

London Borough of Merton
Policy & Information
Merton Civic Centre London Road
Morden
Surrey
SM4 5DX

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L01
Your ref:
Date: 22 February 2019

Dear Sir/Madam

London Borough of Merton SA/SEA Scoping Report

Thank you for consulting the Environment Agency on the above which we received on 18 December 2018. We welcome this opportunity to comment on the SA/SEA Scoping Report and note that key environmental issues within our remit have been mentioned. However we note that there is no review of relevant plans, policies or programmes which the council should consider. We collect key evidence for information and influencing plans. This information covers a wide range of environmental determinants and can be used to influence the policies and implementation of local plans.

We provide information compiled from a nationally agreed list of Environment Agency datasets available for the production of SEAs and SAs. This information is available to external parties as required under the SEA Directive. To obtain a licence for any datasets please contact the National Customer Contact Centre (NCCC) on 03708506506. The licensing fee will be waived if requested by, and licensed to, a Local Authority for the production of a plan. This allows Local Authorities to pass the information to contractors working on their behalf. All other parties will be licensed as per the Environment Agency's charging policy and procedures.

The Environment Agency supports growth that can be supported by the necessary environmental infrastructure provided in a co-ordinated and timely manner to meet the physical and social needs of both new development and existing communities. Early investment and careful planning may be required to ensure expanded or improved infrastructure will have the capacity to cope with additional demands.

All our maps and data sets are regularly reviewed and updated so it's important you are using the latest data to decide on when to consult and as part of the evidence base for local plans and strategies. The latest data and maps are available to download from <http://environment.data.gov.uk/ds/partners/index.jsp#/partners/login>

We have attached more detailed comments below for your consideration. Please do not hesitate to contact me should you wish to discuss this further.

Yours faithfully

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Flood Risk

London Borough of Merton benefits from a long stretch of the River Wandle, one of London's internationally recognised chalk stream environments. Valuing the River Wandle as a natural asset will allow future-proofing of space for water, increase resilience to climate change and provide wide reaching benefits to local communities. It would be welcomed if Merton's local plan placed greater emphasis on the River Wandle as a resource which can help deliver benefit to all the issues noted in the Technical Report paragraph 1.2 n-z. It is felt that the SEA currently sees the river as an environmental constraint rather than an opportunity.

Section 7.7 appears to suggest that development proposals within Flood Zones 3a and 3b functional floodplain may be acceptable. The protection of floodplains from the physical threats posed by development is dependent on the powers exercised by local planning authorities. This is in line with paragraph 24.8 of London Borough of Merton adopted Core Strategy (July 2012) which states inter alia that '*In order to reduce flood risk, we will work with landowners, developers and other stakeholders to: Ensure that floodplains operate efficiently, are protected and where possible restored; Realise the multifunctional nature of floodplains and deliver this through effective land use planning...*'

The effectiveness of rivers and floodplains to convey and to store flood water, and minimise flood risks, can be adversely affected by human activity, especially by development which physically changes the floodplain. Risk to life is of primary concern in relation to any development in areas at risk from flooding, but especially for residential development.

It would be helpful to have more detail on the current WFD status of the River Wandle and what can be done to improve this. For example, point source pollution, sewage misconnections, abstraction and physical modification of water bodies. There is a good deal of work being done in this area by the Environment Agency and partners such as the Wandle Trust and the Wandle Valley Park Trust. Some of these issues can be linked to effective deployment of SUDS, both in new development and retrofitting existing assets when opportunities arise. A greater emphasis on working with external partners would be welcomed in this local plan.

We welcome the inclusion of SUDS into the design of new development. The local plan could go further in referencing the details laid out in the London plan, specifically Policy 5.13, which states that development should take a hierarchical approach to the management of surface water, encouraging the use of infiltration and attenuation. This approach does not have to only apply to new residential or commercial development but could also be applicable to new transport infrastructure, for example.

The consideration of flood risk management throughout the SEA is encouraging, especially seeing as some of the development sites are expected to deliver reduction in overall flood risk. It should be noted that any sites deemed to increase off site flood risk will be unlikely to receive approval from the Environment Agency.

Considering the rising prominence of green infrastructure throughout London, it is hoped that appropriate flood risk management techniques could contribute to the delivery of social and community infrastructure, sustainable and active travel, and transport infrastructure. Currently, the SEA does not recognise the interaction between these different sustainability objectives.

Climate Change

Climate change allowances

Recent updates to climate change allowances may have an impact upon development sites in terms of flood risk. The National Planning Practice Guidance refers planners, developers

and advisors to the Environment Agency guidance on considering climate change in Flood Risk Assessments (FRAs). This guidance was updated in February 2016 and is available on Gov.uk

The guidance can be used for planning applications, local plans, neighbourhood plans and other projects. It provides climate change allowances for peak river flow, peak rainfall, sea level rise, wind speed and wave height. The guidance provides a range of allowances to assess fluvial flooding, rather than a single national allowance. It advises on what allowances to use for assessment based on vulnerability classification, flood zone and development lifetime.

National planning policy and guidance states that site-specific flood risk assessment should be carried out by (or on behalf of) a developer to assess the flood risk to and from a development site. The assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users.

Biodiversity

The SEA demonstrates that there is a lack of certainty or policy to ensure a Biodiversity net gain. Paragraph 170 of the NPPF states that

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

In addition it states:

174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

In view of this it is recommended to determine whether there is sufficient policy to ensure a net gain in the current Local Plan. The current Local Plan biodiversity policy 08.3 and Wandle Valley policy N3.7, does not contain 'net gain' for biodiversity policies and therefore is not in line with the NPPF. If these were altered to accommodate a net gain, there may be more certainty with regard to site allocations and windfall sites that come forward during the plan period.

It is also noted in the Local Plan that policies with regard to watercourses are lacking in a specific enhancement for the river in line with River Basin Management Plans and the NPPF. Having a more robust policy base would improve the performance of the local plan in the SEA.

Waste

We note that transportation of waste account for a significant increase in road traffic. Local waste management activities that are poorly run can pollute the environment, cause harm to human health and generate nuisance impacts for local communities. Illegal waste activity can blight local areas as well as polluting the environment and causing harm to human health. Waste and resource management can also support economic growth and the creation of new jobs.

The waste industry in South London plays a key strategic role in the processing and disposing of waste from London. The proximity of many of our regulated sites to residential communities' means there is often a tension in supporting the waste industry, whilst managing the impact on people and communities. Over the last two years, where a number of waste sites and operations are established in close proximity, we have developed a 'cluster approach' to regulation across South London.

Water Resources

We are pleased to note that water resource issues have been mentioned. Water resource planning does not follow local authority boundaries. Planning for water resources and water supply in the emerging local plan should reflect the plans of neighbouring local councils and water company resource zones.

Planning Practice guidance points out that water supply and water quality concerns often cross local authority boundaries and can be best considered on a catchment basis. Liaison between local planning authorities, the Environment Agency, catchment partnerships and water and sewerage companies from the outset will help to identify water supply and quality issues, the need for new water and wastewater infrastructure to fully account for proposed growth and other relevant issues such as flood risk. The duty to cooperate across boundaries applies to water supply and quality issues.

Water resources are critical to sustainable economic growth and housing development as well as supporting the natural environment. Increasing population and a changing climate will have an impact on water resources in the future. The emerging local plan can help to ensure that water resources are protected and, where evidence justifies, that water efficiency measures are adopted as part of regeneration and development.

We support the use of water efficiency measures to reduce demand on water resources and to accommodate growth in business, housing and population requirements without the need to increase overall consumption

Groundwater and land contamination

We would recommend inclusion of groundwater and contaminated land issues. Groundwater is constantly moving and once contaminated it can take a very long time to recover if at all. Therefore, the overarching approach to groundwater protection needs to be considered at the strategic planning stage. The Local Plan should identify sensitive groundwater areas along with policies for alternative approaches, such as cross boundary discussions with

neighbouring councils, Environment Agency (where source protection zones straddle boundaries) and Water Companies.

The emerging Local plan can help to ensure that groundwater is protected and where necessary improved during regeneration and development. Contamination in or on land can present unacceptable risks to human health and the wider environment, including to groundwater. Land contamination is often caused by previous uses such as former factories and mines, as well as new development such as petrol filling stations and cemeteries. Land contamination, or the potential for contamination, is a material planning consideration.