

Morgan, Jackson

From: HNL Sustainable Places [REDACTED]
Sent: 03 June 2024 08:24
To: Planning Policy Consultations
Cc: O'Farrell, Charlotte; Kane, Kerstin
Subject: Environment Agency Response to City Plan 2040 Regulation 19 Consultation
Attachments: Model_Representation_Form_for_City Plan 2040 Environment Agency.odt; EA Response City of London Reg 19.pdf

Categories: CONFIRMED

THIS IS AN EXTERNAL EMAIL

Dear City of London Planning Policy Team,

Thank you for consulting us on the City of London Regulation 19 Consultation. Please find attached our formal response, and model representations form.

We find the submission sound and legally compliant.

Please consider the advice and recommendations within the attached response, and don't hesitate to give me a call if you have any questions.

Kind regards,

Harry

Harry Scott

Sustainable Places Planning Advisor

Environment Agency | 2 Marsham Street, London, SW1P 4DF

[REDACTED]

Working days: Monday to Friday



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Policy Team
Corporation Of London
Development Plan
PO Box 270
London
EC2P 2EJ

Date: 3 June 2024

Dear Policy Team,

City of London Draft City Plan 2040 Regulation 19 Consultation

Thank you for consulting us on the draft City Plan 2040. As part of our response to this consultation, we have reviewed the plan, its policies and supporting text as well as the evidence base in consideration of environmental constraints within our statutory remit.

We strongly encourage engagement throughout the City Plan preparation process and are happy to provide additional evidence and advice and/or meet to discuss any of the comments and recommendations provided in this representation.

Environment Agency Response

Chapter 3: Health, Inclusion & Safety

Policy H4: Contaminated Land and Water Quality

We believe that the supporting text to this policy should be expanded so that users of the City of London local plan can ensure best practice is being carried out, and water quality does not deteriorate as a result of development within the borough.

We suggest that applicants are required to submit a Preliminary Risk Assessment (PRA) together with a planning application where land is potentially contaminated. We also recommend that applicants are required to ensure sites are suitable or made suitable for intended use and prevent discharges to ground through land affected by contamination. To ensure best practice, we encourage that the supporting text makes reference to Relevant guidance such the Environment Agency's [Approach to Groundwater Protection](#) and [Land Contamination Risk Management \(LCRM\)](#).

We also recommend that Policy H4 updates the wording to reflect groundwater quantity as well as quality. "Development should have no adverse impact on **groundwater quantity** as well as groundwater quality."

Chapter 8: Infrastructure

We are supportive of policies IN1 (Infrastructure provision and connection) and IN2 (Infrastructure Capacity), with particular reference to the requirements for water supply and capacity.

Chapter 9: Design

Cont/d..

Policy DE1: Sustainable Design

We are pleased to see that Policy DE1 requires “*all major development to achieve a minimum BREEAM rating of “excellent” and aim for “outstanding” against the current, relevant BREEAM criteria, which includes water*” (paragraph 8.a, page 126). However, we strongly recommend that this is expanded to **include non-major commercial developments** and that all new residential developments must achieve water efficiency levels of at least 105 litres of potable water per head per day for inside use (excluding allowance of up to five litres for external water consumption).

Alternatively, we recommend that Policy DE1 refers users to London Plan Policy SI 5 (page 356). Which requires new residential buildings to achieve water efficiency levels of at least 105 litres of potable water per head per day.

Chapter 12: Open Space and Green Infrastructure

Policy OS3: Biodiversity

We are supportive of this policy; however, we recommend the supporting text further highlights the importance of the riverside and tidal habitats and encourages development to support these habitats where feasible. We recommend that a paragraph is included which states:

“Where development is required to improve, replace or raise tidal flood defences in line with the TE2100 Plan or other reasons, applicants should explore the creation of intertidal terracing in line with examples set out in Home – Estuary Edges guidance (www.estuaryedges.co.uk). Applicants should also refer to the [Riverside Strategy](#), with particular reference to Biodiversity SP10.”

Policy OS4: Biodiversity Net Gain (BNG)

We are pleased to see that the BNG requirements are laid out in this policy and support the requirement for unit and targets rather than percentage to reflect the urban nature of the borough, as well as reference to the Urban Greening Factor and Nature Based Solutions. We recommend that the supporting text emphasises the importance of intertidal and water elements of the statutory biodiversity metric for applications in proximity to the river Thames.

Chapter 13: Climate Resilience

Policy CR2: Flood Risk

We are very supportive of this policy and pleased to see that paragraph 13.3.5 states that “*all sleeping accommodation must be located above the modelled tidal breach level as shown in the SFRA unless it can be demonstrated that a permanent fixed barrier at the threshold of the property would prevent water ingress in a breach event.*”

Policy CR3: Sustainable Drainage Systems

While we are supportive of this policy and are pleased to see the requirement for good quality SuDS in the City of London. We recommend that the wording Policy Point 2 (page 233) is altered from: “*Proposals should demonstrate that run-off rates are as close as possible to greenfield rates*” to “*Proposals **must demonstrate that run-off rates are at greenfield rates***” as per The London Plan Policy SI 13 Part B (page 173-4) which mandates that greenfield runoff rates should be achieved.

We note that Infiltration SuDS are not appropriate in all locations and recommend that the supporting text highlights that infiltration SUDs should not be constructed in contaminated ground and should not be used where infiltration can re-mobilise contaminants already within soils to pollute groundwater. The use of deep infiltration systems such as boreholes is not routinely acceptable and will only be approved where

there are no other feasible disposal options such as shallow infiltration systems and where the developer demonstrates no unacceptable pollution risk to groundwater; if approved deep infiltration systems may require an environmental permit.

We recommend that the supporting text refers users to:

- (i) [The Environment Agency's Approach to Groundwater Protection](#), particularly statements G1 and G9 to G13;
- (ii) The [CIRIA C753](#) SUDS Manual;
- (iii) The [Susdrain website](#);
- (iv) The [Sustainable Drainage Systems: Non-Statutory Technical Standards](#) guidance on gov.uk

Policy CR4: Flood Protection and Defences

We are supportive of this policy, and welcome that it includes the requirements of the TE2100 plan. However, we strongly recommend that the policy wording is updated to state *“incorporate adequate set back **of a minimum of 16m** from the defences to allow for future maintenance and raising in line with the TE2100 Plan”*.

Alternatively, we recommend the supporting text includes a paragraph to state: *“Discussions with the Environment Agency will be required to establish the most effective designs for improved flood defences and to agree an appropriate and adequate minimum set back from the defences to allow for future maintenance and raising in line with the TE2100 Plan.”*

We also recommend this policy refers users to the City of London Riverside Strategy.

Paragraph 13.5.0

Please note that this paragraph contains a slight error, please update the wording from *TE2100 Project* to *TE2100 **Plan***.

Paragraph 13.5.2

We strongly recommend that the wording of paragraph 13.5.2 (page 235) includes reference to TE2100 requirements. We recommend the wording states: *“A strategic approach to flood defence raising will enable riparian developers to design buildings and the riverside environment to accommodate higher flood walls. Riparian owners are responsible for maintenance, **raising of defences in line with TE2100 requirements** and enhancement of flood defences.”*

We suggest that the supporting text adds a paragraph to state that applicants should also assess the condition of defences to ensure they are suitable and sufficient for the lifetime of the development.

Further Considerations

Water Framework Directive (WFD)

We are disappointed to see that there is no reference to WFD or the Thames River Basin Management Plan (TRBMP) within the City Plan. The City of London must have regard to the TRBMP, and we recommend that reference to these are inserted within the supporting text of Policy’s HL4 (Contaminated land and water quality), OS3 (Biodiversity) and CR3 (Sustainable Drainage Systems). This will ensure that no development in the City of London will deteriorate the below water body or its associated elements.

Water body name	Water body ID	Water body type	Overall ecological status
Thames Middle	GB530603911402	Transitional	Moderate

Air Quality

We are supportive of the Air Quality policies within the draft City Plan 2040. We note that the City of London Air Quality Strategy runs from 2019 – 2024. We recommend this is updated.

Evidence Base

Strategic Flood Risk Assessment (SFRA) Level 2

Please note that since the SFRA L2 was published (April 2023) that the [planning practice guidance](#) has been updated. We recommend that the SFRA is updated to reflect this. We have no further comments on the SFRA.

Sustainability Appraisal

We have no comments on the sustainability appraisal.

Final Comments


Thank you again for seeking our representation on the Draft City Plan Regulation 19. We trust that the comments presented in this letter are clear and informative, however, should you have any queries regarding this response or require additional information or guidance on any of the points raised, please do not hesitate to contact me.

Yours sincerely,

Harry Scott
Planning Advisor

[Redacted signature block]

Model Representation Form for Local Plans

 <p>CITY OF LONDON</p>	<h3>Local Plan</h3> <p>Publication Stage Representation Form</p>	<p>Ref: Reg 19</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

City Plan 2040

Please return to City of London Corporation BY 11:00PM 31 May 2024 emailing to: planningpolicyconsultations@cityoflondon.gov.uk

Please note that all representations will be made public on our website in line with the Town and Country Planning (Local Planning)(England) Regulations 2012. This will include the name of the person and, where relevant, the organisation making the representation. All other personal information will remain confidential and managed in line with the City Corporation's privacy notice.

For more information on how we collect and process personal information, and your rights in relation to that information, please refer to the Environment Department's privacy notice available at [Environment Department Privacy Notice \(cityoflondon.gov.uk\)](http://cityoflondon.gov.uk) and the City Corporation's privacy notice available at www.cityoflondon.gov.uk/privacy). Please also see our Statement of Representations Procedure available at: [City Plan 2040 - City of London](#).

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title

First Name

Last Name

Job Title (where relevant)

2. Agent's Details (if applicable)

Organisation (where relevant)	Environment Agency	
Address Line 1	2	
Line 2	Marsham Street	
Line 3	London	
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation: Environment Agency

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see Environment Agency letter for our recommendations and advice

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see Environment Agency letter for our recommendations and advice

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

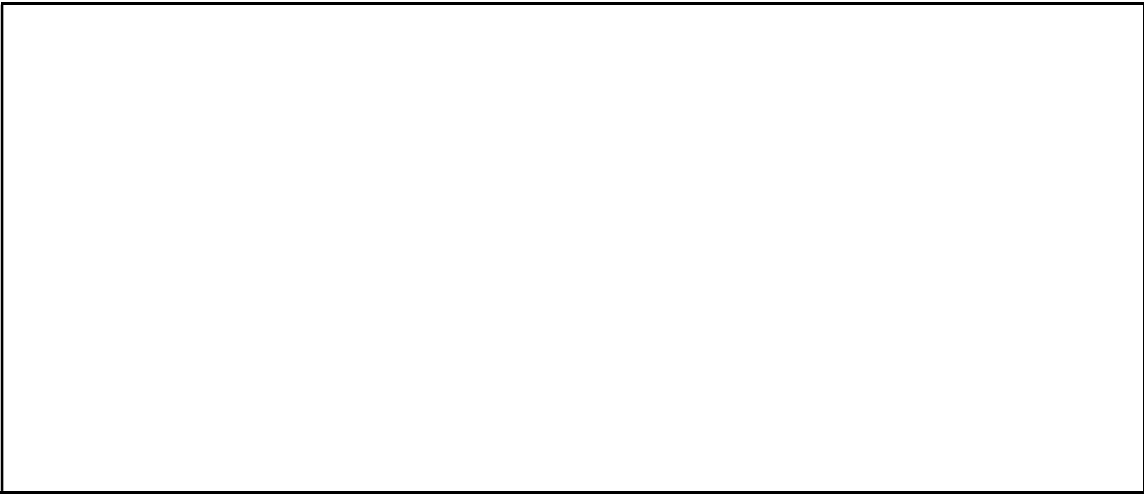
7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:



Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.