



1. Introduction

- 1.1 Savills (UK) Ltd ('Savills') has been instructed by Promontoria Hurlingham Ltd ('PBL') to prepare this statement and participate in the forthcoming examination of the London Borough of Wandsworth ('LBW') Draft Local Plan 2023-2038 ('The Draft Plan').
- 1.2 PBL exchanged contracts to purchase 1 Battersea Bridge Road ('the Site') in 2021, an unallocated site within the Ransomes Dock Area of Focal Activity, with the aim of bringing it forward for residential-led mixed-use redevelopment. The site is a significantly under-utilised office building that is not built for modern use. The site occupies a highly sustainable, well-connected location and therefore presents an excellent opportunity to help the LB of Wandsworth deliver a number of policy ambitions, in particular making a significant contribution towards market and affordable housing.
- 1.3 We understand that the Inspectors are not assessing the merits of omission sites as part of this Examination process. As such, reference made to the Site in this hearing statement seeks to demonstrate, by way of example, the deficiencies of the Draft Plan's evidence base, concluding that the Draft Plan is not sound.
- 1.4 This statement proposes one modification to the wording of Policy LP12 to ensure the policy is justified, effective and consistent with national policy. This statement responds to Matter 14 which poses the questions:
 - *Are the requirements of the Tackling Climate Change policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirement of the London Plan?*
 - *Do Policies LP10-LP14 provide clear direction as to how a decision maker should react to a development proposal?*

2. Main Representation

Are the requirements of the Tackling Climate Change policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirement of the London Plan?

2.1 Paragraph 161 (b) of the National Planning Policy Framework ('NPPF') states:

'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by...safeguarding land from development that is required, or likely to be required, for current or future flood management.'

2.2 Paragraph 167 of the NPPF states that:

“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.’*

2.3 London Plan Policy SI12 (Part F) states:

‘Development proposals adjacent to flood defences will be required to protect the integrity of flood defences and allow access for future maintenance and upgrading. Unless exceptional circumstances are demonstrated for not doing so, development proposals should be set back from flood defences to allow for any foreseeable future maintenance and upgrades in a sustainable and cost effective way.’

2.4 Both the NPPF and London Plan policies identified above seek to ensure that development proposals are sufficiently flood resilient and would not result in increased flood risk elsewhere. However, neither set out a prescriptive or rigid approach to appropriate flood risk measures.¹

Draft Policy LP12 (H)(3) – as amended by main modification PPMM/086 – however, states:

‘All developments should be set back 16 metres from the landward side of tidal flood defences, and 8m from the top bank of all other main rivers (including from the outer edge of culverted main rivers).’

2.5 Draft Policy LP12 (H)(3) is prescriptive and does not allow for any flexibility in approach so that a decision maker could assess the merits of any individual case on its merits. There are many examples of existing buildings or recent developments (see Table 1 below) that lie within these thresholds for the River Thames or other water courses. The application of this policy, as drafted, does not allow these sites to make a case, through the development management process, that their re-development would not result in increased flood risk elsewhere or preclude flood management activities from being carried out by the Environment Agency. On that basis, we do not consider the draft policy to be sound, effective or in general conformity with the London Plan.

2.6 Table 1 below illustrates a number of other London Boroughs which have included a degree of flexibility into their relevant Local Plans. Table 1 clearly demonstrates that where Boroughs have included the 16m setback in policy they have planned for sufficient flexibility in the policy through either ‘exceptional circumstances’ or ‘where possible’ so-as-to maintain room for the development management and iterative design processes. In light of the above and Table 1, it is unclear what evidence LBW has utilised to justify this rigid Draft Policy LP12 (H)(3).

¹ See submitted Hearing Statement MM1 submitted on behalf of PBL.

Table 1. Other London Borough Examples

Borough	Local Plan Adoption	Policy Reference	Wording
Richmond upon Thames	2018	LP21 (D)(3)	Set back developments from river banks and existing flood defence infrastructure where possible (16 metres for the tidal Thames and 8 metres for other rivers)
Westminster	2021	E35 (G)	All existing flood management infrastructure will be protected, including access for maintenance. Wherever possible , an undeveloped buffer zone of 16m should be maintained around flood defence structures, including buried elements of the flood defence.
Tower Hamlets	2020	D.ES4 (6)	Development is required to enable effective flood risk management through: <ul style="list-style-type: none"> a. Requiring development along the River Thames and the River Lea and its tributaries to be set back by the following distances unless significant constraints are evidenced: <ul style="list-style-type: none"> i. A minimum of a 16-metre buffer strip along a tidal river, and ii. A minimum of an 8-metre buffer strip along a fluvial river.
Lambeth	2021	EN5 (G)	For developments adjacent to the River Thames and River Graveney, maintenance, remediation and improvements to the flood defence walls will be required where necessary. Developments adjacent to defences and culverts should demonstrate that their development will not undermine the structural integrity or detrimentally impact upon its intended operation and future maintenance.
		Supplementary Paragraph 9.45	Any development adjacent to the River Thames or River Graveney, should allow for inspection, maintenance and replacement of flood defences to be done in a safe manner without incurring undue costs and environmental impacts. To do this development adjacent to the tidal River Thames should maximise opportunities to achieve a 16m setback from the rear of the flood defences. On the fluvial River Graveney development should maximise opportunities to achieve an 8m setback from the watercourse, defences and culverts.

2.7 Table 2 below provides examples of schemes in LBW that have been approved with a setback lower than 16m of the tidal Thames or 8m from other rivers (such as the River Wandle).

Table 2. Precedent Planning Applications in LBW

Application Reference	Description of Development	Relevant River	Approved Setback (m)
2014/6909	<p>A) 2014/6909 - Demolition of part-retained building on site. Erection of a 28 storey building comprising 135 residential units and ancillary floorspace (Use Class C3); commercial floorspace at ground floor and mezzanine levels (Use Classes A1-A4 (retail, professional and financial services, restaurants and cafes and drinking establishments) and Class B1a (offices)); 30 car parking spaces, cycle parking and waste storage within a basement; on-site CHP and substation; public realm works; works to river wall; ground floor ventilation structure and escape stair structure along southern boundary; and access to two car lifts off Lombard Road. B) 2014/6957 - Removal of two sections of boundary wall abutting Cremorne Bridge (grade II* listed)</p>	Thames	Minimum 7.8m
2017/1458	<p>Demolition of existing warehouse buildings and erection of a 2 - 6 storey building comprising 34 x residential (Class C3) units, flexible commercial floorspace (Class A1/A2/A3/A4) and office space (Class B1a) at ground floor; restoration works,</p>	Wandle	Minimum 4.1

	alterations and rear extensions to existing 1-9 Church Row Listed Buildings to enable the change of use from office (Class B1) to residential (Class C3) comprising 1 x dwellinghouse, 13 x flats and 2 x live/work units (sui generis); provision of associated landscaping, refuse storage and cycle parking; and public access to the River Wandle from Wandsworth Plain.		
--	--	--	--

Proposed Modifications

2.8 We do not consider Draft Policy LP12 (H)(3) to be sound. As such, we request that the Inspectors consider the amendments suggested below in order to declare the plan sound.

Table 2. Proposed Main Modifications

Draft Policy	Draft Wording	Proposed Wording
LP12 (H)(3)	All developments should be set back 16 metres from the landward side of tidal flood defences, and 8m from the top bank of all other main rivers (including from the outer edge of culverted main rivers).	Wherever possible, A all developments should be set back 16 metres from the landward side of tidal flood defences, and 8m from the top bank of all other main rivers (including from the outer edge of culverted main rivers).

3. Conclusions

3.1 This statement sought to answer the two questions raised by Inspectors in Matter 14. These questions are:

1. *'Are the requirements of the Tackling Climate Change policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirement of the London Plan?'*

A: For reasons outlined throughout this statement, we consider that the requirements of Tackling Climate Change are not justified by appropriate evidence, having regard to national guidance, local context and the London Plan.

2. *'Do Policies LP10-LP14 provide clear direction as to how a decision maker should react to a development proposal?'*

A: It is our view that Draft Policy LP12 does not provide clear direction as to how a decision maker (LBW) should react to a development proposal. We consider that our proposed modifications as per Table 2 will provide clarity.