

Sarah Griffiee
London Borough of Richmond upon
Thames
Planning Department
Civic Centre (44) York Street
Twickenham
TW1 3BZ

Our ref: SL/2022/122318/02-L01
Your ref: 22/3139/FUL
Date: 28 November 2022

Dear Sarah,

02 - FRA submitted: demolition of existing buildings and construction of replacement buildings with associated residential accommodation, changing block, replacement staff accommodation and outdoor activity equipment including high ropes, climbing wall, coasteering course, supporting pontoons with associated hard and soft landscaping and parking.

Thames Young Mariners Base, Riverside Drive, Ham, Richmond, TW10 7RX

Thank you for consulting the Environment Agency on the above planning application. We have reviewed the submitted information and respond as follows:

Environment Agency position

We **object** to the planning application as submitted.

Please see the following sections (attached) for further information:

- Section 1 – reasons for, and how to overcome, our objection
- Section 2 – advice to the Local Planning Authority/applicant and informatives
- Section 3 – supporting planning policy

Note to Local Planning Authority

Please be aware that we wish to be re-consulted on this planning application once the required information has been submitted. Please also note that our subsequent advice may concern other important environmental issues.

If you are minded to approve the planning application contrary to our advice, we request that you contact us to allow further discussion and/or representations from the Environment Agency.

Decision notice request

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

We hope you find our response helpful. Please contact us if you have any questions.

Yours sincerely,

Rachel Holmes

Planning Specialist

Direct e-mail rachel.holmes@environment-agency.gov.uk

Environment Agency
2 Marsham Street, London, City of Westminster, SW1P 4DF.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Section 1 – reasons for, and how to overcome, our objection

Reason 1: inadequate Flood Risk Assessment (FRA)

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

The submitted FRA by Soils Limited (dated September 2022; reference 20295/FRA Rev 1.0) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA fails to:

- *Utilise the correct flood modelling data* - The site is at risk of both tidal and fluvial flooding from the River Thames. The FRA should therefore be informed by our Thames Tidal Upriver Breach Inundation Modelling [2017] and Lower Thames, Jubilee River and River Ash Modelling Study [2020]. Please incorporate information from both of these flood models into the FRA to determine the design flood levels.
- *Comply with finished floor level requirements* – All finished Floor Levels are required to be 300mm above the 1 in 100 inclusive of Climate Change [central allowance] flood level. For further information please visit: [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/flood-risk-assessments-climate-change-allowances). Additionally, any sleeping accommodation is also required to be located upon finished floor levels set above the Year 2100 breach flood level. Please submit information demonstrating that the finished flood levels meet the above requirements. This should include identifying the finished floor levels in metres Above Ordnance Datum (mAOD).
- *Demonstrate there will be no loss of fluvial flood storage* – There should be no loss of fluvial floodplain up to the 1 in 100 inclusive of Climate Change [central allowance] flood extent. You must demonstrate that any increases in built footprint or changes to landscaping within this extent will not result in a loss of flood storage. This should be assessed, and where necessary compensated for, on a level-for-level and volume-for-volume basis.

This is supported by Policy LP 21 – Flood Risk and Sustainable Drainage of the Richmond Local Plan (2018) and the Richmond Strategic Flood Risk Assessment (2020) Table 6-1 Planning Application and Development Requirements.

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 consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

A copy of our Thames Tidal Upriver Breach Inundation Modelling [2017] can be requested by contacting our Kent and South London Area Customer & Engagement team at KSLE@Environment-Agency.gov.uk. A copy of our Lower Thames, Jubilee River and River Ash Modelling Study [2020] can be requested by contacting our Thames Area Customer & Engagement team at enquiries_THM@environment-agency.gov.uk

Reason 2: set back from Thames tidal flood defences

The site is adjacent to the Thames tidal statutory flood defences. There is insufficient information submitted to demonstrate the flood defence location relative to the existing and proposed development. We require a set back of 16 metres from the flood defence and any new development. This is to ensure that enough space is available for inspection, maintenance, replacement and raising of the Thames tidal flood defences and to protect the structural integrity of the flood defences. The applicant must demonstrate that the development does not reduce, and where possible improves, set back between any built development and the flood defences.

This is supported by Policy LP 21 – Flood Risk and Sustainable Drainage of the Richmond Local Plan (2018) and Policy SI 12 – Flood Risk Management of the London Plan (2021). Paragraph 005 of the Flood Risk and Coastal Change Planning Practice Guidance (PPG) (2022) also supports this.

Overcoming our objection

To overcome this objection, the applicant must revise their plans to locate the proposed development so that it is set back as far as possible from the Thames tidal flood defences. Ideally, there should be a minimum 16 metres set back, however, if exceptional circumstances are demonstrated for not doing so, then it should be set back as far as possible and no less than the existing set back distances, with evidence submitted to demonstrate why the full 16 metre set back is not achievable. If the proposed works are within 16 metres of the Thames tidal flood defences, then evidence must also be submitted to demonstrate that the development will not negatively impact the structural integrity of the flood defence. The applicant should also submit plans identifying the exact location of the flood defence line, the existing and proposed location of the development and the set back distance between them in metres.

Reason 3: raising the Thames tidal flood defences

There is insufficient information submitted to demonstrate that the Thames tidal flood defences will protect the proposed development for its lifetime. This includes demonstrating that the flood defence will remain fit for purpose for the lifetime of the development and that the flood defence can be raised in line with the TE2100 Plan.

This is supported by Paragraph 159 of the National Planning Policy Framework which states that '*development should be made safe for its lifetime without increasing flood risk elsewhere*' which also must be satisfied to pass the Exception Test as set out in Paragraph 164(b).

This is also supported by Policy LP 21 – Flood Risk and Sustainable Drainage of the Richmond Local Plan (2018) and Policy SI 12 – Flood Risk Management of the London Plan (2021). The Thames Estuary TE2100 Plan can be found here: <https://www.gov.uk/government/publications/thames-estuary-2100-te2100/thames-estuary-2100-te2100>

Overcoming our objection

The applicant must submit a strategy detailing how they will raise the crest of the flood defences in line with the Thames Estuary 2100 Plan. In this location defences will need to be raised to 6.45m AOD by 2065 and to 6.90 m AOD by 2100. The current statutory defence crest level is 6.10m AOD.

The options for the raising strategy are as follows:

- The flood defence can be fully replaced;
- or*
- The existing flood defence can be raised.

If any element of the existing flood defence is to be retained, then evidence must be submitted to demonstrate that these elements have a residual life commensurate with that of the lifetime of the development and that they can withstand the proposed raisings. This should be supported by a condition survey of the flood defence, which may identify that a remediation and maintenance strategy is required to be submitted.

The applicant will need to ensure sufficient setback is provided between development and the existing flood defence to allow for the future raisings (as highlighted above by our 'Reason 2'). It may also be prudent to consider including tracking diagrams and loading calculations demonstrating that suitable civil engineering plant will be able to access the flood defence for future works, working from the landward side of the defences with the proposed development in place.

Section 2 – advice to the Local Planning Authority/applicant and informatives

Advice to the applicant and Local Planning Authority – biodiversity enhancement

We would encourage the applicant to consider our Estuary Edges (<https://www.estuaryedges.co.uk/>) guidance as part of their raising strategy (requirement raised in 'Reason 3' above) to incorporate river environment enhancements as part of the development proposals. If a new flood defence is required, we would expect the applicant to maximise the opportunity to set back the existing flood defence line and introduce intertidal terracing. Intertidal terracing cannot be incorporated on the current flood defence as this would be considered encroachment into the River Thames. Alternatively, if the wall can be raised in situ, subject to the flood defence condition survey, we would accept other enhancements to the flood defence itself that would benefit the river environment.

We encourage development to contribute enhancement to, and net gains in, biodiversity, as detailed within Paragraphs 179 to 180 of the NPPF and the Richmond Local Plan 2022 Policy LP 12 – Green Infrastructure and Policy LP 15 – Biodiversity. Net gain should be realised within the aquatic, as well as terrestrial, habitat.

Advice to the applicant and Local Planning Authority – managing flood risk outside of the Environment Agency's remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Informative - Riparian owner flood defence responsibility

We would like to remind the riparian owner of their responsibility to ensure a fit for purpose flood defence line is maintained in line with s.6 of the Metropolis Management (Thames River Prevention of Flood) Act 1879 to 1962 (The Act).

What is the Metropolis Management Act?

The Metropolis Management Act 1879 to 1962 is a series of acts passed to ensure the flood defences in London are maintained, in order to protect the city from flooding. They set out the responsibilities of Riparian Owners within the London Excluded Area. The acts place full responsibility on Riparian Owners for the renewal and maintenance of flood defences. They also grant the Environment Agency powers to inspect flood defences, instruct Riparian Owners to carry out works, or deliver works where the Riparian Owners do not, and then reclaim the cost.

The full acts can be accessed here:

<https://www.legislation.gov.uk/ukla/1879/198/contents/enacted>

Informative – Environmental permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Section 3 – Supporting planning policy & guidance

Policy SI 12 - Flood Risk Management of the London Plan (2021)

C. Development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses.

D. Developments Plans and development proposals should contribute to the delivery of the measures set out in Thames Estuary 2100 Plan. The Mayor will work with the Environment Agency and relevant local planning authorities, including authorities outside London, to safeguard and appropriate location for a new Thames Barrier.

F. 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.

Policy LP 21 – Flood Risk and Sustainable Drainage of the Richmond Local Plan (2018)

D. Applicants will have to demonstrate that their proposal complies with the following:

1. Retain the effectiveness, stability and integrity of flood defences, river banks and other formal and informal flood defence infrastructure.
2. Ensure the proposal does not prevent essential maintenance and upgrading to be carried out in the future.
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).
4. Take into account the requirements of the Thames Estuary 2100 Plan and the River Thames Scheme, and demonstrate how the current and future requirements for flood defences have been incorporated into the development.
5. The removal of formal or informal flood defences is not acceptable unless this is part of an agreed flood risk management strategy by the Environment Agency.

Flood Risk and Coastal Change Planning Practice Guidance (PPG) (2022)

(Paragraph 005) Where flood risk management infrastructure such as flood defences form part of the strategy for addressing flood risk, strategic and site-specific flood risk assessments should, where appropriate:

- Ensure there is space for future maintenance or new flood risk management infrastructure that is likely to be needed