

London Borough of Richmond upon  
Thames  
Planning Department  
Civic Centre  
44 York Street  
Twickenham  
Middlesex  
TW1 3BZ

**Our ref:** SL/2020/120219/01-L01  
**Your ref:** 20/1040/FUL  
**Date:** 03 July 2020

Dear Sir/Madam

## **INSTALLATION OF NEW PILING TO THE RIVERBANK.**

### **PLATTS EYOT, LOWER SUNBURY ROAD, HAMPTON, RICHMOND UPON THAMES, TW12 2HF**

Thank you for consulting us on the above application.

We have reviewed the information submitted and wish to raise the following objections (Biodiversity & Flood Risk) below.

#### **Biodiversity**

We have major concerns about the installation of hard bank engineering when no satisfactory justification has been given for the use of this method over more ecologically and morphologically appropriate options. The use of hard bank engineering does not support, and actively works against, RBMP and WFD objectives for this catchment. Natural bank is an important natural feature which has been severely deteriorated, especially in the Lower Thames catchment. Every effort should be made to support development which utilises alternative methods of bank protection and leaves the river in a better state. This development should be following mitigation hierarchy principles and securing a net positive for the river.

#### **Environment Agency position**

We object to the proposed development as submitted due to the adverse impact it would have on nature conservation and the River Thames. Rivers are listed as being of 'principal' importance under s41 of the Natural Environment and Rural Communities (NERC) Act 2006.

The proposed development involves significant hard engineering of natural bank and

the removal of bed material, which will adversely impact the geomorphological and ecological functioning of the river.

The submitted planning application and associated documents indicate that the installation of sheet piling and changes to the bed and banks of the River Thames will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016. This is unlikely to be granted for the current proposal. We therefore recommend that planning permission is refused, due to its impacts on nature conservation and physical habitats.

### **Reason(s)**

Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. We seek to restore and enhance watercourses to a more natural channel wherever possible. Erosion is a natural process and in this case there has been no erosion evidence provided, nor does there seem to be a significant risk posed by erosion. Therefore there has been no justification for hard bank engineering in this location.

England's Biodiversity strategy identifies those priority habitats which are also listed as being of 'principal' importance under section 41 of the NERC Act 2006. This Act states that local planning authorities must consider these habitats in their decision-making, because of their duty to conserve biodiversity (section 40).

In this instance, the proposed development will have a detrimental effect on a priority habitat that we have a role in protecting. The application does not include any information about the measures proposed to assess and address risk to ensure protection of the river in this location. In particular the application fails to address the impact of destroying natural bank and severing natural processes through the use of sheet piling.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

In determining the flood risk activity permit for this development, we will assess its compliance with the River Thames River Basin Management Plan (RBMP). We'll also consider how the development will affect natural processes, biodiversity and the wetland environment. In addition, the *River Thames RBMP* requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. In particular, the **removal** of hard bank protection has been identified within the RBMP for the Maidenhead to Teddington Catchment. The proposal does not support the *recovery of natural processes in this reach and could contribute to further deterioration in the WFD ecological status of the waterbody. Therefore the proposed development does not meet the requirements of the Water Framework Directive unless the provisions of Article 4.7 of the Water Framework Directive can be met. Similarly, Platts Eyot is in the 'River Thames and tidal tributaries' Local Wildlife Site, in which further development requiring hard engineering of natural banks should be discouraged and avoided. Developments should be avoiding the use of hard engineering by utilising greener, softer alternatives. Otherwise, schemes should be*

providing appropriate justification, mitigation and compensation for the use of hard bank engineering, e.g. the removal of hard bank engineering in a lower vulnerability areas. The Local Authority and the Environment Agency should be encouraging the net removal of hard engineering along the banks of the River Thames.

### **Planning Policy**

This development is not in line with Richmond Council's adopted local plan (2018) which states that "biodiversity and habitats as well as the unique environment of the borough's rivers and their corridors [will be] protected and enhanced where possible". Similarly, Policy LP 18 states that "development adjacent to the river corridors will be expected to contribute to improvements and enhancement to the river environment". This proposed development does not protect the river environment, nor does it contribute any enhancement.

The proposal is also contrary to London Plan 2016 Policy 7.19 Biodiversity and access to nature.

### **Overcoming our objection**

It may be possible to overcome our objection by submitting justification for bank protection. Any scheme proposed should avoid the use of hard engineering of banks and the removal of bed material from the River Thames. The scheme could utilise softer, greener bank protection measures. The development should also provide a betterment, e.g. natural bank reinstatement around the island, riparian planting, fish habitat installations.

### **Flood Risk**

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The application form states that the works are for the installation of new piling to the riverbank. There has been previous planning history where works were granted but the time elapsed (ref 14/4211/FUL). However, this is a new application and must be considered as such.

Unfortunately, we are unable to review this application due to the supporting information conflicting with the application form. It is unclear what the applicant wants to apply for.

In the Planning, Design and Access Statement (April 2020) it states in section 1.1 "installation of new piling" but then it goes on to state in section 1.2 "The river bank works include the construction of new sheet piling and retaining wall involving excavation of the existing riverbank. Repairs to the existing piling to Platts Eyot are also be carried out" but then in section 6.1 it states is for the installation of new piling. The Location Plan (Ref PEH\_RVBANK\_400) and Piling Detail "PEH\_RVBANK\_401" only make reference to the piling only. There is no reference to a retaining wall or other works and where they are located.

The Flood Risk Assessment (23 April 2020) makes reference to new sheet piling and retaining wall but then goes on to mention about piled footing at another location (adjacent north bank). It states in section 2.1 "The proposed works involve the installation of new sheet piling to protect the existing natural bank and extension of

an existing floating to allow the mooring of boats". Furthermore, the FRA seems to focus more on the pontoon installation works rather than on the piling installation works.

The applicant would need to provide documentation which supports what the application is for. At present there is insufficient information so we would have to object.

### **Overcoming our objection**

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

### **Decision notice request**

The Environment Agency requires decision notice details for this application in order to report on our effectiveness in influencing the planning process. Please email [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk) with any decision notice details.

Yours sincerely

**Mr Randeep Dhanjal**  
**Planning Advisor**

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