

Andrea Kitzberger-Smith
London Borough of Richmond
Upon Thames

Our ref: SL/2007/100791/CS-08/SB1 -L01

Date: 24 July 2023

Sent via email

Dear Andrea,

Thank you for consulting us on your draft local plan (Regulation 19) and the associated evidence base.

We received consultation from you on 9 June 2023 and would like to provide comments with respect to our remit. We hope that you find our comments useful and we would be pleased to meet with you to discuss in more detail any issues or queries you may have.

Environment Agency Position

Our aim is to assist you prepare and implement a sound, robust, and effective plan that is reflective of national policy and your local evidence base. We hope that this collaborative process leads to a plan that delivers sustainable development, contributes to a stronger economy, and safeguards the environment for future generations.

Our detailed comments are provided below, following the general order of the topics presented in the draft local plan document. There are several policies with the plan that we consider unsound and have provided comments to support our position. In addition, we have provided recommendations to several policies that although do not affect the soundness of the plan, they could strengthen and maximise its effectiveness.

Our detailed comments are attached below for your consideration.

Please refer to the following sections (attached) for further information:

- Section 1 – Environmental issues & opportunities
- Section 2 – Site allocations
- Section 3 – Sustainability Appraisal & Sequential Test Report

Please do not hesitate to contact us should you have any queries.

Yours sincerely,

South London Sustainable Places Team
Environment Agency

Section 1 – Environmental Issues & Opportunities

This section will cover the following environmental issues and opportunities:

- Flood Risk
- Biodiversity
- Water Resources and Quality
- Land Contamination
- Waste Management

1. Flood Risk

Introduction Chapter ‘Responding to a changing environment’ (Paragraph 2.33 to 2.40)

In our Regulation 18 response, we recommended that the Thames Estuary 2100 (TE2100) Plan was referenced earlier on in the Local Plan, potentially within the ‘Responding to a changing environment’ introduction chapter, however this recommendation has not been taken forward as part of the Regulation 19 Local Plan. Row 233 of your ‘Statement of Consultation – Local Plan’ (dated June 2023) provides justification for not progressing with this recommendation. We are satisfied with this reasoning and content that the TE2100 Plan is referenced elsewhere within the Local Plan.

Vision and Strategic Objectives Chapter - Local Plan Strategic Vision ‘The best for our borough’

We welcome that, in line with our Regulation 18 consultation response recommendation, reducing flood risk has been incorporated into the ‘Local Plan Strategic Vision – The best for our borough’ as part of Section 3 Vision and Strategic Objectives of the Regulation 19 Local Plan.

Vision and Strategic Objectives Chapter – ‘Increasing biodiversity and the quality of our green and blue spaces, and greening the borough’

We welcome that, in line with our Regulation 18 consultation response recommendation, a referenced to flood storage has been made within ‘Increasing biodiversity and the quality of our green and blue spaces, and greening the borough’ as part of Section 3.3 Strategic Objectives of the Regulation 19 Local Plan.

Vision and Strategic Objectives Chapter - Improving design, delivering beautiful buildings and high-quality places

We welcome that, in line with our Regulation 18 consultation response recommendation, a reference to buildings being resilient to climate change has been made within the ‘Improving design, delivering beautiful buildings and high-quality places’ as part of Section 3.3 Strategic Objectives of the Regulation 19 Local Plan.

Policy 3 ‘Tackling the climate emergency’ (Strategic Policy)

We welcome that, in line with our Regulation 18 consultation response recommendation, a reference to flood storage as well as flood risk has been

incorporated into Part B of Policy 3 'Tackling the climate emergency' (Strategic Policy).

Policy 8 – Flood Risk and Sustainable Drainage (Strategic Policy)'

Part A

We welcome that Part A of Policy 8 – 'Flood Risk and Sustainable Drainage' (Strategic Policy) has been updated to clarify the role of policy and guidance and that it now incorporates a reference to the sequential approach.

However, in our Regulation 18 consultation response, we recommended that the term 'minimise' be removed from Part A of Policy 8 – 'Flood Risk and Sustainable Drainage' (Strategic Policy). Row 715 of your 'Statement of Consultation – Local Plan' (dated June 2023) does not provide clear reasoning for not following our recommendation. We advise that the term 'minimise' is removed in the final draft of the Local Plan.

Part B

We welcome that you have taken some steps to update Part B of Policy 8 – 'Flood Risk and Sustainable Drainage' (Strategic Policy) in line with our Regulation 18 consultation response, such as by referencing the Environment Agency as well as the Lead Local Flood Authority (LLFA).

However, we believe that it is still unclear that fluvial and tidal flood risk as well as surface water flood risk must be mitigated for. At present it states that applicants must address the 'predicted 1 in 100 year Risk of Flooding from Surface Water (RoFSW) mapped depths as a minimum'. These mapped depths are not relevant for assessing and addressing fluvial and tidal flood risk. Therefore, it appears to show that only surface water flooding must be considered and addressed. Whilst the supporting paragraphs (paragraphs 16.69 and 16.70) and the SFRA highlight the specific requirements for addressing fluvial and tidal flood risk, in terms of finished floor levels and compensation, we need the policy itself to make it clear that these are required by developments too. Otherwise, developers may believe this is simply guidance and not a mandatory policy requirement.

Therefore, should the tidal and fluvial mapped depths be mentioned here as well as the surface water one? Or, should the surface water depths not be mentioned here, and only be mentioned in the supporting text like the tidal and fluvial ones at present? Additionally, should the surface water aspects be moved to Part H 'Sustainable Drainage' to be collated all together, or is it purposefully separated into different parts of the policy?

Is the 'mitigation and resilience against flood risk' mentioned in this section only in relation to 'compensation' that is mentioned, or are you wishing to address raising finished floor levels within this part of the policy too?

We strongly recommend that the policy is updated to clearly demonstrate that fluvial, tidal and surface water mitigation is required, and what mitigation you are recommending. We would welcome discussing the revised wording with you, and Part B could be updated as follows:

“B. To enable development, proposals must provide mitigation and resilience against flood risk as set out in the Council’s SFRA, including adequately raising finished floor levels, providing flood storage compensation and alleviation. Advice should be sought from the Lead Local Flood Authority (LLFA) and/or the Environment Agency as appropriate”.

Without clarification made to the wording of Part B of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) we would find it unsound due to it being unclear at what it is seeking to achieve and therefore it would not be effective.

Part C

Part C deals with safe access/egress and Emergency Planning which is not within the Environment Agency’s remit and therefore we have no comments.

Part D

In accordance with our Regulation 18 consultation response, we welcome that Part D has been updated to incorporate fluvial and undefended tidal flood risk as well as just surface water flood risk. We also welcome that it has been updated to reflect that the compensation requirements are not our requirements, but the requirements of policy.

However, the first section of Part D references ‘fluvial and surface water flooding’ and the second part references ‘fluvial and undefended tidal flood storage compensation’. The policy should be requesting additional storage for all three sources of flooding, so it is unclear why only certain types are referenced in different parts of the policy. Additionally, whilst the policy mentions fluvial, undefended tidal and surface water flooding, it only references ‘on-site attenuation measures’ which are a way of alleviating surface water flooding, not fluvial or undefended tidal flooding. Paragraph 049 of the Flood Risk and Coastal Change PPG makes it clear that level-for-level compensatory storage is required for fluvial and tidal flooding. Therefore, we recommend that the wording is updated to reflect all three sources of flooding and to clarify all appropriate methods of compensation.

Furthermore, in our Regulation 18 response we discussed the wording ‘where feasible’. Whilst we recognised that this is not very strong wording, we noted that it is challenging for developers to provide the minimum required flood storage compensation, let alone go above and beyond this, and therefore the use of ‘where feasible’ whilst not strong was useful to support discussions with developers to increase flood storage on site. It could be useful to add the requirement for developers to submit evidence to support the assessment of feasibility of providing additional storage on site.

We would welcome discussing the revised wording with you, and Part D could be updated as follows:

“D. Where a Flood Risk Assessment is required, appropriate measures to alleviate fluvial, undefended tidal and surface water flooding should be provided over and above the minimum flood storage compensation and on-site attenuation requirements, where feasible and justified by evidence”.

Without clarification made to the wording of Part D of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) we would find it unsound due to a lack of clarity of what additional flood storage/attenuation and for what sources of flood risk is being sought and so is likely to not be effective. Also, it is in conflict with Paragraph 049 of the Flood Risk and Coastal Change PPG.

Part E

Once the wording for Part D is updated to provide clarity on what it is trying to achieve, it is unclear what Part E would deliver above this. This is because it appears that both Parts D and E are trying to secure additional flood storage and attenuation on-site. It is unclear what additional aspects Part E is aiming to secure above Part D.

Please clarify the intent of Part E of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy)

Table 16.3 Flood Zones, Restrictions and Requirements

We welcome that our Regulation 18 consultation response recommendation of clarifying the term ‘no intensification of land use’ has been incorporated into the Flood Zone 3b section of Table 16.4 Flood Zones, Restrictions and Requirements and the supporting text in Paragraph 16.65.

Part I & J – Flood defences

We welcome that Part I 3 of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) and the supporting text has been strengthened as recommended in our Regulation 18 consultation response. This includes clarifying the specific set back distances required, that the set back distance required on site may be greater than these distances, and removing ‘where possible’ in favour of requesting evidence to justify the set back proposed. Additionally, we welcome that our Flood Risk Activity Permits and the Metropolis Management Act have been referenced in the supporting text, paragraph 16.83 and 16.81 respectively.

We also welcome that Part I 4 of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) has been strengthened as recommended in our Regulation 18 consultation response, by including reference to not permitting new, and replacing existing, active flood defences with passive flood defences.

Updated Thames Estuary 2100 Plan ([Thames Estuary 2100 \(TE2100\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614212/Thames_Estuary_2100_Plan_2023.pdf)) – since the Regulation 18 Local Plan Consultation, an updated version of the Thames Estuary 2100 Plan has been published. Some of the major changes since the last plan have been summarised in our ‘Major updates to the Thames Estuary 2100 from 2012 to 2023’ guidance ([Major updates to Thames Estuary 2100 from 2012 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614212/Thames_Estuary_2100_Plan_2023.pdf)). This includes bringing the first milestone for raising defences forward, from 2065 now to 2050.

Part J of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) states that ‘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 flood defences to the 2065 statutory level as set out in the TE2100 Plan (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'. Therefore, the date referenced is no longer correct. Additionally, for most

developments they must consider the 2050 (previously 2065) and 2100 epochs. The Thames Estuary 2100 Plan will be updated regularly throughout the Local Plan's lifetime, so for longevity of the policy, we recommend the policy is returned back to not referencing specific epochs, but recommends that development is in line with the Thames Estuary 2100 Plan recommendations.

We strongly recommend that Part J is updated as follows:

'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 statutory level as set out in the TE2100 Plan, demonstrating that they will continue to provide adequate flood protection for the lifetime of the development.'

This could potentially make the Local Plan unsound as it is not in line with the Thames Estuary 2100 Plan.

Thames Barrier & fluvial flood risk – The Environment Agency closes the barrier to prevent storm tides travelling up the river, and to help manage extreme fluvial flooding. We need to reduce the use of the Thames Barrier to manage fluvial flooding in this area to ensure it can safely manage tidal risk. Further information can be found in the updated plan: [Richmond Policy Unit: Thames Estuary 2100 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/richmond-policy-unit). Within the Thames Estuary 2100 Plan (Outcome 4: [What needs to be done across the estuary \(outcomes\): Thames Estuary 2100 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/what-needs-to-be-done-across-the-estuary-outcomes)), the Environment Agency has made the following commitment:

'Between now and 2035, the Environment Agency will work with west London communities who are protected by Thames Barrier closures during fluvial floods. Together we will put alternative flood risk management arrangements in place by 2035. From this date we will not use the Thames Barrier to manage smaller fluvial floods. This will reduce the number of closures and prolong its lifespan until an end-of-century option is in place.'

We would welcome a reciprocal commitment from the London Borough of Richmond Upon Thames to work with the Environment Agency.

Riverside Strategy Approach

In our Regulation 18 consultation response, we recommended that the Local Plan referenced a Riverside Strategy approach to the redevelopment of riverside areas, to recognise the multiple benefits that can be achieved through flood defence works. Row 724 of your 'Statement of Consultation – Local Plan' (dated June 2023) states 'comments noted'. We cannot find any reference to a Riverside Strategy in the updated plan. Whilst this does not affect the soundness of the plan, it would have been useful to have greater understanding of your reasons for not including this within the plan.

Row 752 of your 'Statement of Consultation – Local Plan' (dated June 2023) states that paragraph 16.75 of the Local Plan has been updated to reference the multiple benefits flood defence works can bring. However, we cannot locate this wording

within the Regulation 19 Local Plan. We recommend this is rectified in line with the Statement of Consultation.

Whilst these recommendations have not yet been actioned, this would not affect the soundness of the plan, but they would strengthen the policies.

We welcome that Part A of Policy 40 – Rivers and River Corridors has been updated to reflect how flood risk works can also benefit the biodiversity of the river corridor.

Part K

As noted in our Regulation 18 consultation response, we welcome that the policy is stronger than our own stance, that we hold consistently across the tidal Thames, on basements in tidal flood zones. We welcome that the table formatting errors have been corrected. We also welcome the addition of information regarding basements and flood defences within the table.

Part L – Climate change allowances

Our Regulation 18 Local Plan consultation response noted that whilst it was commendable to require developments to consider a higher climate change allowance than required through the gov.uk guidance ([Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances)), it may be difficult to achieve in practice. We therefore welcome that you have removed the requirement for all developments to utilise the upper end allowance.

However, Part L of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) now states that ‘Submitted FRAs should utilise the ‘central’ climate change scenarios when implementing the climate change allowances for surface water and fluvial flood risk’. This is contrary to the gov.uk climate change guidance, as depending on the flood zone and the vulnerability classification, developments should utilise different climate change allowances. For example, a more vulnerable/less vulnerable/water compatible development in flood zone 3a should utilise the central allowance, but essential infrastructure development in flood zone 3a (or flood zone 3b) should utilise the higher central allowance. There is also additional information within the guidance on the climate change allowances that should be utilised for different scenarios. At present, Part L of the policy suggests that an essential infrastructure development in Flood Zone 3 only needs to consider the central allowance, which is contrary and more lenient than the national guidance.

Therefore, Part L of Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) should be updated to reflect the gov.uk climate change allowances guidance. If this is not updated, we would consider the policy unsound as it is contrary to national guidance.

Policy 41: Moorings and floating structures

In our Regulation 18 response, we recommended that the wording in Policy 41 – ‘Moorings and floating structures’ should be strengthened, however this recommendation has not been taken forward as part of the Regulation 19 Local Plan. Row 997 of your ‘Statement of Consultation – Local Plan’ (dated June 2023)

provides justification for not progressing with this recommendation. We are satisfied with this reasoning and content with the proposed wording for this policy.

Additional comments – multiple benefits and interconnected issues

We welcome that, in line with our Regulation 18 consultation response recommendation, that paragraph 16.80 supporting text to Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy) includes a reference to Policy 40 – ‘Rivers and Corridors’.

Additional comments – Flood Risk Activity Permit requirement

We welcome that, in line with our Regulation 18 consultation response recommendation, a reference to our Flood Risk Activity Permit (FRAP) requirements has been included within section 16.83 of the supportive text to Policy 8 – ‘Flood Risk and Sustainable Drainage’ (Strategic Policy).

2. Biodiversity

The importance of ecological networks, of linked habitat corridors (both within the Borough and linking to adjacent Boroughs) to allow the movement of species between suitable habitats, and to promote the expansion of biodiversity is defined in the National Planning Policy Framework and the Local Nature Recovery Strategy commitment of the government’s 25-year Environment Plan and enacted by the Environment Act 2021.

The connectivity of Local Wildlife Sites and other designated sites should not be disrupted through the allocation of sites for development and should aim to promote further connectivity of the ecological blue and green network through habitat creation and improvement. A numerical commitment to biodiversity net gain is required in order to be in line with the Environment Act 2021 and should be realised equally in both terrestrial and aquatic habitats using the Natural England Biodiversity and Rivers Metrics.

Development sites should not encroach on any watercourse and we urge a minimum 16m buffer zone to development proposals that contain or are adjacent to the Thames and explore opportunities for river restoration enhancements and biodiversity net gain through planning. The reparation or replacement of existing flood defences and/or creation of setback flood defences, every opportunity for ecological betterment should be a requirement rather than an aspiration of new development. Ecological terracing to provide fish refuge and wading bird forage should be at the forefront of considerations. Improved fish/eel refuge should again be prioritised with new pontoons or structures within the watercourse. We would wish to see a policy commitment to actively pursue these aims.

Where the watercourse is toe-boarded or engineered, policies should consider opportunities for removal and restoration to a more natural state

With reference to Paragraph 185 of the NPPF it which states that planning policies and decisions should ‘limit the impact of light pollution from artificial light on ... dark landscapes and nature conservation.’ We would urge appropriate lighting design in line with best practice guidance set out by the Bat Conservation Trust.

As an informative point, policies should take into consideration the use of SuDS and Natural Flood Management measures for flow attenuation, filtration, and water conservation.

We have provided comments on several policy units relating to biodiversity. Whilst the following recommendations for each policy do not affect the soundness of the plan, they could strengthen each respective policy and the overall the Local Plan.

Strategic Objectives

Responding to the climate emergency and taking action

In our comments on this policy in our Regulation 18 response we noted that the second bullet point under this strategic objective should consider using Nature Flood Management (NFM) techniques where possible, with a focus given to the protection and enhancement of rivers and river corridors, the re-naturalisation of rivers, encouraging soft-engineering approaches to riverbank protection, and the incorporation of an undeveloped buffer zone.

We recommend that this bullet point is aligned with the requirements under the Water Framework Directive (WFD), and reiterate that it is the statutory duty of Local Authorities to deliver WFD objectives under the [Water Environment Regulations \(2017\)](#).

Policies

Policy 3 – Tackling the climate emergency (Strategic Policy)

As mentioned in our Regulation 18 response, we feel that the intrinsic link between the climate emergency and biodiversity crises should be further emphasised within this policy. Climate change is one of the main drivers for biodiversity loss, and the destruction of ecosystems undermines nature's ability to regulate greenhouse gases, however, biodiversity is only mentioned once within this policy.

Again, we recommend that the link between biodiversity and the climate crisis is expanded within the policy and is linked to the net gain policy set out in Policy 39: Biodiversity and Geodiversity.

Policy 7 – Waste and the Circular Economy (Strategic Policy)

In our Regulation 18 response, we requested that the policy included the requirement for a Construction Environment Management Plan (CEMP) for all development using the river to transport construction materials and waste to demonstrate how the river will be protected. We recommend that this requirement is stated within the policy, as the protection of the river ecosystem is of paramount importance.

Policy 8 – Flood Risk and Sustainable Drainage (Strategic Policy) Sustainable Drainage

As recommended in our Regulation 18 response, where feasible, SuDS should incorporate above ground features that are designed to maximise their ecological and aesthetic value and improve water quality. Any outfalls should be via open flow

routes that have minimal impact on the receiving watercourse. We recommend that the policy is updated to reflect these additional requirements.

Riverbanks

The requirement for a 16-metre buffer zone from a tidal flood defence and 8 metres for other main rivers should acknowledge the multiple benefits of undeveloped river buffer zones, including the benefits for biodiversity and efforts to achieve objectives under the WFD.

As suggested in our Regulation 18 response, there should be an emphasis on working with natural processes to reduce the risk of flooding. Examples include using soft engineering approaches to bank protection works on the River Thames wherever possible, which would provide multiple benefits for flood alleviation, biodiversity and helping watercourses achieve good ecological potential under the requirements of the WFD.

We acknowledge that this ethos is referenced within the supporting text in paragraph 16.81 stating 'The Council encourages the return of currently engineered riverbanks to a more natural state where this is possible', however, we strongly recommend this is moved into the main policy box of Policy 8 – Flood Risk and Sustainable Drainage (Strategic Policy) or Policy 40 - Rivers and River Corridors. Not only should the local plan encourage the return of engineered riverbanks to a more natural state, but it should also be opposed to new proposals to engineered riverbanks in order to make the policy more effective.

We have previously suggested wording to make this policy more effective:
“Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. Proposals for hard engineering approaches to riverbank protection, such as sheet piling, will be discouraged. Soft engineering approaches should be used wherever possible.”

In paragraph 16.74, more emphasis is needed on green alternatives for porous surfaces, including but not limited to grass, (native) trees, living walls, living/biodiverse green roofs etc. These not only provide excellent interception and reduced discharge rates but help to filter pollutants from entering the watercourse. This subsequently has an advantageous impact on Policy 9 – Water Resources and Infrastructure (Strategic Policy).

We are pleased to see references to natural flood management within the evidence base within paragraph 16.80 and the requirement for development to be set back within paragraph 16.83.

Policy 9 – Water Resources and Infrastructure (Strategic Policy)

We recommend that advice on how the WFD Waterbodies within the borough can achieve good ecological status/potential, via methods such as river restoration projects and soft engineering approaches to bank protection.

In order to make this policy more effective, we recommend that the protection of the boroughs rivers and watercourses is expanded to include further details on bank

protection. The use of hard engineering techniques is a specific local issue that we commonly see when responding to planning applications in the borough.

We are pleased that there is now a requirement for a construction management plan under point C (4) to reduce contamination of surface or ground water, however, this policy would be more effective if this was expanded to include main rivers and watercourses.

Policy 34 – Green and Blue Infrastructure (Strategic Policy)

We are pleased to see that our comments from our Regulation 18 response have been incorporated into this policy.

Policy 35 Green Belt, Metropolitan Open Land and Local Green Space

We recommend that the use of greener approaches to communal spaces are employed. We have seen with previous applications in Richmond that development has favoured large areas of impermeable hardstanding with a lack of greening of the river edge. There needs to be a paradigm shift in approach here as the use of greener approaches to communal open space not only address policy 9 and 10 but ensures less carbon impact through construction.

Policy 39 – Biodiversity and Geodiversity

We are pleased to see that our previous comments on the Regulation 18 consultation have been taken onboard with the inclusion of mitigation hierarchy included within the wording of this policy. The requirement for adequate and sufficiently robust information to be submitted alongside planning applications is a welcome addition to this policy.

We are also pleased that you have taken on our comments in our Regulation 18 response in relation to Biodiversity Net Gain (BNG) and have specified the use of the DEFRA metric. We note that you have not specified when the use of the river metric is required; while we understand that it may not be possible to outline the detailed BNG requirements, there seems to be a lot of confusion by developers and planning applicants about when the river element of the metric is needed and is largely ignored. It would be useful to include a short paragraph in the supporting text of Policy 40 – Rivers and Corridors that highlights the river element of the BNG metric will need to be submitted where the BNG guidance advises this is necessary to ensure that the local plan's policies are robust and effective.

Policy 40 – Rivers and River Corridors

There is an 8 metre buffer zone policy in paragraph 21.89. We are pleased to see that this includes culverted watercourses, however, this is an important policy, and we would strongly recommend that this is moved into the Rivers and River Corridors policy box (not just in the supporting text). We note that it is in the main policy box of the Flood Risk and Sustainable Drainage Policy but not the Rivers one. We are pleased to see that this buffer policy also includes culverted watercourses.

We would also strongly recommend that in conjunction with this buffer zone policy, the council requires a Landscape and Ecological Management Plan detailing how

this buffer will be protected and enhanced in the long-term. This is in line with our previous Regulation 18 comments.

We welcome the specification of the interrelated nature of Policy 8 – Flood Risk and Sustainable Drainage (Strategic Policy) & Policy 40 – Rivers and River Corridors within paragraph 21.89.

We are pleased to see that Part A of this policy has been expanded to include better access to rivers, the creation of new habitats, and improvements to flood defences and storage. As per our comments to the Regulation 18 consultation, this policy should acknowledge the need to bring all waterbodies in the borough into good ecological status/potential in line with WFD requirements.

While we welcome the inclusion of River Thames specific policy wording, other waterbodies should be referenced and included within the policy. The WFD is an important aspect that should be mentioned within the policy as it's a key piece of legislation that we will assess developments against. This policy should be specific about the nature of the development adjacent to rivers with stronger wording to support this in order to ensure that development meets the objectives of the WFD.

We suggest that this policy is updated with the following suggested wording:

“Development on sites that contain a watercourse or are situated next to a watercourse will comply with the following principles:

- Unless exceptional circumstances are demonstrated for not doing so, development should be set back 16m from the landward side of Thames Tidal flood defences, and 8m from the top bank of all other main rivers (including fluvial sections of the Thames).
- Development proposals that include culverting and hard bank protection, including sheet piling, will not be permitted.
- Buffer zones should be planted with locally native species of UK genetic provenance and free from any formal landscaping, including gardens.
- To reduce light spill into the river corridor outside the buffer zone, all artificial lighting should be directional and focused with cowlings, in line with guidance for the reduction of intrusive light produced by the Institute of Lighting Professionals.
- Where watercourses have been historically modified adjacent to or within development sites, the watercourse should be restored to a natural state. This includes the de-culverting of watercourses, re-naturalisation of riverbanks and restoring the natural width/depth of a watercourse where it has been degraded.
- Where barriers to fish movement (e.g., weirs) are present in a watercourse adjacent to or within a development, the design should include the removal of that barrier, or where not feasible, measures to allow for the natural movement of fish within the watercourse.
- A management plan for the undeveloped buffer zone should be produced to ensure biodiversity is maintained. Where invasive species are

present, these should be included to ensure they are not spread as a result of the development.”

As previously highlighted, the DEFRA Biodiversity Net Gain Metric will assess land within 10m of the river as part of the river habitat. Including the requirement for a 10m buffer will aid developers in achieving a minimum 10% biodiversity net gain.

Public access (D) should not impinge upon or preclude the future greening of a buffer zone between new development and the river wall. Ideally walkways and footpaths should respect this buffer zone and be set back from the top of bank to allow for a naturalised buffer between the river and the engineered environment. Our starting point for new development on tidal rivers is a 16m buffer.

We are pleased to see that in paragraph 21.96 they state they will support initiatives to de-culvert rivers where it is feasible and practicable to do so. We would also strongly recommend that they add that they are opposed to culverting watercourses as well because of the adverse ecological, flood risk, human safety and aesthetic impacts. This was also requested previously.

We are also pleased to see that you have taken on board our comments in relation to fish passage in paragraph 21.90.

Policy 41 - Moorings and Floating Structures;

Any new moorings or floating structures that could bottom out on a falling tide and preclude intertidal mudflat habitat should as a requirement incorporate a timber or metal grid structure to ensure mudflat is preserved and future maintenance to reinstate the bed is not required.

Policy 43 – Floodlighting and Other External Artificial Lighting;

Lighting should be informed by guidance set out in the [Artificial Lighting Guidance - Buildings, planning and development - Bat Conservation Trust \(bats.org.uk\)](#) in additional bird species may also be affected by artificial lighting creating a false dawn and using up vital reserves, especially in the winter. Direct overlighting of the watercourse is not permitted as this affects the diurnal rhythms of fish species.

Policy 45 – Tall and Mid-Rise Building Zones

With reference to Tall and Mid-Rise Building Near the River Thames Frontage B. This policy should include the expectation that developments will require an overshading assessment. Overshading affects diurnal rhythms of fish species and leads to limited growth of vegetated areas and thus could result in inadvertent negation of policies 8, 9, 34 and 39.

We have provided comments on several policy units relating to Water resources and quality, Land Contamination and Waste. Whilst the following recommendations for each policy do not affect the soundness of the plan, they could strengthen each respective policy and the overall the Local Plan.

3. Water resources and quality

Water resources are critical to sustainable economic growth and housing development as well as supporting the natural environment. Increasing population

and a changing climate will have an impact on water resources in the future. The local plan can help to ensure that water resources are protected and, where evidence justifies, that water efficiency measures are adopted as part of regeneration and development.

We highlighted in our Regulation 19 response that the Local Plan should recognise that The London Borough of Richmond upon Thames has been classified as an area of serious water stress and that there is limited water resource availability, along with demand and supply issues as set out in Water Companies Water Resource Management Plans (WRMP's). We highlighted in our response that we do not see any mention of this classification within the Local Plan. However, we acknowledge that within the supporting text to Policy 6 in paragraph 16.39, states that the Thames Water region has been designated to be 'seriously' water stressed which we welcome.

We note and welcome our comments regarding water infrastructure to support growth has been address as part of the Council's Infrastructure Delivery Plan.

4. Land Contamination

Part M of Policy 53. Local Environmental impacts

We welcome the inclusion of text to emphasise the risk of new development to water quality and request appropriate mitigation where required. Groundwater is constantly moving and once contaminated it can take a very long time to recover if at all. Therefore, the overarching approach to groundwater protection needs to be considered at the strategic planning stage.

In our Reg 18 response we recommended stronger and more clearer wording to clarify what is required both in terms of assessment and suitability when it comes to any proposed development. We acknowledge that there are requirements in the supporting text regarding details of required assessment and mitigation and welcome this as it mirrors what is required within the National Planning Policy Framework.

5. Waste

Part I of Policy 53. Local Environmental impacts

We requested amended to include additional detail on developer's requirements and for any waste sites specifically to be mentioned. In response it was not considered necessary to specifically mention waste sites, with regards to applicant's requirements for new developments near these sites, as this is covered within 'nuisance-generating uses' and would be subject to the agent of change principle.

Although we agree that Part C of Policy 53 somewhat address this issue, we would still recommend further detail on specific development requirements. This would ensure consistency with each application and establish a baseline for what each developer is required to consider so they can ensure that it is considered as earliest as possible in their design process to maximise opportunities to minimise environmental impacts.

Section 2 – Site allocations

Place-based strategy for Ham, Petersham & Richmond Park

We welcome that, in line with our Regulation 18 Consultation response, the ‘Policy’ section of the Place-based strategy for Ham, Petersham & Richmond Park emphasises the need to improve the riverside environment.

Site allocation 2 – Platts Eyot

We welcome that, in line with our Regulation 18 Consultation response, the Sequential Test Report (dated April 2023) now describes the proposed use of the site as ‘more vulnerable’ due to the potential residential use.

The site allocation also notes that ‘Any scheme would need to ensure safe access to and egress from the island, to the Environment Agency’s satisfaction, noting the existing restricted access and flood constraints’. We would like to highlight that the Environment Agency is not responsible for assessing safe access and egress. However, we would welcome being referenced in association with the works to determine whether the site should be designated as Flood Zone 3b , in line with Paragraph 16.66.

We understand the Local Planning Authority’s reasoning for not including additional references to flood risk requirements due to these aspects already being included within other policies.

Place-based strategy for Richmond & Richmond Hill

We welcome that, in line with our Regulation 18 Consultation response, the ‘Policy’ section of the Place-based strategy for Richmond & Richmond Hill emphasises the need to improve the riverside environment.

Site allocation 18 – Twickenham Riverside and Water Lane/King Street

We welcome that the site allocation has removed the term ‘where viable’ in relation to the flood defence improvement works.

Site allocation 31 – Mellis Avenue, Kew

We understand that the site allocations must be in line with other policies in the Local Plan and therefore that it is not necessary to reiterate these requirements within the site allocation.

Site Allocation 32 - Kew Biothane Plant, Melliss Avenue, Kew

This site has been identified as a key opportunity for Water Framework Directive (WFD) improvement by way of managed realignment of the flood defence. Actions required to deliver such an improvement involve Intertidal terracing between Kew Bridge and Chiswick Bridge (left bank). Terracing achieved by setting back within the footprint of the defence and using structurally engineered design.

This will provide improvement to WFD status by enhancing condition of channel/bed and/or banks/shoreline, providing benefits to biodiversity and the geomorphology of the river. We would recommend that any development at this site comes with the expectation of carrying out such an intertidal enhancement.

Place-based strategy for Mortlake & East Sheen

We welcome that, in line with our Regulation 18 Consultation response, the 'Policy' section of the Place-based strategy for Mortlake & East Sheen emphasises the need to improve the riverside environment.

Site Allocation 35 - Stag Brewery, Lower Richmond Road, Mortlake

This site has been identified as a key opportunity for WFD improvement by way of managed realignment of the flood defence. Actions required to deliver such an improvement involve set back of the flood defence and replace stone/concrete slope with bioengineered design at grid reference TQ2066776024.

This will provide improvement to WFD status by re-naturalising the modified bank, providing benefits to biodiversity and the geomorphology of the river. We would recommend that any development at this site comes with the expectation of carrying out such an intertidal enhancement.

We understand the Local Planning Authority's reasoning for not including additional references to flood risk requirements due to these aspects already being included within other policies.

Site allocation 37 - Barnes Hospital, Mortlake and East Sheen

We welcome that reference to our intention to update the flood risk modelling has been noted as part of this site allocation.

Place-based strategy for Barnes

We welcome that this place-based strategy has been updated in line with our Regulation 18 consultation response to ensure that any works to the terrace are in accordance with other flood risk and biodiversity policies.

Section 3 – Sustainability Appraisal & Sequential Test Report

We welcome to amendments to the summary section to reference the natural environmental features raised as requested in our response.

We commented on a number of objectives and for SA Objective: Adapt to the effect of climate change disagreed with the conclusion that it has both a neutral or uncertain effect. In response, it was stated that the nature of the Sustainability Appraisal means that the assessment of specific SA objectives and policies is broad, and it is considered difficult to separate where specific effects have not been accurately predicted as the assessment takes a much broader consideration, to form an overall score. We do agree that with regards to flood risk it is difficult to identify specific effects without detailed information on the specific proposal. We consider, for example the SFRA contains appropriate recommendations to ensure development is designed to minimise and mitigate flood risk where appropriate to ensure it complies with the Local Plan and NPPF.