

David Hughes  
Planning and Building Control  
London Borough of Harrow  
Forward Drive, Harrow, HA3 8FL

**Date:** 20 December 2024

Email: [Local.Plan@harrow.gov.uk](mailto:Local.Plan@harrow.gov.uk)

## London Borough of Harrow Local Plan Regulation 19 Consultation

Thank you for consulting us on the above local plan Regulation 19 consultation. Having reviewed the local plan documents, we have the following comments to make on environmental considerations within our statutory remit. These comments are divided into:

- Local plan policies
- Site allocations
- Evidence base

Based on a review of the draft local plan, and the submitted evidence base, we currently **find the submission unsound**, due to a:

- Lack of a contamination/groundwater protection policy.
- Lack of a robust flood risk policy.

Please read through this response for further details on the above. We have also suggested additional points or wording that need to be considered and incorporated into your policies to ensure they are robust and fit for purpose.

We hope that you find our comments useful, and we would be pleased to meet with you to discuss in more detail any issues or queries you may have.

Our aim is to assist you prepare and implement a sound, robust, and effective plan that is reflective of national policy and your local up-to-date evidence base. We hope that this collaborative process leads to a plan that delivers sustainable development, contributes to a stronger economy and safeguards the environment for future generations.

### Duty to Cooperate

Thank you for meeting with us under the duty-to-cooperate on 11 December 2024. It was useful to discuss our soundness concerns and explore possible ways forward. From the meeting, it is our understanding the London Borough of Harrow is committed to resolving the soundness concerns raised in this representation.

We look forward to continued engagement through the duty-to-cooperate and a

Statement of Common Ground.

## Local Plan Policies

### **Chapter 1: Borough Profile, Spatial Vision, Strategic Objectives and Spatial Strategy**

#### **Borough Profile**

We're pleased to see the inclusion of watercourses within this section following our previous comments.

#### **Spatial Vision**

We still believe there is missed opportunity here in terms of blue spaces. The plan mentioned that "*The borough will see increased rates of biodiversity through the protection and enhancement of existing green spaces*", but this should also include blue spaces, such as lakes, ponds, rivers, and canals. We would like to see specific mention of and reference to, [The social benefits of Blue Space: a systematic review - GOV.UK](#)

#### **Strategic Objectives**

Whilst we are pleased to see Climate Emergency identified as a Strategic Objective in the borough, we note that there is still a missed opportunity to highlight the challenge of increasing flood risk as a key climate change mitigation and adaptation measure. We recommend a stronger commitment to exploring and taking advantage of opportunities to achieve betterment and reduce flood risk overall.

Some suggested opportunities to improve resilience include:

- Natural Flood Management (NFM) and Nature-Based Solutions (NBS).
- De-culverting/ day lighting culverts: culverts can cause issues such as increasing flood risk when compared to naturalised watercourses.
- Natural bank protection: move away from concrete (hard engineering) and seek alternative softer options/ natural materials whenever possible. Hard (grey) bank protection involves the use of man-made materials. Due to low ecological benefit and, in some cases, environmental deterioration, these materials should be kept to a minimum when repairing or maintaining banks. We do note this should be on a case-by-case basis. Please see our attached advisory sheet for more information on softer options.

We note hard/impermeable landscaping has been briefly discussed in Policy GI4: Urban Greening, Landscaping and Trees (7.4.14), but would like to see more detail with a focus on riverbanks.

Furthermore, habitat should be included additionally to biodiversity. If the habitat is not appropriate, biodiversity cannot thrive. Mentions of improving niche and rare landscapes (including the river network) should be specifically referred to as a priority.

## **Harrow Spatial Strategy Map 2024**

We're pleased to see the inclusion of main rivers within the spatial strategy map. As previously mentioned, these are important in providing context as to how they fit into the wider picture of Harrow.

### **Chapter 2: High Quality Growth**

#### **Policy GR1: Achieving a High Standard of Development**

As mentioned in our Regulation 18 response, we suggest using more robust wording for clause c (e.g. changing the word 'should' to 'must') to make the policy sounder and more effective in terms of retaining and enhancing biodiversity. We also recommend including wording to ensure 'biodiversity mitigation hierarchy' is followed. Furthermore, we recommend the inclusion of rivers within this text, to support wildlife corridors and biodiversity. We suggest the following proposed wording:

*B. To ensure the most efficient and optimal use of land, proposals must take a design led approach by:*

*c. Providing high quality (hard & soft) landscaping, amenity space and play space to support the overall quality of a successful development. Proposals should seek to retain or enhance existing landscaping, biodiversity or other natural features of merit (including rivers and the riparian zone).*

Excess shading hinders the growth of some riverine plants which impacts on foraging species and consequently biodiversity. Therefore, we recommend amendments to the policy wording to ensure all buildings are sufficiently set back to not overshadow the river channel. Buildings must be designed to minimise the impact of shading to sensitive receptors such as rivers and wetlands; an assessment of the impacts should be provided with the development proposal. We believe this will also fit in well with the proposed policy GR4: Building Heights.

#### **Policies GR3 and GR7**

We are pleased to see the updates made to these policies since our last response.

### **Chapter 6: Community Infrastructure**

#### **Policy CI3: Sport and Recreation**

We recommend that the leisure uses map should include blue spaces (i.e. mark on the rivers) as well as the green spaces, given how our rivers could (with some work) contribute/are already contributing to community leisure.

### **Chapter 7: Green Infrastructure**

#### **Strategic Policy 07: Green Infrastructure**

We're pleased to see the recommended changes to this policy and understand that blue infrastructure is discussed further under Chapter 08. We do, however, believe that the supporting text 7.0.6, could be clearer in specifying which EA guidelines should be followed in relation to this, such as [Flood risk activities: environmental](#)

[permits - GOV.UK.](#)

### **Policy GI3: Biodiversity**

As mentioned as part of our Regulation 18 response, we recommend including further text to clause E regarding considerations given to biodiversity when designing new development. This can be utilised to enhance habitats e.g. providing built in bat and bird bricks, and boxes to provide long term roosting and nesting provision. A biophilic design helps to counteract the Urban Heat Island Effect and promote biodiversity.

## **Chapter 8: Responding to the Climate and Nature Emergency**

### **Strategic Policy 08: Responding to the Climate and Nature Emergency**

Section h(2) of this policy states “*where possible avoiding or otherwise minimising light and noise pollution, and improving air, water and soil quality*”. We suggest that “*water*” in this policy is specified, and recommend it be split into both groundwater and surface water. In this instance groundwater relates to both groundwater quality and quantity. Development should not place a burden on groundwater flow or quantity, as well as protect and enhance groundwater quality. This point is reflected in the Integrated Impact Assessment and was also provided as part of our Regulation 18 response, so it is disappointing to see that this hasn’t been included.

### **Policy CN1: Sustainable Design and Retrofitting**

We’re pleased with the changes made to this policy following recommendations from our previous response.

### **Policy CN3: Reducing Flood Risk**

We’re happy to see a change in wording from ‘*should*’ to ‘*must*’ in clause B(d) as previously recommended but are disappointed that no other changes have been made, especially as we have serious concerns regarding the 3b clauses within this policy (D, E, and supporting text 8.3.12). As stated previously, we believe this will cause confusion and implies that development is acceptable within 3b if it’s already built upon, and this conflicts with national policy. Therefore, as this policy is **not consistent with national policy**, we find this policy **unsound**.

These soundness concerns can be addressed by re-considering the policy wording to ensure:

1. No increase in the built footprint of any existing development within Flood Zone 3b.
2. No increase in the vulnerability classification of any existing development within Flood Zone 3b.

Further details can be found in the [Flood Risk and Coastal Change section of the Planning Practice Guidance](#).

### **Policy CN4: Sustainable Drainage**

We’re pleased to see the strengthening of clause B through the replacement of ‘*should*’ to ‘*must*’, however, we have some new concerns with this policy due to the

addition of supporting text 8.4.11, 8.4.12, and as there is still a lack of a contamination/groundwater protection policy.

#### Groundwater land contamination

Clause H should clarify what is meant by “control of water pollution”. Furthermore, “*major development*” should be changed to “*all development*”. This is the same as 8.4.12. For clause H we suggest it be reworded to, “*Proposals for any development should ensure best practice is followed to ensure groundwater resources are not negatively impacted.*”

The protection of groundwater quality from SuDS is not included as a part of this policy, and an update should be made to incorporate this. For example, “*Proposals must prevent discharges to ground through land affected by contamination*” is some wording that can be used.

#### Discharges to groundwater

We encourage the use of infiltration SUDs as this is a sustainable approach to surface water management that mimics natural processes. However, the use of infiltration SUDs is not appropriate on all sites and in all locations. 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. Where peak seasonal groundwater levels are shallow this may constrain the potential for infiltration drainage or the choice of infiltration SUDs due to a requirement to maintain a minimum unsaturated zone thickness beneath the infiltration level. 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 or drainage fields/mounds and where the developer demonstrates no unacceptable pollution risk to groundwater; if approved they may require an environmental permit. In all cases the SUDs train should provide sufficient water quality treatment in line with the land use of the drainage catchment and sensitivity of the receiving groundwater body.

We recommend that the following guidance be referenced:

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

#### **Policy CN5: Waterway Management**

We are supportive of the recommended changes being made to this policy including specifics of an 8m buffer zone from the top of the bank/flood defence/culvert. However, we believe more could be said about blue infrastructure given that in supporting text 7.0.6 it explained that it would be discussed further in this chapter and still not enough has been mentioned.

#### Blue Infrastructure

We highly recommend including text that covers blue infrastructure. This could be incorporated by amending the same policy or by including a separate policy for blue infrastructure. Such a policy should include the following provisions:

- Reconnection to the river corridor
- Protection of defences and raising plans (within a riverside strategy)
- Include provision for any culverted main rivers - are there any you would consider daylighting/ creating a restoration scheme.
- Securing floodplain compensation - and utilising plans for compensation that provide wetlands and biodiversity gain.

#### Advice

The Environment Agency has power over and responsibilities for watercourse management, including working on main rivers and managing flood risk. Therefore, new developments should not restrict access to main rivers and flood defence assets. As a minimum, we will be looking for an 8m undeveloped buffer zone to facilitate this access.

Flood Risk Activity Permits are required for certain activities as outlined here: [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits)

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

#### **Groundwater and land quality issues**

We are deeply concerned that there is still no reference to groundwater and land quality issues. This is extremely disappointing as the Soil, Water and Minerals section of the IIA contains a number of key messages pertaining to the protection of groundwater and land quality from development works. The Reg 19 draft Local Plan as presented is not fit for purpose with respect to the protection of groundwater.

Therefore, as this Local Plan is **not positively prepared, or consistent with national policy**, we find this draft Local Plan **unsound**.

In order to overcome the above soundness concerns, we encourage London Borough of Harrow to draft a policy regarding the above. Please see the advice below:

- Specific National Planning Policy Framework (NPPF) paragraphs 180 and

189 should be considered.

- Relevant guidance such the Environment Agency's [Approach to Groundwater Protection](#) and [Land Contamination Risk Management](#) (LCRM) should be promoted
- Policies should require developers to submit a Preliminary Risk Assessment (PRA) together with a planning application where land is potentially contaminated, in line with the NPPF.
- Policies should require developers to ensure sites are suitable or made suitable for intended use, in line with the NPPF.
- Policies should require developers to prevent discharges to ground through land affected by contamination.

It should be ensured that any preliminary risk assessment and subsequent site investigation and remediation strategies at sites with land affected by contamination should be undertaken by a competent person. The National Planning Policy Framework (NPPF) paragraph 189c) defines a competent person (to prepare site investigation): “*A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation*”. We recommend including information on this in the supporting text of any proposed policy on groundwater and land quality.

Piling or any other foundation design using penetrative methods may cause preferential pathways for contaminants to migrate to groundwater and cause pollution. For new development sites where piled / deep foundations penetrate the London Clay to the underlying aquifers then a Foundation Works Risk Assessment (FWRA) would be required to ensure that there are no arising unacceptable risks to groundwater in the chalk aquifer associated with the works.

## Site Allocations

### General comments

We believe using the term “*Flood zone (Surface Water) 3a*” is confusing, as surface water is not distinguished by different zones, only by low, medium, and high. We recommend this is changed to use the scale aforementioned.

### OA13 – Travis Perkins Wealdstone

As there is FZ3a and 2 to the west of the site, you should keep development towards the east of the site where it is FZ1. A Flood Risk Assessment (FRA) will need to be submitted as part of this development.

### OA16 - Kodak

Historic photographic manufacturing sites represent a highly contaminative former use. This site will require detailed intrusive investigation to characterise any soil and groundwater contamination on site, and any development scheme will be required to fully establish the risks to controlled waters. Groundwater is particularly sensitive at this location as the site is located atop a Secondary A Bedrock Aquifer (Lambeth Group).

Further information regarding photographic manufacturing sites can be found at <https://webarchive.nationalarchives.gov.uk/ukgwa/20140328084622/http://publication.s.environment-agency.gov.uk/pdf/SCHO0195BJKX-e-e.pdf>

### **O9 – Pinner Telephone Exchange**

As there is FZ3a and 2 to the east of the site, you should keep development towards the west of the site where it is FZ1. Furthermore, we require an 8m buffer from the top of the bank of the Yeading Brook to the east of the site. Any development within 8m of this river will require a Flood Risk Activity Permit. A Flood Risk Assessment (FRA) will also need to be submitted as part of this development.

### **O17 – Kenton Road Telephone Exchange**

Any development should be kept within FZ1. A Flood Risk Assessment (FRA) will also need to be submitted as part of this development.

### **O19 – Marsh Lane Gas Holders**

Historic gasworks sites represent a highly contaminative former use. This site will require detailed intrusive investigation to characterise any soil and groundwater contamination on site, and any development scheme will be required to fully establish the risks to controlled waters. Groundwater is particularly sensitive at this location as the site is located atop a Secondary A Superficial Aquifer (Alluvium).

Further information regarding gasworks can be found at:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SCHO0195BJKP-e-e.pdf>

### **GB1 - Royal National Orthopaedic Hospital (RNOH)**

Development on historic landfills may require an Environmental Permit for the reuse of site material and/or the deposition of waste for recovery activities. Developers for these sites would need to make enquires regarding potential requirements under the Environmental Permitting Regulations 2016.

## **Evidence base**

Please see comments on the submitted evidence base relevant to our statutory remit below.

### **Strategic Flood Risk Assessment (SFRA) – Level 1**

We note that updates to the Level 1 West London SFRA have been made to support the local plan and update the 3b classifications according to new guidance - we believe this is currently sufficient. However, as communicated further changes will need to be made to bring the West London SFRA up to date.

In line with paragraph 166 of the NPPF, strategic policies should be informed by an SFRA. This is to ensure that the relevant policies are sound and backed with up-to-date evidence base. We note that SFRA's are classed as living documents and need to be reviewed and updated to reflect any major changes to flood risk or relevant



data, amongst other things. More details available [here](#).

We are aware that the West London SFRA is currently being updated with respect to at least one of the relevant local planning authorities and note that this could be used as an opportunity to ensure that it is up-to-date and fit for purpose.

### **Strategic Flood Risk Assessment (SFRA) – Level 2**

We are pleased to see an updated Level 2 SFRA submitted as part of this consultation. It identifies general mitigation requirements for site allocations which we are happy with, and suggest you make sure all new developments follow this.

### **Integrated Impact Assessment (IIA)**

We are pleased to see the inclusion of our comments related to groundwater and land quality in your IIA. It is therefore disappointing that these key messages weren't transferred to the Reg 19 Local Plan.

We recommend that on page 14 within topic Biodiversity, Geodiversity, Flora & Fauna, blue spaces should be included with mention of an 8m buffer (riparian) zone for main rivers.

### **Harrow Surface Water Management Plan**

We note that the [Harrow Surface Water Management Plan](#) was produced in 2011. We recommend that Harrow Borough Council commission a new study. A new study would highlight opportunities to reduce the volume of contaminated urban run-off entering watercourses, to minimise the volumes of surface water entering the sewer network, and to increase the possibility of rainwater reuse. This can greater inform the policies and supporting text for Policies CN3, CN4, and CN5. More information on surface water management plans can be found here:

<https://www.gov.uk/government/publications/surface-water-management-plan-technical-guidance>

### **Water cycle study**

Water cycle studies are a recommended approach for understanding not only the pressures an area puts onto the sewage network but also the demands that it places upon the water supply. Water cycle studies can also highlight opportunities for interventions that may alleviate either or both stresses (for example, what kind of SuDS may be appropriate in which location). As above, a water cycle study can greater inform the policies and supporting text for Policies CN3, CN4, and CN5.

More information on water cycle studies can be found here:

<https://www.gov.uk/guidance/water-cycle-studies>

## **Closing comments**

### **Duty to Co-operate**

Most natural resources extend across multiple Local Authority areas. We encourage the Council to make full use of the Duty to Co-operate when revising this draft local plan. Cross-boundary, collaborative working will ensure that strategic priorities across local boundaries are properly co-ordinated. Please consider this when addressing

climate change, flood risk, waste management, habitat and biodiversity enhancement, watercourse protection and improvement, water and waste resources.

**Final comments**

Thank you again for seeking our representation on the Draft Local Plan Regulation 19 consultation. We trust that the comments presented in this letter are clear and informative and would welcome the opportunity to meet with you to discuss in more detail any issues or queries you may have.

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,

[Redacted signature]

E-mail:

[Redacted email address]