

London Borough of Wandsworth

Our ref: SL/2006/100015/CS-12/EW1-L01

Sent via email.

Date: 17 March 2023

Dear the Wandsworth Policy Team,

Thank you for consulting the Environment Agency on the Regulation 19 Wandsworth Local Plan Schedule of Proposed Main Modifications.

We welcome that the proposed modifications have adopted most of our advice from Regulation 19 consultation response and amended the policies in line with it. We have reviewed the Schedule of Proposed Main Modifications and have some further comments and suggestions.

Please see our comments attached. We would be happy to discuss these comments in further details should you find this useful.

We hope you find our comments useful and look forward to reading the finalised local plan.

Yours faithfully,

KSL Sustainable Places Team

Email: kslplanning@environment-agency.gov.uk

Flood Risk

The following comments relate to the proposed main modification of Policy LP12 Water and Flooding.

Main Modification Number	Section of the Plan	Proposed Main Modification	Environment Agency comment
MM153	LP12 Water and Flooding	Amend Policy LP12 A as follows: 'All planning applications will need to clearly demonstrate that the proposals avoid, minimise , or reduce contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater, flooding from sewers, take account of climate change (including predicted future changes), and would not increase flood risk elsewhere.'	We support this modification.
MM154	LP12 Water and Flooding	Amend the 2nd sentence of Policy LP12 B as follows: 'The Sequential Test is considered to have been passed, and a Flood Risk Assessment will not be required, is not a major development or at least one of the following applies if the proposal meets one of the following criteria: '	We support this modification.
MM155	LP12 Water and Flooding	Amend Policy LP12 B.4. As follows: 'Minor development*, conversions and change of use (<u>except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.</u>)'	We support this modification.
MM156	LP12 Water and Flooding	Insert footnote to Policy LP12 as follows:	We support this modification.

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		<p><u>'*Minor development is defined in Section 1b 'Interpretation of Table' of Schedule 4 'Consultations before the grant of permission' of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (The Town and Country Planning (Development Management Procedure) (England) Order 2015 (legislation.gov.uk)) and in Paragraph: 046 Reference ID: 7-046-20140306 of the Planning Practice Guidance (Flood risk and coastal change).'</u></p>	
MM157	LP12 Water and Flooding	<p>Delete Policy LP12 B.5 and move within new paragraph E as follows:</p> <p>'The application of Sequential Test</p> <p>A. Future development in Zone 3a and Zone 2 will only be considered if the 'Sequential Test' has been applied and the Exceptions Test passed in accordance with national planning policy and guidance. <u>For development sites falling outside of the areas below, the default area of search for the Sequential Test to be applied will be the borough administrative area, unless justification is provided for a smaller area as described in the Strategic Flood Risk Assessments.....'</u></p>	<p>Our Regulation 19 comments for this part of the policy were regarding fixing formatting errors only.</p> <p>This modification suggests moving this part to a new part 'E' but then within the text references 'A'. We understand that this section regarding the sequential test will be moved to a part E later in the policy. We recommend keeping the Sequential Test and Exception Test earlier within the policy to demonstrate that these should be considered early on at site selection, rather than an after thought during the planning application.</p> <p>We support this modification in principle, subject to formatting errors being rectified.</p>

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MM158	LP12 Water and Flooding	<p>Policy LP12 C is proposed to be moved as new paragraphs under 'Flood Risk Management' and split as follows:</p> <p>C. B. Development will be guided to areas of lower risk, both on-site and by applying the 'Sequential Test' <u>unless already passed under part E below</u>, as set out in national policy guidance, and where required, the 'Exception Test'. Inappropriate developments and land uses will be refused in accordance with national policy and guidance, and the Council's Strategic Flood Risk Assessment (SFRA).</p> <p><u>C.</u> In flood zones 2 and 3, all planning applications (or other relevant applications) on sites of 10 or more dwellings or 1000sqm of non-residential development or more, or on any other proposal where safe access/egress cannot be achieved, a Flood Emergency Plan must be submitted.</p> <p>D. Where a Flood Risk Assessment is required, <u>applicants will be required to demonstrate that their proposal does not increase, and reduces surface water, fluvial and/or tidal flood risk elsewhere by ensuring that:</u></p> <p><u>1. Any loss of fluvial flood storage within the 1 in 100 plus appropriate climate change allowance flood</u></p>	<p>We welcome that the different aspects of flood risk management have been split into separate bullet points for clarity. We also welcome that specific flood storage compensation requirements have been clarified within the policy. Therefore, we support this modification.</p> <p>We also welcome that the wording surrounding providing additional flood storage has been clarified and strengthened. As noted in our Regulation 19 response, for the Environment Agency to maintain a consistent position across all areas, we will only be able to assess whether a site has demonstrated that there is no loss in flood storage. We will not be able to assess whether a site has demonstrated additional flood storage. You should consider how this policy will be assessed in practice.</p> <p>We recommend that you discuss any safe access/egress and Flood Emergency Plan requirements (set out in Part C) with the appropriate department, as this is outside of our remit.</p>

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		<p><u>extent must be compensated for on a level for level, volume for volume basis. Proposals must demonstrate that fluvial flood flow routes are not impeded.</u></p> <p><u>2. In undefended tidal areas there is no increase in built footprint or raising of ground levels. Where water compatible structures are acceptable, such as pontoons or slipways, they must be designed to minimise the loss of flood storage i.e. floodable, hollow structures.</u></p> <p><u>3. Unless exceptional circumstances are demonstrated for not doing so, opportunities to provide additional flood storage must be considered and be designed into the development, in addition to ensuring no loss of surface water, fluvial and/or undefended tidal flood storage.</u></p> <p>on-site attenuation solutions to alleviate fluvial and/or surface water flooding over and above floodplain compensation is required. The consideration of potential increases in flood risk off-site where development would result in a loss of floodplain storage is also required with suitable mitigation proposed in accordance with the advice of the Environment Agency</p>	

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		and Lead Local Flood Authority.'	
MM159	LP12 Water and Flooding	Additionally, for clarification and consistency it is proposed to remove the words 'Tidal/Fluvial' from table 15.1 as follows: 'Zone 3a (Tidal/Fluvial)'	We support this modification.
MM160	LP12 Water and Flooding	Amend Policy LP12 Table 15.1, Zone 3a as follows: 'To provide safe refuge, and depending on location, finished floor levels for all development must be raised to a minimum of 300mm above the 1 in 100 fluvial level inclusive of an allowance for climate change, or an appropriate extreme water level as advised by the Environment Agency for defended tidal areas. In areas of fluvial flood risk, finished floor levels for all development must be raised to a minimum of 300mm above the 1 in 100 inclusive of an allowance for climate change flood level. In areas of defended tidal flood risk, as a minimum, all sleeping accommodation must be located on finished floor levels above the appropriate extreme water level as advised by the Environment Agency. Safe access and egress at a Low Hazard rating is required.	We support this modification as the requirements for raising finished floor levels in tidal and fluvial flood risk areas has been clarified.
MM161	LP12 Water and Flooding	Amend Table 15.1 row 3, column 2 (Zone 3a) as follows:	We support this modification.

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		<p>'Self-contained residential basements will not be permitted, in locations at risk of fluvial, or tidal defended flooding.</p> <p>Bedrooms at basement level will not be permitted in fluvial flood risk areas subject to <u>with the exception of the requirements set out in Table 15.2.'</u></p>	
MM162	LP12 Water and Flooding	<p>Amend Policy LP12 Table 15.1, Zone 2 as follows:</p> <p>'To provide safe refuge, and depending on location, finished floor levels for less and more vulnerable development must be raised to a minimum of 300mm above the 1 in 100 fluvial level inclusive of an allowance for climate change, or an appropriate extreme water level as advised by the Environment Agency for defended tidal areas. In areas of fluvial flood risk, finished floor levels for all development must be raised to a minimum of 300mm above the 1 in 100 inclusive of an allowance for climate change flood level. In areas of defended tidal flood risk, as a minimum, all sleeping accommodation must be located on finished floor levels above the appropriate extreme water level as advised by the Environment Agency. Safe access and egress at a Low Hazard rating is required.'</p> <p><u>'To provide safe refuge, and depending on location, finished floor levels for less and more vulnerable development must be raised to a minimum of 300mm above the 1 in 100 inclusive of an allowance for climate change, or an appropriate extreme water level as advised by the Environment Agency for defended tidal areas. In areas of fluvial flood risk, finished floor levels for all development must be raised to a minimum of 300mm above the 1 in 100 inclusive of an allowance for climate change flood level. In areas of defended tidal flood risk, as a minimum, all sleeping accommodation must be located on finished floor levels above the appropriate extreme water level as advised by the Environment Agency. Safe access and egress at a Low Hazard rating is required.'</u></p>	We support this modification.

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MM163	LP12 Water and Flooding	Amend Table 15.1 row 4, column 2 (Zone 2) as follows: 'Self-contained residential basements will not be permitted, in locations at risk of fluvial, or tidal defended flooding. Bedrooms at basement level will not be permitted in fluvial flood risk areas subject to <u>with the exception of</u> the requirements set out in Table 15.2.'	We support this modification.
MM164	LP12 Water and Flooding	Amend table 15.2 row 2 column 2 (Flood Zone 3a) as follows: '•New basements: •If the Exception Test (where applicable) is passed, basements may be permitted for residential use where they are not self-contained, or, in locations at risk of fluvial flooding, are not used for bedrooms.	This table sets out basement requirements in relation to different 'breach hazards'. We understand this is an existing policy within the Richmond Local Plan (2018). The different requirements depending on different breach hazards were designed by the council and are stronger than the Environment Agency approach. Therefore, we recommend you discuss internally whether this is in line with the LPAs stance. We have the following comments for you to consider. As this table is in relation to basements affected by 'breach hazards' then this relates to defended tidal flood risk areas only. We welcome that fluvial references have been removed. However, we recommend whether you consider if these should be referenced elsewhere, or whether the table should be amended to reflect fluvial and tidal breach flooding. We also

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			note that the table included comments regarding surface water flooding. We recommend whether you consider this is appropriate considering the table titles are only considered breach hazards, which is unrelated from surface water. We recommend that you consider whether this table should be updated to discuss basements in flood risk areas generally, to incorporate all sources of flood risk, not just breach hazard ratings.
MM165	LP12 Water and Flooding	Amend table 15.2 row 2 column 2 (Flood Zone 3a) as follows: 'If a basement, basement extension or conversion is acceptable in principle in terms of its location, it must: <ul style="list-style-type: none"> • have safe access threshold levels and internal staircases provided to access floors to a minimum of 300mm above the 1 in 100 fluvial level inclusive of an allowance for climate change, or an appropriate extreme water level as advised by the Environment Agency for defended tidal areas.' 	See comments under MM164.
MM166	LP12 Water and Flooding	Amend table 15.2 row 2 column 2 (Flood Zone 2) as follows: '•New Basements: <ul style="list-style-type: none"> •If the Exception Test (where applicable) is passed, basements may be permitted for residential use where they are not self-contained, or in 	See comments under MM164.

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		<p>locations at risk of fluvial flooding, are not, in locations at risk of fluvial flooding, are not used for bedrooms.</p> <p>•Existing Basements: •Basement extensions, conversions or additions maybe permitted for existing developments where they are not self-contained, or, in locations at risk of fluvial flooding, are not used for bedrooms.</p>	
MM167	LP12 Water and Flooding	<p>Amend Table 15.2 row 2, column 1 (flood zone 3a) as follows:</p> <p>'Flood Zone 3a (<u>Tidal</u>)'</p>	See comments under MM164.
MM168	LP12 Water and Flooding	<p>Amend Table 15.2 row 3, column 1 (flood zone2) as follows:</p> <p>'Flood Zone 2 (<u>Tidal</u>)'</p>	Please see comments under MM164.
MM169	LP12 Water and Flooding	<p>For consistency with the information set out regarding existing basements in flood zone 2 it is proposed to add the following wording to row 2 column 2 (flood zone 3a) following the New basements bullet points and paragraph:</p> <p>'In areas of Extreme, Significant and Moderate Breach Hazard (as set out in the Council's SFRA):</p> <ul style="list-style-type: none"> • <u>Existing basements:</u> •<u>No basement extensions, conversions or additions for 'Highly Vulnerable' uses.</u> •<u>'More Vulnerable' uses will only be considered if a site-specific Flood Risk</u> 	Please see comments under MM164.

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		<p><u>Assessment demonstrates that the risk to life can be managed.</u></p> <p>In areas of Low or No Breach Hazard (as set out in the Council's SFRA):</p> <ul style="list-style-type: none"> •<u>Existing basements;</u> •<u>Basement extensions, conversions or additions may be permitted for existing developments where they are not self-contained.'</u> <p>It is also proposed to modify table 15.1 to allow for the consistency of these proposed changes to be accommodated.</p>	
MM170	LP12 Water and Flooding	<p>Delete LP12 E.3 as follows:</p> <p>'There should be no loss of flood storage in areas affected by fluvial flooding and any increase in built footprint within the fluvial 1 in 100 (inclusive of climate change allowance) flood extent must be compensated for on a level for level, volume for volume basis.'</p>	<p>We support this modification. The section title is discussing sustainable drainage (surface water), and therefore these deleted comments are not relevant here as they are regarding fluvial flooding. These have now been accommodated for in a more suitable section of the policy.</p>
MM171	LP12 Water and Flooding	<p>Amend Policy LP12 H.3 as follows:</p> <p><u>'All development proposals should be set back 16 metres from the landward side of any tidal Thames flood defences, unless exceptional circumstances are demonstrated for not doing so, which has to be justified by evidence submitted at planning application stage</u></p>	<p>We welcome this modification. It will ensure that we are provided with the justification and evidence required for us to be able to act flexibly in our decision making with the set back distances achieved on a site by site basis.</p>

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		<p><u>and agreed by the Environment Agency. All developments along other main rivers (including culverted main rivers) should be set back by 8 metres from the top of the bank or from the outer edge of the culvert unless significant constraints for not doing so are evidenced at planning application stage and agreed by the Environment Agency. This is to allow for any foreseeable future maintenance and upgrades in a sustainable and cost-effective way.</u></p> <p>That any physical structures are set back from river banks and existing flood defence infrastructure unless it can be clearly demonstrated that the effectiveness of such infrastructure would not be compromised (the distances being 16 metres for the tidal Thames and 8 metres for other rivers including those culverted).'</p>	
MM172	LP12 Water and Flooding	<p>Delete part 7 of LP12 H and add wording as follows:</p> <p><u>'The culverting of watercourses and building over culverts will not be supported. Deculverting and the naturalisation of watercourses is encouraged where possible. Culverting of water courses and building over culverts will be resisted unless it can be clearly demonstrated that such approaches are necessary in</u></p>	We support this modification.

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		order to achieve the delivery of development. Deculverting is encouraged where possible.'	
MM173	LP12 Water and Flooding	<p>Amend paragraph 15.54 of the supporting text as follows:</p> <p>'Proposals for redevelopment should seek opportunities to set back the development from existing <u>main rivers</u> and flood defences. The Council, in conjunction with the <u>Environment Agency</u>, will require a buffer zone of 8 metres on the borough's <u>main rivers</u> and (including culverted <u>main rivers</u>) and 16 metres for the tidal Thames <u>flood defences</u>. <u>These distances were developed to protect the structural integrity of the defences and riverbanks</u> This is to allow for the maintenance and future upgrading of the flood defences <u>and riverbanks</u> as well as for improvements to flood flow and flood storage capabilities. <u>There may be situations where it is not feasible to set back development by the above amounts. Where applicants wish to depart from these standards, full justification must be provided at planning application stage and agreed with the Environment Agency.</u> Applicants are strongly encouraged to liaise with the <u>Environment Agency</u> for any development that could affect flood defence infrastructure as their consent will be required for any works that could affect the flood</p>	We welcome this modification. It will ensure that we are provided with the justification and evidence required for us to be able to act flexibly in our decision making with the set back distances achieved on a site by site basis.

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		<u>defences. and/or main rivers at the pre-application stage, especially as additional permits from the Environment Agency may be required for any works within these zones that could affect the flood defences and/or main rivers, as required by the Environmental Permitting (England and Wales) Regulations 2016.'</u>	
MM174	LP12 Water and Flooding	Delete part 7 of LP12 H and add wording as follows: <u>'The culverting of watercourses and building over culverts will not be supported. Deculverting and the naturalisation of watercourses is encouraged where possible. Culverting of water courses and building over culverts will be resisted unless it can be clearly demonstrated that such approaches are necessary in order to achieve the delivery of development. Deculverting is encouraged where possible.'</u>	We believe this is a duplication of modification MM172.

Biodiversity

The following comments relate to our previous suggestions and advice regarding biodiversity in relation to Policy LP55 Biodiversity and LP58 River Corridors.

Policy LP55 Biodiversity

Now the Environment Bill has achieved Royal Assent, a more detailed policy outlining the requirements for BNG would help strengthen local policy. Within our Draft Regulation 19 response we recommended that a borough-specific Biodiversity Net Gain (BNG) policy would help to deliver BNG and set out strategies that you require developers to consider such as Green Infrastructure strategies, Local Nature Recovery Strategies (LNRS). We are disappointed that this has not been acted upon.

We recommend that a borough-specific BNG policy that confirms the specific requirements for BNG, such as the 10% BNG requirements as outlined in the Environment Bill. This would support the policy wording for Policy LP55 and the Environmental Objectives.

LP58 River Corridors

We're pleased to see that the policy has been strengthened with the inclusion of a 16m (tidal Thames) or 8m buffer zone to prevent encroachment on the river corridors. As per our Regulation 19 response, we recommend that the supporting text directs developers to the BNG metric and states that encroachment with a 10m buffer zone will be penalised by the metric, to promote the benefit of protecting riverbanks and river corridors.

Site Allocations

We provided several comments related to the site allocations and place making policies at the Regulation Stage 19 stage. These reiterated our comments at the Regulation 18 Stage in that they have not been incorporated fully into policy, or where further improvements to wording could have been made. We wish to reiterate that further improvements could be made to the site allocation and place making policies, namely, buffer zone set back and ecological enhancements.

Although these requirements are set out elsewhere in general policies of the plan, we feel that identifying opportunities at a site-specific level for environmental enhancements will help make clearer what the expectations are for redevelopment. Set back requirements for example may result in a significant change to the existing river corridor at the site. Thus, it is imperative that the developer is aware what specific opportunities there are on site and to engage with the appropriate bodies at the earliest stage possible.