



New Local Plan Review

Policy Formulation Report – September 2022



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Policy GB11: Flood Risk Management
Policy GB12: Sustainable Drainage
Policy GB13: Water and Wastewater
Infrastructure
Policy GB14: Riverside Development

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1. INTRODUCTION

1.1 NEW LOCAL PLAN REVIEW

1.1.1 The Royal Borough of Kensington and Chelsea (RBKC) is undertaking a New Local Plan Review (NLPR) to ensure the Council has an up-to-date and fit-for-purpose Local Plan to guide the development of the borough and reflect our values. The NLPR is a full review.

1.1.2 The purpose of this Policy Formulation Report (PFR) is to demonstrate how the following policies within Chapter 4 - Green-Blue Future of the RBKC NLPR have been developed and evidenced to a level of detail which cannot be included in the NLPR document itself:

- **Policy GB11: Flood Risk**
- **Policy GB12: Sustainable Drainage**
- **Policy GB13: Water and Wastewater Infrastructure**
- **Policy GB14: Waterways**

1.2 EXISTING LOCAL PLAN

1.2.1 Policies GB11 – GB14 of the NLPR primarily relate to the following chapter and policy of the existing Local Plan:

Chapter 24: Respecting Environmental Limits

Policy CE2: Flooding

Policy CR5: Parks, Gardens, Open Spaces and Waterways (partial)

1.3 KEY ISSUES AND POLICY DRIVER

1.3.1 The NLPR is being prepared in the context of a nationally and locally declared climate emergency, with RBKC committing to becoming a carbon neutral borough by 2040, as well as calls for a green recovery from the Covid-19 pandemic. The NLPR therefore represents a timely opportunity to present new and updated policy on pressing environmental matters.

2. POLICY GB11: FLOOD RISK

2.1 INTRODUCTION

- 2.1.1 Kensington and Chelsea has one of the highest number of properties at risk of flooding in the whole of London. Recent flood in July 2021 has reinforced the strict stance on flood and water management policies in the Borough.
- 2.1.2 Flooding remains one of the top environmental concerns for residents. The NLPR will strengthen our approach to ensuring new development will be safe from flooding, will not increase the risk of flooding and will contribute to a reduction in the risk of flooding.

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

- 2.2.1 The [Flood and Water Management Act 2010](#) and the [Flood Risk Regulations 2009](#) placed new duties on Councils. As a Lead Local Flood Authority (LLFA), the Council has a responsibility for leading the co-ordination of local flood risk management within the Borough. As part of this function, the Council has published a Local Flood Risk Management Strategy, Flood Asset Register and has recently published a Flood Investigation Report into the significant surface water flooding that affected over 340 properties in July 2021.

NATIONAL POLICY, STRATEGIES AND GUIDANCE

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.2.2 The NPPF explains that Councils should adopt proactive strategies to mitigate and adapt to climate change, taking full account of the long-term implications of flood risk (paragraph 149). It also states that sustainable development should not increase flood risk elsewhere and gives priority of the use of sustainable drainage systems (paragraph 165).¹

FLOOD RISK AND COASTAL CHANGE PLANNING PRACTICE GUIDANCE (PPG)

- 2.2.3 The Planning Practice Guidance on Flood Risk and Coastal Change² include information about involving the LLFA and the importance of SuDS to reduce the causes and impacts of flooding. It is noted that the Flood Risk and Coastal Change Planning Practice Guidance was revised in August 2022 between the Regulation 18 draft and Regulation 19 draft of the New Local Plan Review.

NATIONAL FLOOD AND COASTAL EROSION RISK MANAGEMENT STRATEGY FOR ENGLAND (2020)

- 2.2.4 The strategy³ sets out a vision of a nation ready for, and resilient to, flooding and coastal change – today, tomorrow and to the year 2100. It includes an action plan

¹ DLUHC, [National Planning Policy Framework](#), July 2021.

² [Flood risk and coastal change Planning Practice Guidance](#), August 2022

³ [National Flood and Coastal Erosion Risk Management Strategy for England - GOV.UK \(www.gov.uk\)](#)

with a series of objectives and measures to address flood risk and coastal erosion.

ADEPT/EA EMERGENCY GUIDANCE FOR NEW DEVELOPMENT

- 2.2.5 The Environment Agency and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) have produced guidance on flood risk emergency plans for new development⁴.
- 2.2.6 The guidance is principally aimed at local authority planners, to help them understand when they should be asking for planning applications to be supported by flood risk emergency plans, and what should be included in them. The guidance will also help developers produce suitable emergency plans, and should ensure emergency planners, local resilience forums, the emergency services and other risk management authorities are involved appropriately in the planning process.

REGIONAL POLICY, STRATEGIES AND GUIDANCE

LONDON PLAN 2021

- 2.2.7 London Plan 2021⁵ Policy SI 12 – Flood risk management sets out requirements for flood risk management across London. The full policy is set out below:

Policy SI 12 Flood risk management

- A Current and expected flood risk from all sources (as defined in paragraph 9.2.12) across London should be managed in a sustainable and cost-effective way in collaboration with the Environment Agency, the Lead Local Flood Authorities, developers and infrastructure providers.
- B Development Plans should use the Mayor’s Regional Flood Risk Appraisal and their Strategic Flood Risk Assessment as well as Local Flood Risk Management Strategies, where necessary, to identify areas where particular and cumulative flood risk issues exist and develop actions and policy approaches aimed at reducing these risks. Boroughs should cooperate and jointly address cross-boundary flood risk issues including with authorities outside London.
- 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 an appropriate location for a new Thames Barrier.

⁴ [ADEPT/EA Flood Risk Emergency Plans for New Development | ADEPT \(adeptnet.org.uk\)](#)

⁵ Mayor of London, [London Plan 2021](#), March 2021.

- E Development proposals for utility services should be designed to remain operational under flood conditions and buildings should be designed for quick recovery following a flood
- 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.
- G Natural flood management methods should be employed in development proposals due to their multiple benefits including increasing flood storage and creating recreational areas and habitat.

2.2.8 Further guidance on Policy SI 12, including the Regional Flood Risk Appraisal and Thames Estuary 2100 Plan is set out in paragraphs 9.12.1 – 9.12.6.

THAMES ESTUARY 2100 PLAN

2.2.9 The Thames Estuary 2100 Plan sets out recommendations for flood risk management for London and the Thames estuary through to the end of the century and beyond. The TE2100 Plan is currently undergoing its 10 year review and a revised plan is expected to be published in 2023. The Council has been feeding into the consultation for the revisions.

THAMES RIVER BASIN DISTRICT RIVER BASIN MANAGEMENT PLAN

2.2.10 The Thames River Basin Management Plan⁶ provides a framework for protecting and enhancing the benefits provided by the water environment. To achieve this, and because water and land resources are closely linked, it also informs decisions on land-use planning.

LONDON REGIONAL FLOOD RISK APPRAISAL

2.2.11 The London Regional Flood Risk Appraisal (2018) sets out the review of flood risk across London to support the development of the London Plan (2021). The appraisal reviewed the flood risk associated with the Opportunity Areas and concluded for Earl's Court that the development proposals "Need to consider the role of multipurpose open spaces for flood risk management and management of surface water." For Kensal Opportunity Area, the appraisal states that development should be set, "back from canal edge to enable a range of flood risk management options" and that "development close to the Grand Union Canal may be able to discharge directly to the canal".

THAMES FLOOD RISK MANAGEMENT PLAN

2.2.12 The Thames Flood Risk Management Plan sets out the recommended actions for managing the risk of flooding in the Thames region. It includes specific measures

⁶ [Thames river basin district river basin management plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Thames_river_basin_district_river_basin_management_plan_-_GOV.UK.pdf)

for the Council as part of the Greater London Flood Risk Area. The Current Flood Risk Management Plan is being revised and is expected to be published in early 2023. The Council has been feeding into the consultation for the revisions.

LOCAL

EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

- 2.2.13 The existing Local Plan Policy on flood risk is set out below. It is noted that this includes policies on flood risk management, sustainable drainage and water infrastructure:

Policy CE2 Flood Risk

The Council will require development to address and reduce flood risk and its impacts.

To deliver this the Council will:

Flood Risk

- a) resist vulnerable development, including self-contained basement dwellings, in Flood Risk Zone 3 and Critical Drainage Areas as defined in the Strategic Flood Risk Assessment and the Surface Water Management Plan;
- b) require a site-specific Flood Risk Assessment, including an 'Exception Test' for all development in Flood Risk Zone 2 and 3 as defined in the Strategic Flood Risk Assessment, for sites in Critical Drainage Areas and for all sites greater than one hectare;
- c) where required undertake the 'Sequential Test' for planning applications within Flood Risk Zones 2 and 3, and for sites in Critical Drainage Areas;
- d) require development at risk from flooding in Flood Risk Zones 2 and 3, in Critical Drainage Areas, or sites greater than 1ha to incorporate suitable flood risk measures to account for site conditions in accordance with Building Regulations, existing guidance and the recommendations of the site-specific Flood Risk Assessment, the Strategic Flood Risk Assessment and the Local Flood Risk Management Strategy. These measures should:
 - i. address all flood depths for the 1 in 100 year storm event plus climate change to ensure the development will remain safe during a flood event throughout its lifetime;
 - ii. take into account access, egress and emergency exit routes;
 - iii. ensure buildings remain safe for occupants in case of flooding, and are protected from sewer flooding through the installation of a suitable pumped device when the new development includes floors below the level of the sewer;
 - iv. apply where required the measures and actions included in the Local Flood Risk Management Strategy Action Plan;
- e) require that flood risk measures and flood risk assets are protected and maintained to remain operational and provide adequate protection for the lifetime of development;
- f) require development adjacent to the Thames to be set back from the Thames flood defence to enable the sustainable and cost effective upgrade of flood defences and to implement any other recommendations of the Thames Estuary 2100 plan (TE2100).

Surface Water Run-off and Sustainable Drainage Systems (SuDS)

- g) require major development to achieve greenfield run-off rates and minor development to achieve a reduction of 50% of existing rates, ensuring that surface water run-off is managed as close to its source as possible, through:
 - i. the increase of permeable surfaces;
 - ii. recognising opportunities for SuDS to provide other environmental benefits;
 - iii. factoring all flows into the sewer system (including swimming pools discharges, groundwater or other flows) in the calculations of greenfield run-off rates;
- h) require SuDS to have regard to DEFRA non-statutory SuDS standards and local guidance to ensure SuDS are adequately designed, built and maintained for the lifetime of development;
- i) resist impermeable surfaces in gardens and landscaped areas;
- j) encourage the retrofitting of SuDS in buildings even if the development will not have drainage implications.

Water Infrastructure Projects

- k) support the Thames Tideway Tunnel in principle;
- l) support the provision of water and sewage infrastructure which will lead to a substantial and long-term reduction of local flooding, providing the need outweighs any adverse effects during construction and operation and appropriate mitigation measures are in place.

RBKC GREENING SUPPLEMENTARY PLANNING DOCUMENT, 2021

- 2.2.14 The Greening SPD, published in June 2021⁷, covers all facets of planning that can contribute towards sustainable development and how the environment will be placed at the centre of decision making.

RBKC LOCAL FLOOD RISK MANAGEMENT STRATEGY

- 2.2.15 The strategy explains how the Council is addressing local flood risk and it contains an action plan. The Local Flood Risk Management Strategy was produced in 2015 and will be reviewed in early 2023.

SUMMARY

Date	Document	Organisation
NATIONAL		
Apr 2010	The Flood and Water Management Act 2010 Makes provision about water and the management of risks in connection with flooding and coastal erosion	HM Government
Dec 2009	The Flood Risk Regulations 2009 Places duties on the Environment Agency and Councils to prepare flood risk assessments, flood risk maps and flood risk management plans	HM Government
Mar 2014	National Planning Policy Framework (NPPF) Paragraphs 149 (flood risk) and 165 (SuDS)	DLUHC

⁷ [RBKC, Greening SPD, June 2021.](#)

Mar 2015	National Planning Practice Guidance (NPPG): Flood Risk and Coastal Change	DLUHC
July 2020	National flood and coastal erosion risk management strategy for England (2020) Sets out a vision of a nation ready for, and resilient to, flooding and coastal change.	Environment Agency
Sep 2019	ADEPT/EA Emergency Guidance for new development Delivers guidance on flood risk emergency plans for new development.	ADEPT/ Environment Agency
Aug 2013	British STANDARDS for Biodiversity: BS42020	BSI group
REGIONAL		
Mar 2021	The London Plan 2021 Policy SI 12 Flood risk management	Mayor of London
Nov 2012	Thames Estuary 2100 Plan The Thames Estuary 2100 Plan sets out recommendations for flood risk management for London and the Thames estuary through to the end of the century and beyond.	Environment Agency
Feb 2016	Thames River Basin Management Plan Provides a framework for protecting and enhancing the benefits provided by the water environment	Environment Agency
June 2019	Breach levels sleeping accommodation policy	Environment Agency
LOCAL		
Ongoing	RBKC Climate Change Strategies and Action Plans Plans to deliver the climate emergency commitment and the Council's Vision Carbon Zero.	RBKC
July 2015	RBKC Local Flood Risk Management Strategy Explains how the Council is addressing local flood risk and it contains an action plan.	RBKC
June 2021	RBKC Greening SPD Includes guidance on our energy policies both for new build and retrofitting, guidance on the reduction of toxic emissions, urban greening, flooding and biodiversity.	RBKC
July 2018	St Quintin and Woodlands Neighbourhood Plan	RBKC
Feb 2014	Norland Neighbourhood Plan	

2.3 EVIDENCE BASE

- 2.3.1 The evidence base documents give information on flood risk management and goes from site specific (Sequential Test) to Borough wide (Strategic Flood Risk Assessment, Surface Water Management Plan).
- 2.3.2 The evidence base also includes work done within different Council departments and external bodies (Local Flood Risk Management Strategy) and what to do in emergency situations (Multiagency flood plan and Thames breach flood plan). There is also information regarding a very specific type of development, basement development, which is particularly vulnerable to flooding (Residential Basement Study Report).

SUMMARY

Date	Document	Organisation
Sep 2022	Strategic Flood Risk Assessment Gives an overall assessment of flood risk in the Borough	RBKC
Mar 2014	Surface Water Management Plan Focuses on surface water and identifies and gives information on Critical Drainage Areas	RBKC
Jul 2015	Local Flood Risk Management Strategy Gives information regarding flood risk in the Borough and how the Council and other partners are addressing it. It contains an action plan with clear objectives and actions to tackle flood risk	RBKC
Jun 2011	Preliminary Flood Risk Assessment A high level screening exercise with information on local flood risk from past and future flooding events	RBKC
Feb 2013	Multiagency flood plan Outlines the multi-agency response to a severe surface water flooding incident	RBKC
Feb 2013	Thames breach flood plan Provides a coordinated multi-agency response framework to mitigate the impact of a large scale Thames breach / overtopping flooding incident	RBKC
Dec 2012	Residential Basement Study Report Describes what needs to be considered as part of the planning process when basements are proposed	RBKC
Sep 2022	Flood Risk Sequential Test Provides information on the application of the Sequential Test for allocated sites.	RBKC

2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 Alternative options were consulted on as part of the borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (September 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

2.4.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

Public Consultation	Timeframe
Borough Issues Consultation	29 September – 10 November 2020
Issues and Options Consultation	26 July – 4 October 2021
Regulation 18 Draft Policies	9 February – 23 March 2022
Regulation 19 Publication	October 2022

Figure 1: RBKC NLPR Consultation Timeline.

2.4.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

2.4.4 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

²¹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

2.4.5 We need to plan for more surface water (rain) and sewer water flooding, the main

types of flooding that we expect across our borough. The current flooding policy was strengthened by the adopted Local Plan (2019) with more detailed requirements for measures to reduce flood risk and its impacts.

2.4.6 Although we consider that the current policy is strong, the NLPR should reflect reviewed government guidance and strategies and change in the Environment Agency policy regarding allow sleeping accommodation below the breach level.

2.4.7 The options and alternatives considered are:

1	To include a policy to reflect the EA criteria to restrict sleeping accommodation below the breach level.	Reasonable alternative	Developers and owners will not be allowed to use low lying rooms for sleeping accommodation unless they install a permanent barrier. This policy will be consistent with national guidance and will reflect the latest guidance by the EA.
2	To support natural flood management/green infrastructure to reduce flood risk.	Reasonable alternative	Developers will have to consider green/sustainable issues from the outset of a project. This could have positive knock-on effects on meeting other green policies (such as UGF)
3	To link the policy with climate change resilience and adaptation in line with the government's FCERM strategy and FRMP. Also refer to the Local Flood Risk Management Strategy.	Reasonable alternative	To be in line with latest guidance by the government and the Lead Local Flood Authority. It may have implications on flood risk measures to achieve enhanced resilience and adaptation.

2.5 PUBLICATION POLICY

2.5.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB11: Flood Risk is proposed as follows.

GB11: Flood Risk

A. Development must address and reduce flood risk and its impacts.

Vulnerable development

- B. Highly vulnerable development⁸, including self-contained basement dwellings, in Flood Zone 3 and Critical Drainage Areas⁹ will not be permitted.
- C. Sleeping accommodation will not be allowed below ground floor level in Flood Zone 3.

Assessment of flood risk

- D. Site-specific Flood Risk Assessments are required for:
 - i. all development in Flood Zone 2 and 3 as defined in the Strategic Flood Risk Assessment,
 - ii. all development sites greater than one hectare,
 - iii. all basement development,
 - iv. development in Critical Drainage Areas where there is a change to a more vulnerable use or an increase in the number of habitable units.
- E. Development must be directed to areas of lowest risk from all sources of flooding.
 - i. Sites allocated as part of this plan have already been subject to a Sequential Test.
 - ii. A Sequential Test Assessment may be required for planning applications for other sites within Flood Zones 2 and 3, and for sites in Critical Drainage Areas.
 - iii. An Exception Test will also be required where this is applicable

Flood risk measures and flood risk assets

- F. Development at risk from flooding from any source must incorporate suitable flood risk measures to account for site conditions. These measures must be designed and implemented in accordance with Building Regulations, existing guidance and the recommendations of the site-specific Flood Risk Assessment, the Strategic Flood Risk Assessment and the Local Flood Risk Management Strategy. These measures should:
 - 1. Address all flood depths for the design storm event, including an appropriate allowance for climate change to ensure the development will remain safe during a flood event throughout its lifetime.

⁸ As defined by Government in their [flood risk vulnerability classification](#) and [flood risk compatibility classification](#).

⁹ As defined by the RBKC Surface Water Management Plan

2. Assess the risk of flooding from a breach in the tidal flood defences.
 3. Include an emergency plan to consider access, egress and emergency exit routes and ensure buildings remain safe for occupants in case of flooding.
 4. Ensure that development at basement or lower ground floor level connected to the sewer network is protected from sewer flooding through the installation of a suitable pumped device.
 5. Ensure that resilience and resistance to flooding are addressed.
 6. Prioritise natural flood management and green infrastructure.
- G. The Council supports the retrofitting of flood resilience and flood resistance measures to properties that have experienced flooding or are at risk of flooding.
- H. Flood risk measures and flood risk assets must be protected and maintained to provide adequate protection and remain operational for the lifetime of development
- I. New development adjacent to the River Thames and Chelsea Creek must be set back by 16m from the Thames flood defence, including tie rods and support structures, to enable the sustainable and cost-effective upgrade of flood defences in line with the requirements of the Thames Estuary 2100 Plan.

2.6 PROPOSALS MAP

- 2.6.1 No changes are required to be made to the Proposals Map.

2.7 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 2.7.1 The legal obligation of the 'duty to cooperate' requires the Council to "engage constructively, actively and on an ongoing basis" and have "regard to activities" (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans "so far as relating to a strategic matter". This includes "considering whether to consult on and prepare... agreements or joint approaches"¹⁰.
- 2.7.2 A "strategic matter" relates to "sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic"¹¹. Strategic matters

¹⁰ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

¹¹ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

are further defined in paragraph 24 - 27 of the NPPF¹² and paragraph 009 - 017 of the PPG on maintaining effective cooperation¹³.

2.7.3 Figure 2 shows the actions the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

2.7.4 The Council has prepared a statement ground which sets out where we are in agreement with neighbouring authorities. This will be amended as and when appropriate.

Strategic issue	Relevant prescribed bodies ¹⁴	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	New Local Plan Review Issues consultation – see Consultation Schedule	Sept. to Oct. 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	Jun. to Oct. 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb. to Mar. 2021

Figure 2: Duty to cooperate strategic issues, prescribed bodies and Council action.

¹² [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

¹³ [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

¹⁴ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

3. POLICY GB12: SUSTAINABLE DRAINAGE

3.1 INTRODUCTION

- 3.1.1 The primary source of flooding in the Borough is from heavy rainfall overwhelming the combined sewer network. With climate change projections increasing the intensity of rainfall and the frequency at which heavy rainfall occurs, there is consequently an increasing need to manage surface water at source before it reaches the combined sewer.
- 3.1.2 Sustainable drainage is an holistic approach to managing rainwater in a way that utilises green infrastructure and natural process to reduce the rate at which rainwater reaches the sewer.

3.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

- 3.2.1 As Lead Local Flood Authority (LLFA), the Council became the [statutory consultee for surface water drainage](#) on major planning applications on the 6 April 2015. LLFAs should ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless demonstrated to be inappropriate.

NATIONAL POLICY, STRATEGIES AND GUIDANCE

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 3.2.2 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems and gives particular note to schemes that provide multifunctional benefits where this is possible.¹⁵

FLOOD RISK AND COASTAL CHANGE PLANNING PRACTICE GUIDANCE (PPG)

- 3.2.3 The National Planning Practice Guidance on Flood Risk and Coastal Change¹⁶ includes information about involving the LLFA and the importance of SuDS to reduce the causes and impacts of flooding.

NATIONAL FLOOD AND COASTAL EROSION RISK MANAGEMENT STRATEGY FOR ENGLAND (2020)

- 3.2.4 The strategy¹⁷ sets out a vision of a nation ready for, and resilient to, flooding and coastal change – today, tomorrow and to the year 2100. It includes an action plan with a series of objectives and measures to address flood risk and coastal erosion.

REGIONAL POLICY, STRATEGIES AND GUIDANCE

LONDON PLAN 2021

¹⁵ DLUHC, [National Planning Policy Framework](#), July 2021.

¹⁶ [Flood risk and coastal change Planning Practice Guidance](#), August 2022

¹⁷ [National Flood and Coastal Erosion Risk Management Strategy for England - GOV.UK \(www.gov.uk\)](#)

- 3.2.5 London Plan 2021¹⁸ Policy SI 13 – Sustainable Drainage sets out requirements for surface water management and drainage across London. The full policy is set out below:

Policy SI 12 Flood risk management

- A Lead Local Flood Authorities should identify – through their Local Flood Risk Management Strategies and Surface Water Management Plans – areas where there are particular surface water management issues and aim to reduce these risks. Increases in surface water run-off outside these areas also need to be identified and addressed.
- B Development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the following drainage hierarchy:
- 1) rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)
 - 2) rainwater infiltration to ground at or close to source
 - 3) rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens)
 - 4) rainwater discharge direct to a watercourse (unless not appropriate)
 - 5) controlled rainwater discharge to a surface water sewer or drain
 - 6) controlled rainwater discharge to a combined sewer.
- C Development proposals for impermeable surfacing should normally be resisted unless they can be shown to be unavoidable, including on small surfaces such as front gardens and driveways
- D Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

- 3.2.6 Further guidance on Policy SI 13, including the London Sustainable Drainage Action Plan is set out in paragraphs 9.13.1 – 9.13.4.

LOCAL

EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

- 3.2.7 The existing Local Plan Policy on sustainable drainage is set out below:

Policy CE2 Flood Risk (relevant part extracted)

Surface Water Run-off and Sustainable Drainage Systems (SuDS)

- g) require major development to achieve greenfield run-off rates and minor development to achieve a reduction of 50% of existing rates, ensuring that surface water run-off is managed as close to its source as possible, through:

¹⁸ Mayor of London, [London Plan 2021](#), March 2021.

- i. the increase of permeable surfaces;
- ii. recognising opportunities for SuDS to provide other environmental benefits;
- iii. factoring all flows into the sewer system (including swimming pools discharges, groundwater or other flows) in the calculations of greenfield run-off rates;
- h) require SuDS to have regard to DEFRA non-statutory SuDS standards and local guidance to ensure SuDS are adequately designed, built and maintained for the lifetime of development;
- i) resist impermeable surfaces in gardens and landscaped areas;
- j) encourage the retrofitting of SuDS in buildings even if the development will not have drainage implications.

RBKC GREENING SUPPLEMENTARY PLANNING DOCUMENT, 2021

- 3.2.8 The Greening SPD, published in June 2021¹⁹, covers all facets of planning that can contribute towards sustainable development and how the environment will be placed at the centre of decision making.

RBKC LOCAL FLOOD RISK MANAGEMENT STRATEGY

- 3.2.9 The strategy explains how the Council is addressing local flood risk and it contains an action plan. The Local Flood Risk Management Strategy was produced in 2015 and will be reviewed in early 2023.

SUMMARY

Date	Document	Organisation
NATIONAL		
Apr 2010	The Flood and Water Management Act 2010 Makes provision about water and the management of risks in connection with flooding and coastal erosion	HM Government
	Non-statutory SuDS Standards	DLUHC
Mar 2014	National Planning Policy Framework (NPPF) Paragraphs 149 (flood risk) and 165 (SuDS)	DLUHC
Aug 2022	National Planning Practice Guidance (NPPG): Flood Risk and Coastal Change	DLUHC
July 2020	National flood and coastal erosion risk management strategy for England (2020) Sets out a vision of a nation ready for, and resilient to, flooding and coastal change.	Environment Agency
REGIONAL		
Mar 2021	The London Plan 2021 Policy SI 13 Sustainable Drainage	Mayor of London
LOCAL		
Ongoing	RBKC Climate Change Strategies and Action Plans	RBKC

¹⁹ [RBKC, Greening SPD, June 2021.](#)

	Plans to deliver the climate emergency commitment and the Council's Vision Carbon Zero.	
July 2015	RBKC Local Flood Risk Management Strategy Explains how the Council is addressing local flood risk and it contains an action plan.	RBKC
June 2021	RBKC Greening SPD Includes guidance on our energy policies both for new build and retrofitting, guidance on the reduction of toxic emissions, urban greening, flooding and biodiversity.	RBKC
July 2018	St Quintin and Woodlands Neighbourhood Plan	RBKC
Feb 2014	Norland Neighbourhood Plan	

3.3 EVIDENCE BASE

- 3.3.1 The evidence base documents give information on flood risk management and goes from site specific (Sequential Test) to Borough wide (Strategic Flood Risk Assessment, Surface Water Management Plan).
- 3.3.2 The evidence base also includes work done within different Council departments and external bodies (Local Flood Risk Management Strategy) and what to do in emergency situations (Multiagency flood plan and Thames breach flood plan). There is also information regarding a very specific type of development, basement development, which is particularly vulnerable to flooding (Residential Basement Study Report).

SUMMARY

Date	Document	Organisation
Sep 2022	Strategic Flood Risk Assessment Gives an overall assessment of flood risk in the Borough	RBKC
Mar 2014	Surface Water Management Plan Focuses on surface water and identifies and gives information on Critical Drainage Areas	RBKC
Jul 2015	Local Flood Risk Management Strategy Gives information regarding flood risk in the Borough and how the Council and other partners are addressing it. It contains an action plan with clear objectives and actions to tackle flood risk	RBKC
Jun 2011	Preliminary Flood Risk Assessment A high level screening exercise with information on local flood risk from past and future flooding events	RBKC

3.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

3.4.1 Alternative options were consulted on as part of the borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (September 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

3.4.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

Public Consultation	Timeframe
Borough Issues Consultation	29 September – 10 November 2020
Issues and Options Consultation	26 July – 4 October 2021
Regulation 18 Draft Policies	9 February – 23 March 2022
Regulation 19 Publication	October 2022

Figure 3: RBKC NLPR Consultation Timeline.

3.4.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

3.4.4 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

²¹ Where this relates to housing, such needs should be assessed using a clear and justified method,

as set out in paragraph 61 of this Framework.

- 3.4.5 We need to plan for more surface water (rain) and sewer water flooding, the main types of flooding that we expect across our borough. The current flooding policy was strengthened by the adopted Local Plan (2019) with more detailed requirements for measures to reduce flood risk and its impacts.
- 3.4.6 Although we consider that the current policy is strong, the NLPR should reflect reviewed government guidance and strategies and change in the Environment Agency policy regarding allow sleeping accommodation below the breach level.
- 3.4.7 The options and alternatives considered are:

1	To require policy CE2g run-off rates are met following the SuDS hierarchy to reduce or avoid the need for more engineering SuDS (as opposed to natural SuDS).	Reasonable alternative	This will allow to meet the percentage of reduction we require in terms of run-off rates but will not provide SuDS with other benefits. Using engineering solutions may mean that tanks are used to meet our SuDS policies as they may use less space on the ground, but they are less sustainable in the long term. Tanks are associated with pumps in some cases which is much less sustainable.
2	To be flexible regarding meeting policy CE2g run-off rates when more natural SuDS are used.	Reasonable alternative	Developers will have to think about green /sustainable issues from the outset of a project. This could have positive knock-on effects on meeting other green policies (such as UGF)
3	To support water efficiency measures, reuse of greywater and water harvesting measures to reduce water demand and sewerage flows.	Reasonable alternative	To align with the London Plan and to reduce pressure on the water system and reduce flood risk. The water cycle is considered in a holistic way through integrated water management strategies. This could provide benefits by reducing water and sewerage systems demand.
4	To require green/blue roofs in all flat roofs including extensions	Reasonable alternative	To ensure all opportunities for green/blue roofs are maximised. Flat roofs in

			conservation areas and listed buildings could be considered and, if acceptable, implemented. This could have positive knock-on effects on meeting other green policies (such as UGF)
5	To clarify that policy CE2g requires calculations to take into account the whole site rather than the area to be developed. Also, to require further details such as catchment areas for SuDS, and all of the SuDS details (even when some SuDS elements) are not part of the calculations.	Reasonable alternative	This is more relevant in small development where extensions are considered. This will provide clarity for developers on what is required to be considered at the outset.

3.5 PUBLICATION POLICY

3.5.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB12: Sustainable Drainage is proposed as follows.

GB12: Sustainable Drainage

- A. Development must contribute towards a reduction in the rate and volume of surface water run-off into the combined sewer network through measures that promote multifunctional benefits

Run-off rates

- B. Major development must achieve greenfield run-off rates and minor development must achieve a reduction of 50 per cent of existing run-off rates. Householder applications must reduce the rate of runoff from the site in a way that is proportionate to the scale of development and reflects the site constraints.

SuDS design and details

- C. Surface water run-off must be managed as close to its source as possible (following the London Plan SuDS hierarchy), through
 1. Storing rainwater for later use (such as rainwater harvesting for irrigation or domestic water butts).
 2. An increase of permeable or porous surfaces and green infrastructure, including trees and urban hedgerows, to enhance natural drainage. 3.
 3. The implementation of green/blue roofs on all flat roofs including extensions.
 4. Recognising opportunities for SuDS to provide other environmental benefits.
 5. Prioritising sustainable, natural green SuDS, over engineered options (underground attenuation tanks or oversized pipes).
 6. Supporting water efficiency measures, the reuse of greywater and water harvesting measures to reduce water demand and sewerage flows.
- D. SuDS proposals should meet national and local guidance to ensure SuDS are adequately designed, built and maintained for the lifetime of development.
- E. Impermeable surfaces in gardens and landscaped areas will not be permitted as part of the development.
- F. The Council encourages the retrofitting of SuDS in any development (even if the proposed development will not have drainage implications).

3.6 PROPOSALS MAP

- 3.6.1 No changes are required to be made to the Proposals Map.

3.7 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 3.7.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”²⁰.

²⁰ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

- 3.7.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”²¹. Strategic matters are further defined in paragraph 24 - 27 of the NPPF²² and paragraph 009 - 017 of the PPG on maintaining effective cooperation²³.
- 3.7.3 Figure 2 shows the actions the actions the Council has taken with regard to the duty and the relevant prescribed bodies.
- 3.7.4 The Council has prepared a statement ground which sets out where we are in agreement with neighbouring authorities. This will be amended as and when appropriate.

Strategic issue	Relevant prescribed bodies ²⁴	Council actions Prescribed bodies’ strategies, plans and policies which the Council has had regard to
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	New Local Plan Review Issues consultation – see Consultation Schedule	Sept. to Oct. 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	Jun. to Oct. 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb. to Mar. 2022

Figure 4: Duty to cooperate strategic issues, prescribed bodies and Council action.

²¹ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

²² [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

²³ [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

²⁴ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

4. POLICY GB13: WATER AND WASTEWATER INFRASTRUCTURE

4.1 INTRODUCTION

4.1.1 The Borough is dependent on the existing water supply and wastewater infrastructure to provide the necessary services to sustain our communities. Much of the infrastructure was built in Victorian times, such as the combined sewer network beneath many of the streets.

4.1.2 In addition, the challenges posed by climate change impacts are creating strains in the system, with London being classed as water stressed as well as extreme rainfall overwhelming the sewer network.

4.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

4.2.1 Water and wastewater infrastructure in the Borough is provided by Thames Water. As a Risk Management Authority, as defined in the [Flood and Water Management Act 2010](#) the Council has a duty to cooperate with other relevant authorities under Section 13 of the FWMA. This includes Thames Water for the provision of drainage and wastewater infrastructure to manage the risk of sewer flooding.

NATIONAL POLICY, STRATEGIES AND GUIDANCE

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2.2 The NPPF explains in Paragraph 20 that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: infrastructure for water supply and wastewater²⁵.

WATER SUPPLY, WASTEWATER AND WATER QUALITY PLANNING PRACTICE GUIDANCE (PPG)

4.2.3 The National Planning Practice Guidance on Water Supply, Wastewater and Water Quality²⁶ states that plan-making may need to consider the sufficiency and capacity of wastewater infrastructure, the circumstances where wastewater from new development would not be expected to drain to a public sewer, and the capacity of the environment to receive effluent from development in different parts of a strategic policy-making authority's area without preventing relevant statutory objectives being met.

HOUSING OPTIONAL TECHNICAL STANDARDS

4.2.4 The Housing Optional Technical Standards²⁷ states that, where there is a "clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110

²⁵ MHCLG, [National Planning Policy Framework](#), July 2021.

²⁶ [Water supply, wastewater and water quality - GOV.UK \(www.gov.uk\)](#), July 2019

²⁷ [Housing: optional technical standards - GOV.UK \(www.gov.uk\)](#), March 2010

litres/person/day”.

WATER STRESSED AREAS – 2021 CLASSIFICATION

- 4.2.5 The Environment Agency has defined water stressed areas across England, which includes the whole of Greater London²⁸.

REGIONAL POLICY, STRATEGIES AND GUIDANCE

LONDON PLAN 2021

- 4.2.6 London Plan 2021²⁹ Policy SI 5 – Water infrastructure sets out requirements for flood risk management across London. The full policy is set out below:

Policy SI 15 Water Infrastructure

- A In order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner.
- B Development Plans should promote improvements to water supply infrastructure to contribute to security of supply. This should be done in a timely, efficient and sustainable manner taking energy consumption into account.
- C Development proposals should:
 - 1) through the use of Planning Conditions minimise the use of mains water in line with the Optional Requirement of the Building Regulations (residential development), achieving mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption)
 - 2) achieve at least the BREEAM excellent standard for the ‘Wat 01’ water category or equivalent (commercial development)
 - 3) incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing
- D In terms of water quality, Development Plans should:
 - 1) promote the protection and improvement of the water environment in line with the Thames River Basin Management Plan, and should take account of Catchment Plans
 - 2) support wastewater treatment infrastructure investment to accommodate London’s growth and climate change impacts. Such infrastructure should be constructed in a timely and sustainable manner taking account of new, smart technologies, intensification opportunities on existing sites, and energy implications. Boroughs should work with Thames Water in relation to local wastewater infrastructure requirements
- E Development proposals should:

²⁸ [Water stressed areas – 2021 classification - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/water_stressed_areas_2021_classification.pdf)

²⁹ Mayor of London, [London Plan 2021](#), March 2021.

- 1) seek to improve the water environment and ensure that adequate wastewater infrastructure capacity is provided
- 2) take action to minimise the potential for misconnections between foul and surface water networks

F Development Plans and proposals for strategically or locally defined growth locations with particular flood risk constraints or where there is insufficient water infrastructure capacity should be informed by Integrated Water Management Strategies at an early stage.

4.2.7 Further guidance on Policy SI 5, including water efficiency target and infrastructure investment is set out in paragraphs 9.5.1 – 9.5.13.

THAMES WATER DRAFT DRAINAGE AND WASTEWATER MANAGEMENT PLAN

4.2.8 Thames Water has recently consulted on its draft Drainage and Wastewater Management Plan. The Plan highlights the need for increased investment over the next 25 years in the Borough, through the delivery of larger sewers and accelerated delivery of sustainable drainage.

LOCAL

EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

4.2.9 The existing Local Plan Policy on water infrastructure is set out below:

Policy CE2 Flood Risk

Water Infrastructure Projects

- m) support the Thames Tideway Tunnel in principle;
- n) support the provision of water and sewage infrastructure which will lead to a substantial and long-term reduction of local flooding, providing the need outweighs any adverse effects during construction and operation and appropriate mitigation measures are in place.

SUMMARY

	Document	Organisation
NATIONAL		
Apr 2010	The Flood and Water Management Act 2010 Makes provision for cooperation with water and sewerage companies	HM Government
Mar 2014	National Planning Policy Framework (NPPF) Paragraphs 20 infrastructure	DLUHC
July 2019	Water supply, wastewater and water quality - GOV.UK (www.gov.uk)	DLUHC
July 2021	Water stressed areas – 2021 classification - GOV.UK (w	Environment Agency

REGIONAL		
Mar 2021	The London Plan 2021 Policy SI 5 Water infrastructure	Mayor of London
June 2022	Draft Drainage and Wastewater Management Plan	Thames Water

4.3 EVIDENCE BASE

4.3.1 The evidence base documents give information on national and regional expectations for water supply and wastewater infrastructure.

SUMMARY

	Document	Organisation
NATIONAL		
Apr 2010	The Flood and Water Management Act 2010 Makes provision for cooperation with water and sewerage companies	HM Government
Mar 2014	National Planning Policy Framework (NPPF) Paragraphs 20 infrastructure	DLUHC
July 2019	Water supply, wastewater and water quality - GOV.UK (www.gov.uk)	DLUHC
July 2021	Water stressed areas – 2021 classification - GOV.UK (w	Environment Agency
REGIONAL		
Mar 2021	The London Plan 2021 Policy SI 5 Water infrastructure	Mayor of London
June 2022	Draft Drainage and Wastewater Management Plan	Thames Water

4.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

4.4.1 Alternative options were consulted on as part of the borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (September 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

4.4.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

Public Consultation	Timeframe
Borough Issues Consultation	29 September – 10 November 2020

Issues and Options Consultation	26 July – 4 October 2021
Regulation 18 Draft Policies	9 February – 23 March 2022
Regulation 19 Publication	October 2022

Figure 5: RBKC NLPR Consultation Timeline.

4.4.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

4.4.4 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

²¹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

4.4.5 We need to ensure that the delivery of water and wastewater infrastructure meets the needs of communities and is planned in an integrated way through the delivery of Integrated Water Management Strategies and a reduction in water demand from new developments.

4.5 PUBLICATION POLICY

4.5.1 Following consideration of the consultation and reasonable alternatives, Policy GB13: Water and Wastewater Infrastructure is proposed as follows.

GB13: Water and Wastewater Infrastructure

- A. The Council supports the provision of strategic water and wastewater infrastructure which will lead to an increased security of water supply, a substantial and long-term reduction of local sewer flooding, and an increase in sustainability objectives.
- B. The Council will require Integrated Water Management Strategies in Opportunity Areas and supports major applications taking an integrated approach to water supply and surface water management.
- C. Any off-site upgrades to necessary water or wastewater infrastructure must be delivered ahead of occupation.
- D. All new residential development will be required to meet the optional requirement for water efficiency set out in Part G of the Building Regulations of 110 litres/person/day.
- E. Commercial development should achieve at least the BREEAM “excellent” standard for the ‘Wat 01’ water category or equivalent.

4.6 PROPOSALS MAP

4.6.1 No changes are required to be made to the Proposals Map.

4.7 DUTY TO COOPERATE AND STRATEGIC ISSUES

4.7.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”³⁰.

4.7.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”³¹. Strategic matters are further defined in paragraph 24 - 27 of the NPPF³² and paragraph 009 - 017 of the PPG on maintaining effective cooperation³³.

4.7.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

4.7.4 The Council has prepared a statement ground which sets out where we are in

³⁰ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

³¹ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

³² [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

³³ [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

agreement with neighbouring authorities. This will be amended as and when appropriate.

Strategic issue	Relevant prescribed bodies ³⁴	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	New Local Plan Review Issues consultation – see Consultation Schedule	Sept. to Oct. 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	Jun. to Oct. 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb. to Mar. 2021

Figure 6: Duty to cooperate strategic issues, prescribed bodies and Council action.

³⁴ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

5. POLICY GB14: WATERWAYS

5.1 INTRODUCTION

- 5.1.1 The River Thames and Grand Union Canal are important local features in the Borough and the Council is aware of the importance of enhancing and protecting them for the benefit of the wider area.

5.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

REGIONAL POLICY, STRATEGIES AND GUIDANCE

LONDON PLAN 2021

- 5.2.1 London Plan 2021³⁵ Policy SI 14 – Waterways – strategic role sets out requirements for waterways across London. The full policy is set out below:

Policy SI 14 Waterways – strategic role

- A Development Plans and development proposals should address the strategic importance of London’s network of linked waterways, including the River Thames, and should seek to maximise their multifunctional social, economic and environmental benefits.
- B To ensure coordination and alignment at the interface between terrestrial and marine planning, Development Plans and development proposals should take account of the emerging Marine Spatial Plans prepared by the Marine Management Organisation.
- C Boroughs are encouraged to work together on policies or other appropriate area-based strategies that address cross-boundary waterways issues.
- D To reflect the distinctiveness of areas that specifically relate to the River Thames, relevant Development Plans should designate, and ensure the maintenance of, Thames Policy Areas (TPAs). Setting the boundary of TPAs should be done in consultation with neighbouring boroughs, including those across the river. Boroughs are encouraged to plan for TPAs through joint Thames Strategies.
- E Joint Thames Strategies and other area-based joint waterways strategies should consider:
- the local character of the river/waterway
 - water-based passenger and freight transport nodes
 - development sites and regeneration opportunities
 - opportunities for environmental/ecological and urban design improvements
 - sites of ecological, historic, or archaeological importance
 - sites, buildings, structures, landscapes and views of particular sensitivity or importance

³⁵ Mayor of London, [London Plan 2021](#), March 2021.

- focal points of public activity
- inclusive public access
- strategic cultural value
- recreation and marine infrastructure
- river crossings and other structures
- indicative flood risk and water quality

5.2.2 Waterways are also covered in Policies SI 15 Water Transport, SI 16 Waterways – use and enjoyment and SI 17 Protecting and Enhancing London’s Waterways.

THAMES ESTUARY 2100 PLAN

5.2.3 The Thames Estuary 2100 Plan sets out recommendations for flood risk management for London and the Thames estuary through to the end of the century and beyond.

THAMES RIVER BASIN DISTRICT RIVER BASIN MANAGEMENT PLAN

5.2.4 The Thames River Basin Management Plan³⁶ provides a framework for protecting and enhancing the benefits provided by the water environment. To achieve this, and because water and land resources are closely linked, it also informs decisions on land-use planning.

THAMES STRATEGY – KEW TO CHELSEA

5.2.5 The Thames Strategy – Kew to Chelsea (2002) sets out the strategy for habitat, amenity and safety aspirations along the River Thames between Kew and Chelsea. The strategy is currently being revised.

A SAFER RIVERSIDE

5.2.6 Key to meeting the Drowning Prevention Strategy’s aim is ensuring that safety is an intrinsic part of all future development alongside and on the tidal Thames. A Safer Riverside³⁷ provides information on modern best practice in Public Rescue Equipment and replaces this previous guidance.

SOUTH EAST MARINE PLAN

5.2.7 The Marine Management Organisation’s South East Marine Plan³⁸ provides a policy framework which will be used to help inform decision-making on what activities take place in the marine environment and how the marine environment is developed, protected and improved in the next 20 years.

LOCAL

EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

³⁶ [Thames river basin district river basin management plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

³⁷ [A Safer Riverside \(pla.co.uk\)](http://pla.co.uk)

³⁸ [South East Marine Plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

5.2.8 The existing Local Plan Policy on flood risk is set out below:

Policy CR5 Parks, Gardens, Open Spaces and Waterways (extract)

Waterways

h. require opportunities to be taken to improve public access to, and along the Thames and the Grand Union Canal, and promote their use for education, tourism, leisure and recreation, health, well-being and transport.

j. resist permanently moored vessels on the river, except where they would not have:

- i. a detrimental effect on the river as a transport route and its special character, including biodiversity;
- ii. an adverse affect on the character or appearance of the existing residential moorings at Battersea Reach;

k. permit residential moorings on the Grand Union Canal provided that:

- i. there are adequate services for permanently moored vessels;
- ii. other canal users (both water and landbased) are not adversely affected.

5.3 EVIDENCE BASE

5.3.1 No further evidence base documents from those presented in Section 5.2 are provided.

5.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

5.4.1 Alternative options were consulted on as part of the borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (September 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

5.4.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

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Figure 7: RBKC NLPR Consultation Timeline.

5.4.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

5.4.4 The Council has considered the options particularly in light of the 'tests of soundness' which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

²¹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

5.4.5 Following consultation, it was decided to separate out Waterways policies from other areas. Although we consider that the current policy is strong, the NLPR should reflect reviewed government guidance and strategies.

5.5 PUBLICATION POLICY

Following consideration of the options presented above, consultation and reasonable alternatives, Policy GB14: Waterways is proposed as follows.

GB14: Waterways

- A. Relevant development must protect and enhance waterways in the Borough.
- B. Require opportunities to be taken to safeguard and improve public access to the River Thames, Chelsea Creek and the Grand Union Canal, as well as promote their use for education, tourism, leisure and recreation, health, well-being and transport for both passengers and freight.
- C. Development in the Thames Policy Area and adjacent to the flood defences should take account of the actions and recommendations of

the Thames Strategy – Kew to Chelsea and the Thames Estuary 2100 (TE2100) Plan.

- D. Resist permanently moored vessels on the River Thames and Chelsea Creek. Where new moorings are considered, applicants would need to demonstrate that there will be:
 - i.No detrimental effect on the river as a transport route
 - ii.no detrimental impact in the River Thames foreshore – an important and often protected habitat.
 - iii.No adverse affect on the character or appearance of existing residential moorings.
 - iv.Safe access and egress from the mooring can be maintained at all times without impacting on, or preventing, future raising of the flood defences.
- E. Permit residential moorings on the Grand Union Canal provided that:
 - i.There are adequate services for permanently moored vessels; and,
 - ii.ii. other canal users (both water and land based) are not adversely affected.

5.6 PROPOSALS MAP

- 5.6.1 No changes are required to be made to the Proposals Map.

5.7 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 5.7.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”³⁹.
- 5.7.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”⁴⁰. Strategic matters are further defined in paragraph 24 - 27 of the NPPF⁴¹ and paragraph 009 - 017 of

³⁹ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

⁴⁰ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

⁴¹ [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

the PPG on maintaining effective cooperation⁴².

5.7.3 Figure 2 shows the actions the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

5.7.4 The Council has prepared a statement ground which sets out where we are in agreement with neighbouring authorities. This will be amended as and when appropriate.

Strategic issue	Relevant prescribed bodies ⁴³	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	New Local Plan Review Issues consultation – see Consultation Schedule	Sept. to Oct. 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	Jun. to Oct. 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb. to Mar. 2021

Figure 8: Duty to cooperate strategic issues, prescribed bodies and Council action.

⁴² [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

⁴³ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.



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