for later use as a resource (for example rainwater harvesting, blue roofs for irrigation) 2. Use infiltration techniques, such as porous surfaces in non-clay areas rainwater infiltration to ground at or close to source <p>In addition, as agreed with the LLFA, amend paragraph 16.72:</p> <p>In line with Policy SI13 Part E: Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.</p>

P8.8	Environment Agency (comment 337)	209	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Paragraph 16.80	<p><i>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)]</i> Amend as follows to reference the Riverside Strategy Approach set out in the Thames Estuary 2100 Plan:</p> <p>Natural flood management methods, such as those included in the Thames Landscape Strategy’s ‘Rewilding Arcadia’ project, should be employed in development proposals due to their multiple benefits including increasing flood storage and creating leisure areas and habitat. There is the potential to achieve significant improvements when undertaking flood defence work, including improved public spaces, access to the river and the Thames Path, and the creation of new habitats. Development should where possible seek to implement those measures set out in Policy 40 Rivers and Corridors when mitigating flood risk, in line with the Riverside Strategy Approach set out in the Thames Estuary 2100 Plan.</p>
P8.9	Surrey County Council (comment 334), River Thames Scheme (comment 335)	210	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), new paragraph following 16.83 as an additional paragraph under subtitle ‘Flood defences’	<p><i>[See also Statement of Common Ground with Surrey County Council (signed 07/2/2024) (SOCG-01)]</i> Add a new paragraph as follows:</p> <p>The Council supports proposals for strategic flood alleviation measures (and associated enabling works), including the emerging flood alleviation measures at Teddington and Molesey weirs, as part of the wider River Thames Scheme. The project is designed to significantly reduce the risk of flooding by creating a new river channel in two sections alongside the Thames in Runnymede and Spelthorne, as well as increasing capacity at Sunbury, Molesey and Teddington weirs. These proposed works will increase the capacity of the Thames through Surrey and south west London, reducing the risk of flooding.</p>

P8.10	Environment Agency	207	Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Paragraph 16.66	<p>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)] For clarification, amend the reference in the supporting text to the functional floodplain to include land riverward of flood defences:</p> <p>The borough contains a number of islands in the River Thames. Where the access and egress to and from the island begins within the functional floodplain, for the purposes of new development, such islands will be considered and treated as functional floodplain (Zone 3b), even if parts of the islands may be within an area of lower probability of flooding. For the River Thames, the functional floodplain is defined as land riverward of the Thames Tidal Flood Defences. In line with the guidance set out in the Council’s SFRA, new developments are restricted to ‘Water Compatible’ and ‘Essential Infrastructure’ (subject to an Exception Test) as per the guidance in the Flood Risk and Coastal Change PPG.</p>
Policy 9 Water Resources and Infrastructure (Strategic Policy)				
P9.1	Thames Water (comment 343)	211	Policy 9 Water Resources and Infrastructure (Strategic Policy), Part B	<p>Move sub title ‘Water quality’ beneath Part B:</p> <p>Water quality</p> <p>B. The development or expansion of water supply or wastewater facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long-term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impact and that any such impact is minimised as far as possible.</p> <p>Water quality</p> <p>C. The Council expects development proposals to:</p>
P9.2	Environment Agency (comment 344)	212	Policy 9 Water Resources and Infrastructure (Strategic Policy), Paragraph 16.92	<p>[See also Statement of Common Ground with the Environment Agency (signed 18/04/2024) (SOCG-08)] Add further signposting to state that Richmond is a water stressed area:</p> <p>The Environment Agency and the Council suggest the following modification to 16.92: Population increase, coupled with the designation of the Thames Water region as an area of ‘seriously water stressed’, means extra demand for water...</p>