

[REDACTED]

From: Valerie Scott <[REDACTED]>
Sent: 13 March 2025 15:58
To: Richmond Local Plan
Cc: Henry Harrison ([REDACTED]); Valerie Scott; [REDACTED]
Subject: Response to Main Modification MM44- Policy 8 Flood Risk and Sustainable Drainage
Attachments: 2025 03 12 LOCAL PLAN Response to MM44 (1).pdf
Categories: Consultation Response

Dear Local Plan Team

I refer to the Schedule of Main Modifications of the Draft Local Plan published 31.01.25 and on behalf of my client, Mr Henry Harrison of Riverside Ltd, Phoenix Wharf, Eel Pie Island, Twickenham, TW1 3DY I wish to object to Proposed Modification MM44 – Policy 8 Flood Risk and Sustainable Drainage.

The reasons for objecting to this Main Modification MM44 are set out in the attached report.


I would be grateful if you could confirm receipt of this email and report.

Regards

Valerie

Valerie Scott BSc(Hons) MCD MRTPI
Principal
Valerie Scott Planning



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VALERIE SCOTT PLANNING

Response to Main Modification MM44

Policy 8 Flood Risk and Sustainable Drainage

On behalf of Henry Harrison, Riverwharf Ltd,

**Phoenix Wharf, Eel Pie Island, Twickenham,
TWI 3DY**

London Borough of Richmond upon Thames

Schedule of Proposed Main Modifications 31.01.25

12 MARCH 2025

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(1) INTRODUCTION

1. My name is Valerie Scott and I am the Principal of Valerie Scott Planning. This statement has been commissioned by Henry Harrison of Riverwharf Limited, Phoenix Wharf, Eel Pie Island, Twickenham. Mr Harrison lives and works at Phoenix Wharf where he manages a boatyard and a block of studio units currently used for business purposes.

(2) EXECUTIVE SUMMARY

2. Mr Harrison wishes to make a representation on MM44 (additional wording to Draft Local Plan **highlighted in bold below**).

With reference to Policy 8 Flood Risk and Sustainable Drainage (Strategic Policy), Paragraph 16.66:

*The borough contains a number of islands in the River Thames. Where the access and egress to and from the island begins within the functional floodplain, for the purposes of new development, such islands will be considered and treated as functional floodplain (Zone 3b), even if parts of the islands may be within an area of lower probability of flooding. **For the River Thames, the functional floodplain is defined as land riverward of Thames Tidal Flood Defences.** In line with the guidance set out in the Council's SFRA [Strategic Flood Risk Assessment], new developments are restricted to 'Water Compatible' and 'Essential Infrastructure' (subject to an Exception Test) as per the guidance in the Flood Risk and Coastal Change PPG.*

3. Mr Harrison's representation is with reference to the deleterious impact on **Eel Pie Island** of the proposed change to the definition of the functional floodplain.
4. The functional floodplain is currently defined as Flood Zone 3b.
5. MM44 proposes that this definition be changed. Under MM44, all land "riverward of the Thames Tidal Flood Defences" would be redesignated part of the functional floodplain.
6. Eel Pie Island - its access and 95% of the island itself both not in the functional floodplain as it is currently defined (i.e. not in Flood Zone 3b) - would overnight, on the adoption of the Local Plan, find itself wholly 'relocated' in the functional floodplain.

7. Access to Eel Pie Island has, in successive SFRAs, been **erroneously categorised** as being located in Flood Zone 3b. This will be addressed in detail.
8. The borough's islands are located in both **tidal and non-tidal** waters. Eel Pie Island is located in tidal waters. This is relevant when assessing risk to life of an extreme flood event and has not been taken into account in the broad brushstroke proposed redefinition and the implications it will have.
9. The definition of the functional floodplain is critical to this assessment and to change the definition will have major implications in relation to the provision of new residential properties, extensions (be they of footprint or volume of space occupied e.g. a roof conversion) to existing residential properties, and conversions from business to residential use or mixed use.
10. **Planning permission** for extensions/change of use etc and existing permitted development rights would be severely restricted to the point of being effectively erased, adversely impacting Eel Pie Island's ability to adapt to change and accordingly remain vital.
11. **Residential mortgages and business loans** (this latter if secured against assets, of which a business premises is invariably a significant factor) would also be harder to obtain, with fewer lenders willing to lend, and as a result would be more expensive, impacting, for example, the viability of river-related businesses such as boatyards, of which there are currently four on Eel Pie Island.

It should be noted that the Nationwide Building Society has recently stated it will use flood mapping to identify high-risk properties and will decline to offer financing. (*Guardian, 30 April 2024*)

12. **Insurance premiums** would similarly rise against the background of the premises suddenly being located in the functional floodplain (even though the actual flood risk would remain unchanged), and the number of insurers prepared to take on the risk would shrink.

It should be noted that the Flood Re subsidised cover scheme is scheduled to end in 2039. (*Guardian, 30 April 2024*)

13. The overwhelming majority of the borough's ten islands, however, will not be impacted by the proposed redefinition of the functional floodplain, as
- (1) the entirety of those islands are already located in Flood Zone 3b or
 - (2) their access is already situated in Flood Zone 3b or
 - (3) the islands are non-tidal and hence not "riverward of Thames Tidal Flood Defences."
- See page 10 for **Figure 1: Flood Zone analysis of LBRuT islands supported by the Aurora Mapping System**
14. **Eel Pie Island**, the borough's largest island, though, will be significantly adversely affected.
15. 95% of Eel Pie Island is located in Flood Zone 3a, with its access located entirely in Flood Zone 3a. The island has long thrived precisely because it has been able to adapt to change and therefore remain viable and vital. Being able to obtain planning permission for development/redevelopment, along with the attendant financing and insurance, has clearly facilitated this.
16. It is the aim of this document to outline why this 'broad brushstroke, one size fits all' redefinition of the functional floodplain is both unnecessary and inappropriate, and materially harmful to the borough's largest island.
17. **The existing definition of the functional floodplain as Flood Zone 3b should be retained.** This would align LBRuT with all other London boroughs, in which the functional floodplain is identified as Flood Zone 3b. The wording of the proposed change "For the River Thames" is simply inaccurate. SFRA after SFRA across multiple London boroughs fronting the River Thames identify the functional floodplain as Flood Zone 3b.
18. Or, as has happened in the previous SFRA's and Local Plans, if LBRuT wishes to accept the EA's redefinition of the functional floodplain, then an **exception** should be made (as has been made in previous LBRuT Local Plans and accompanying SFRA's) for **Eel Pie Island**, so it can continue to thrive through being able to adapt to changing times, as it has done for centuries.

(3) CONSULTATION ON MM44

19. Mr Harrison did not make a representation at the consultation stage of the LBRuT “Publication” Draft Local Plan in June/July 2023 as this version of the Draft Plan did not include the change to Policy 8 as now proposed.
20. The proposed change to Policy 8 resulted from a meeting held between LBRuT and the Environment Agency (EA) that took place on 19 March 2024. A **Statement of Common Ground (Ref: SOCG-08)** was signed by both parties on 18 April 2024.
21. On 10 May 2024, LBRuT added the **Schedule of Proposed Modifications suggested by the Council (Ref: LBR-002)** to the Library of documents supporting the 2024 Local Plan Public Inquiry. This was the first time the proposed change to the definition of the functional floodplain in LBRuT had been made public.
22. On 13 June 2024 LBRuT added a further document to the Public Inquiry Library: **Main matter 13 – Responding to the climate emergency and taking action (policies 3 to 9) (Ref: WS-MM-13)**, once again referencing the proposed change.
23. The public consultation on Draft Local Plan had taken place in June/July 2023, almost an entire year before the proposed change was made public.
24. There were attempts to make representations on this matter at the June/July 2024 Public Inquiry. The Public Inquiry was contacted on 17 June 2024 by Ms Celia Holman, an Eel Pie Island resident, with a request to speak on this proposed change that had not been in place at the time of the June/July 2023 public consultation.
25. However, as no comments on this wording had been made at the consultation stage - a full year before the wording was made public, and indeed several months before it had even been drafted - the rules that govern a Public Inquiry meant that the Inquiry Inspectors were not permitted to hear any representations challenging (1) the need for this LBRuT-exclusive redefinition of the functional floodplain, (2) the deleterious impact it would have on Eel Pie Island and (3) the LPA’s claim that all of the borough’s ten islands currently have their access in Flood Zone 3b.
26. Mr Harrison and Ms Holman both nevertheless attended the Public Inquiry in person when this matter due to be discussed but neither, as mentioned above, were permitted to make representations before the Planning Inspectors.

(4) PROPOSED REDEFINITION OF THE FUNCTIONAL FLOODPLAIN

27. No detailed explanation is offered by either the EA or LBRuT as to why this redefinition of the functional floodplain is required. Additionally, there is no background paper; there is no publicly available representation that references it that predates the 18 April 2024 Statement of Common Ground.
28. No mention of any proposed redefinition of the functional floodplain is made by the Environment Agency:
in either **Summary of main issues raised during the Publication Local Plan (Regulation 19) consultation and Summary of the Council's response on main issues (January 2024) including summary of each response (Ref SD-013)**
or in the **Schedule of responses to the Publication Local Plan (Regulation 19) consultation (in plan order) with the Council's response (January 2024) (Ref SD-014)**
or in **Summary of place-based strategies and site allocations, and policies, outlining main changes to adopted Local Plan (June 2023) (Ref SD-009).**
29. In the EA/LBRuT Statement of Common Ground (Ref SOCG-08), there is reference to the contents of a letter dated 24 July 2023, saying that there are "areas where agreement has not been reached on key strategic matters." The Statement of Common Ground characterises the changes now being agreed between the EA and LBRuT as "minor modifications." The change in definition of the functional floodplain manifestly does not fall into the category of 'minor' considering the impact it will have on Eel Pie Island.
30. The letter dated 24 July 2023 was made available as part of the Public Inquiry Examination library **(Ref: Reg 19 ID 031)**.
31. There is no reference in this letter to any proposed redefinition of the functional floodplain.
32. The wording of the proposed redefinition of the functional floodplain is located at the very end of the April 2024 Statement of Common Ground: the EA has suggested where

the revised definition can be inserted and the Council has accepted it, outside of any public scrutiny or consultation.

33. There was no public consultation whatsoever over this last-minute proposed change and the only opportunity to comment is now, at this very late stage in proceedings and outside of the rigour that the Public Inquiry itself would have afforded.
34. Council officers had been made aware in detail of the concerns regarding the proposed redefinition of the functional floodplain both before (from mid-June 2024 onwards) and during the course of the late June/early July 2024 Public Inquiry. In late June 2024, a further meeting took place between the EA and the Council. This resulted in amendments to the Statement of Common Ground, and a revised Statement was signed on 28 June 2024.
35. It should be noted that neither the EA nor the Council considered to involve either Mr Harrison or Ms Holman (who, by mid June 2024, had both raised their serious concerns in writing to the Council) in that meeting. This represented a missed opportunity to enter into dialogue with concerned residents and business owners that could have informed the Public Inquiry that was taking place at the time.
36. The EA/LBRuT updated their Statement of Common Ground 28 June 2024, to include the following assertion:

5.11 There is therefore no change in policy or to the designation, the islands are already considered to be within flood zone 3b as set out in the Council's SFRA at 6.2.4 and Local Plan Policy LP 21, paragraph 6.2.7. The Council's SFRA is clear that where the access and egress to and from the island is within the functional floodplain, for the purposes of new development, such islands will be considered and treated as functional floodplain (Zone 3b), even if parts of the islands may be within an area of lower probability of flooding.

37. It is crucial to note that it is simply incorrect and egregious to treat the borough's islands as one undifferentiated whole by stating that "the islands" are in Flood Zone 3b.
38. Each island presents a unique set of circumstances, whether it be how they are accessed or in which Flood Zone their access lies, and in which Flood Zone the islands themselves lie. The proposed redefinition effectively erases this.

39. Previous Local Plans and SFRAs have recognised and detailed the characteristics of each island. Indeed, the emerging Local Plan does so for **Platt's Eyot**, which is considered in detail as Site Allocation 2. This will be addressed in more detail in the section **(9) PLATT'S EYOT: SITE ALLOCATION 2** (page 28)
40. The factually incorrect statement that “the islands are already considered to be within flood zone 3b” is addressed in more detail in the following section entitled **(5) ACCESS TO EEL PIE ISLAND AND PLATT'S EYOT: FLOOD ZONE 3a** (page 10) which contains a detailed analysis of access to both islands using both photographs, detailed flood mapping and the Aurora Maps that accompany the Council's SFRA.
41. The 28 June 2024 Statement of Common Ground also includes the following paragraph:
- 5.14 The proposed modification seeks to formally capture and include other parts of the borough where land riverward of the River Thames Tidal Flood Defences has historically also been treated as functional floodplain. This applies to land that is in essence part of the river channel. For example, it includes around parts of Ham Lands and Old Deer Park. This is a common approach amongst other parts of the tidal Thames, including Wandsworth.*
42. The above paragraph 5.14 fails to acknowledge that Eel Pie Island has not been “historically treated as functional floodplain”. Eel Pie Island sits raised above the functional floodplain, located almost in its entirety in Flood Zone 3a. Eel Pie Island is not “in essence part of the river channel.” It sits in the river channel but is raised above it, as parts of the Ham Lands and Old Deer Park indisputedly are not.
43. It is to be noted that there is no justification for this redefinition offered by either the EA or LBRuT. The Statement of Common Ground simply cites “inconsistency” as needing to be resolved.
44. The Local Plan offers the multiple ways - most readily by the use of Site Allocations - through which any identified “inconsistency” can be resolved on a location-by-location basis.
45. However, the ‘one-size-fits-all’ approach to all “land riverward of the River Thames Tidal Flood Defences” fails to take into account uniqueness of place and in doing so causes material harm.
46. This representation, addressing matters not permitted to be heard at the Public Inquiry, is the only opportunity afforded residents and business owners to be heard on this

matter.

(5) ACCESS TO EEL PIE ISLAND AND PLATT'S EYOT - FLOOD ZONE

3a

47. Neither the policy nor the text in the Draft Local Plan in relation to the islands actually defines in which Flood Zone each of the ten islands in the borough have their access/egress located.
48. It is necessary, therefore, to refer to the flood risk mapping shown on the Aurora Mapping System.
49. The LBRuT website provides a link to the Aurora Mapping System which is referred to in and supports the SFRA. This mapping system, amongst many other things, shows the flood zones affecting the borough's islands and the adjoining mainland from where access and egress from each island is gained. It also shows the location of the borough's River Thames Tidal Flood Defences.
50. Please see the table below for Flood Zone information with respect to each of the borough's ten islands obtained from the Aurora mapping that supports the SFRA:

ISLANDS IN LBRuT	Access FZ	% island in FZ 3b	Location	Access	Residential	POP	Size (acre)
UNINHABITED:							
FLOODZONE 3b (access and/or island)							
Corporation Island (Richmond)	3b	30%	Tidal	Boat only	N/A	N/A	1.67
Glovers Island (Richmond)	3b	100%	Tidal	Boat only	N/A	N/A	1.37
Anglers Eyot (Teddington)	3b	100%	Non Tidal	Footbridge	N/A	N/A	1.04
FLOODZONE 3a (access and Island)							
Platt's Eyot (Hampton)	3a	10%	Non Tidal	Footbridge	N/A	N/A	10.50
Teddington Lock Ait (Teddington)	3a	30%	Non Tidal	Footbridge	N/A	N/A	1.48
INHABITED:							
<i>H = House [HB = Houseboat]</i>							
FLOODZONE 3b (access and/or island)							
Swan Island (Twickenham)	3a	100%	Tidal	Road bridge	[HB 30]	60	0.49
Taggs Island (Hampton)	3a	85%	Non Tidal	Road bridge	[HB 60]	100	6.91
Trowlock Island (Teddington)	3b	100%	Non Tidal	Chain ferry	H 29 [HB 25]	110	3.95
Ash Island (Hampton)	3b	10%	Non Tidal	Footbridge	H 2 [HB 30]	65	3.95
FLOODZONE 3a (access and Island)							
Eel Pie Island (Twickenham)	3a	5%	Tidal	Footbridge	H 50 [HB 20]	175	10.87

Figure 1: Flood Zone analysis of LBRuT islands supported by the Aurora Mapping System

51. A quick glance at the table above demonstrates the Council's assertion that all of the islands have their access located in Flood Zone 3b is simply incorrect.
52. To repeat the assertion, as found in the amended Statement of Common Ground (signed 28 June 2024):

*5.11 There is therefore no change in policy or to the designation, **the islands are already considered to [be] the [sic] within flood zone 3b** as set out in the Council's SFRA at 6.2.4 and Local Plan Policy LP 21, paragraph 6.2.7. The Council's SFRA is clear that where the access and egress to and from the island is within the functional floodplain, for the purposes of new development, such islands will be considered and treated as functional floodplain (Zone 3b), even if parts of the islands may be within an area of lower probability of flooding.*

53. However, the Aurora Mapping System clearly shows that not only **Eel Pie Island**, but also **Platt's Eyot, Swan Island, Taggs Island** and **Teddington Lock Ait** also have their access located in Flood Zone 3a.
54. In other words, 50% of the borough's islands have their access in Flood Zone 3a, contrary to what is being stated by the Council.
55. To examine each island's unique circumstances as detailed in Figure 1 (page 10):
56. As previously stated, **Eel Pie Island** is uniquely affected by the proposed modification, with both its access and the island itself currently located in **Flood Zone 3a**.
57. **Anglers Eyot, Ash Island, Corporation Island, Glovers Island** and **Trowlock Island** all have access located in **Flood Zone 3b**. Accordingly, these islands would be unaffected by the proposed modification.
58. **Swan Island**, whilst its access is located in Flood Zone 3a, the island itself is entirely located in **Flood Zone 3b**. Accordingly, this island also would be unaffected by the proposed modification.
59. **Tagg's Island**, whilst its access is also located in Flood Zone 3a, the island itself is 85% located in **Flood Zone 3b**. Accordingly, this island also would be largely unaffected by the proposed modification.

60. **Teddington Lock Ait** is a tiny sliver of land (which forms part of Teddington Lock) and whilst largely located in Flood Zone 3a with its access also located in Flood Zone 3a, it is not suitable for either commercial or residential use. Hence it being uninhabited and undeveloped, and therefore its viability unaffected by any change in a definition of the functional floodplain.
61. **Platt's Eyot**, however, with its access and 90% of island itself located in **Flood Zone 3a**, can most closely be compared to Eel Pie Island.
62. Access to Platt's Eyot is, as per Eel Pie Island, located in Flood Zone 3a.
63. This is contrary to what is asserted in para 5.11 of the Statement of Common Ground that "the islands are already considered to [be] the [sic] within flood zone 3b"
64. See screenshot below of Platt's Eyot from the Aurora Mapping System below:

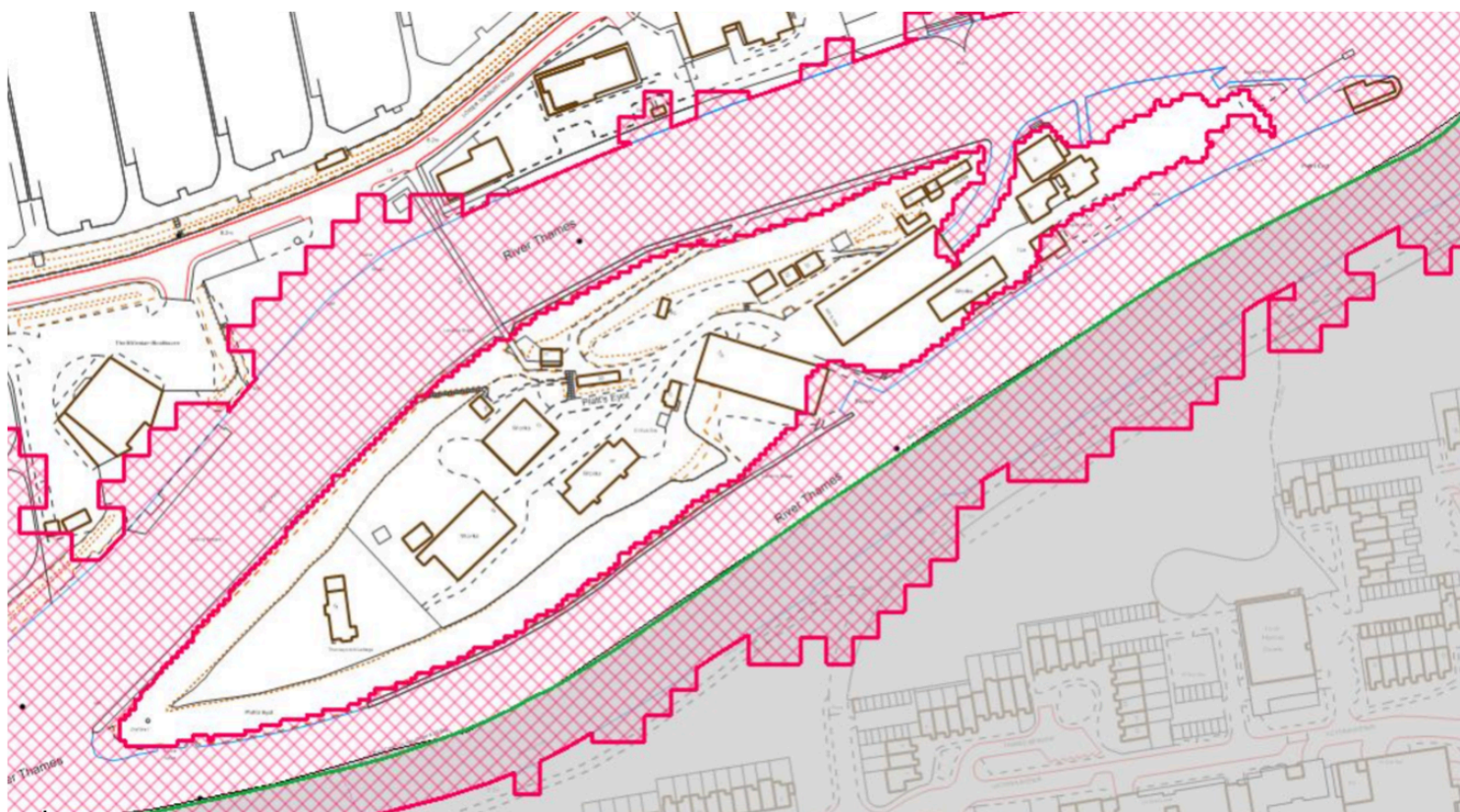


Figure 2: Screenshot from Aurora Mapping System showing Platt's Eyot

65. Like Eel Pie Island, Platt's Eyot is accessed by a footbridge. The bridge to Platt's Eyot has its access located within Flood Zone 3a, as shown in the enlarged screenshot and the photographs below.

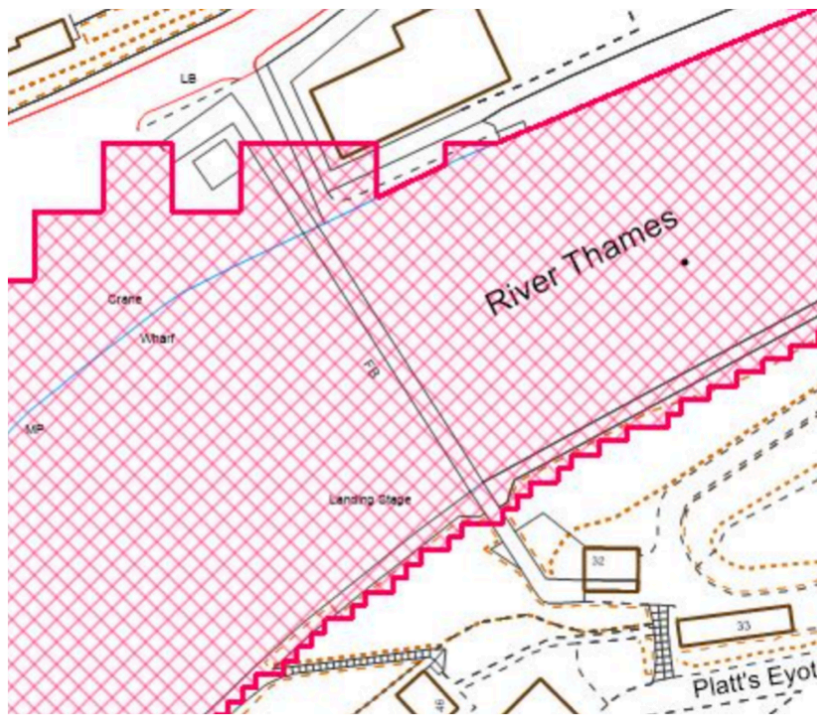


Figure 3: Screenshot from Aurora Mapping System showing bridge to Platt's Eyot

66. Note how the Aurora Mapping System, as per with the Eel Pie Island Bridge (see Figure 7 below), shows the central section of Platt's Eyot footbridge located in Flood Zone 3b. This is clearly a mapping error. See below for photographs of Platt's Eyot footbridge. There is a similar ramp on the island side of the bridge, with its landing point also in Flood Zone 3a.



Figure 4: Photograph of footbridge to Platt's Eyot



Figure 5: Photograph of the Platt's Eyot footbridge spanning the River Thames (mainland to the left, island to the right)

67. As per Eel Pie Island, access to Platt's Eyot is situated in Flood Zone 3a, with 90% of the island itself also located in Flood Zone 3a.
68. However, Platt's Eyot is located in non-tidal Thames, therefore the island cannot be said to lie "riverward of Thames Tidal Flood Defences" as there are no tidal flood defences in place in that location. This can be determined with reference to the Aurora Mapping System, which also shows the location of such defences.
69. This raises the question as to what constitutes the Council's definition of the functional floodplain on non-tidal Thames, there being no Thames Tidal Flood Defences of which these non-tidal islands can sit "riverward".
70. It is of relevance to note that the Draft Local Plan refers in detail to Platt's Eyot, identifying it as Site Allocation 2. Please see section below **(9) PLATT'S EYOT: SITE ALLOCATION 2** (page 28) for an examination of how Platt's Eyot is addressed in the Local Plan.
71. Turning now to access to **Eel Pie Island**.
72. This has been erroneously identified as being in Flood Zone 3b in successive SFRA's.
73. See below for a screenshot of Eel Pie Island from the Aurora map that accompanies the Council's SFRA of Eel Pie Island:

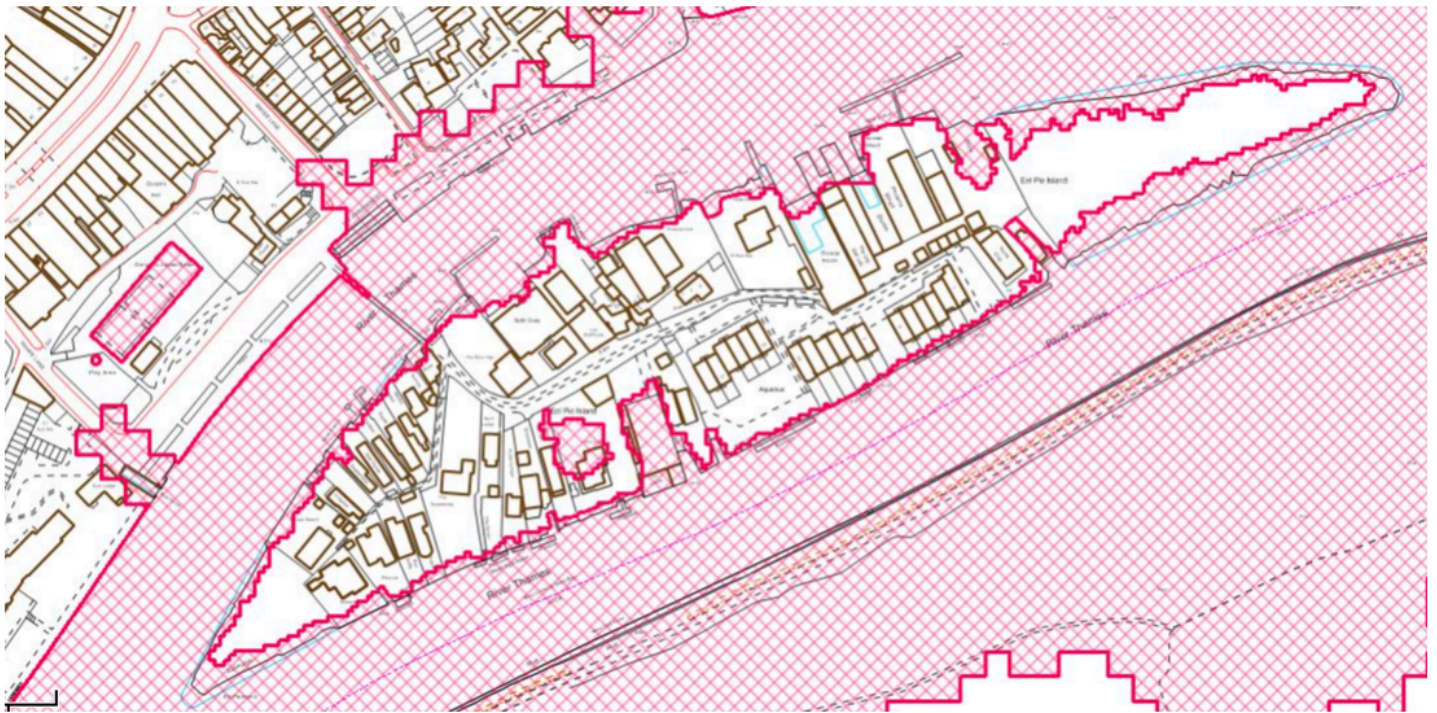


Figure 6: Screenshot from Aurora showing Eel Pie Island, with Flood Zone 3b hatched in red

74. Please see below for an enlarged view of Eel Pie Island, showing the island's footbridge:



Figure 7: Screenshot from the Aurora Flood Map showing Flood Zone 3b hatched in red

75. The enlarged view in Figure 7 shows the functional floodplain (Flood Zone 3b) marked in red hatching. It also shows very clearly both ends of the island's bridge over the River Thames are not located in Flood Zone 3b. The mainland (north western end) end of the bridge is not in Flood Zone 3b and the end of the bridge on the island (south eastern end) is not in Flood Zone 3b either.
76. This is contrary to what has been repeatedly and erroneously stated in the Council's SFRA's and Local Plans, which state that the access/egress to Eel Pie Island is in Flood Zone 3b.
77. Up until this point in time, this error had passed unnoticed by Eel Pie Island property and business owners as - until very recently - it had not been referred in any planning permission decisions. Planning permission has been granted for both development and redevelopment that have introduced 'more vulnerable use'. This is addressed in more detail in the section below entitled **(7) PLANNING PERMISSIONS ON EEL PIE ISLAND** (page 23).
78. Planning permission had continued to be granted because the Council had afforded Eel Pie Island "exception" status from being classified as being in the functional floodplain, in spite of its access having been erroneously labelled as being in Flood Zone 3b. This is addressed in more detail in the section below entitled **(8) STRATEGIC FLOOD RISK ASSESSMENTS (SFRA): 2010, 2016 and 2021** (page 25).
79. Regarding the Aurora Mapping of the Eel Pie Island Bridge, the red hatching shown along part of the bridge itself is clearly not correct. As has already been shown with reference to Platt's Eyot (see Figure 8), the Aurora mapping system categorises structures over water inconsistently - with several bridges across the borough shown as being partially 'in' the river. Clearly the bridge itself cannot be in Flood Zone 3b. The Eel Pie Island bridge curves upwards from the start at each end in order to allow boats to pass beneath the bridge. The bridge is higher than the two ends of the bridge and cannot possibly be within the functional floodplain (Zone 3b) if the two ends of the bridge which are at the lowest parts are in Flood Zone 3a.
80. See below for photographs of the bridge to Eel Pie Island.



Figure 8: Photograph of bridge to Eel Pie Island taken from mainland



Figure 9: Access to the Eel Pie Island bridge from mainland



Figure 10: Access to the island bridge as one leaves Eel Pie Island

81. It should also be noted that there is egress from Flood Zone 3a on the Embankment at the foot of the Eel Pie Island Bridge to Flood Zone 1 without having to pass through those areas of the Embankment that are located in Flood Zone 3b. This is via the public steps up to the Diamond Jubilee Gardens from the Embankment. These steps are not labelled as steps on Aurora Mapping but do exist, as seen in the photograph below.



Figure 11: Photograph of steps to Diamond Jubilee Gardens

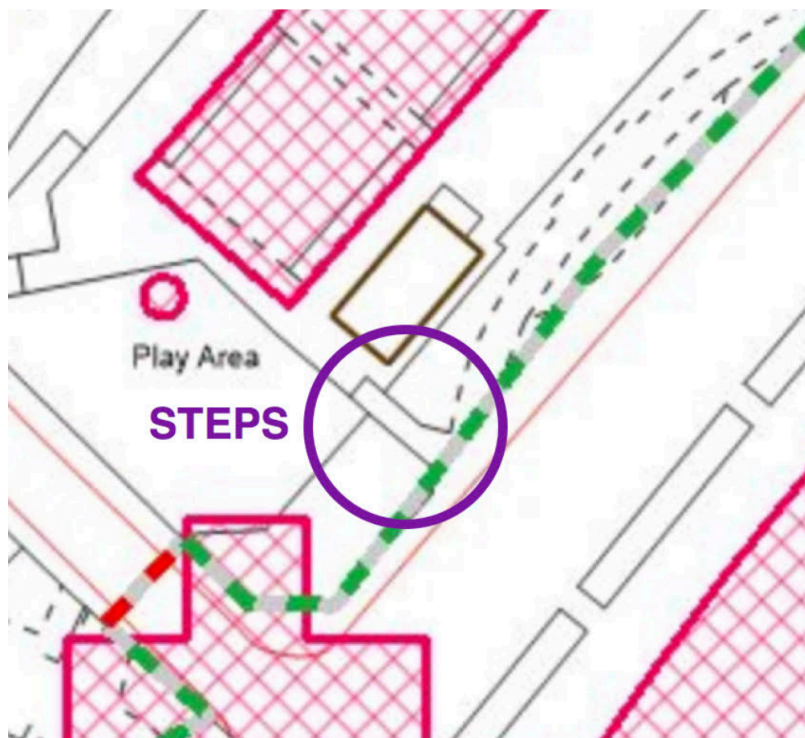


Figure 12: Screenshot from Aurora Mapping System showing steps to Diamond Jubilee Gardens

82. Planning permission was granted in November 2022 for the Twickenham Riverside Development (**Ref: 21/2758/FUL 1-1C King Street, 2-4 Water Lane, The Embankment And River Wall, Water Lane, Wharf Lane And The Diamond Jubilee Gardens, Twickenham**). It should be noted that this development will not preclude egress from Flood Zone 3a at of the foot of the Eel Pie Island Bridge into Flood Zones 2 and 1 without having to pass through those areas of the Embankment that are located in Flood Zone 3b.

(6) TIDAL AND NON-TIDAL THAMES

83. The redefinition of the functional floodplain - “land riverward of the Thames Tidal Flood Defences” - fails to take into consideration that the Thames in LBRuT is both tidal and non-tidal.
84. Whether or not an island is located in tidal or non-tidal waters is relevant on several fronts.
85. Firstly, in the London Borough of Richmond upon Thames, in which it is proposed that the functional floodplain is redefined as “land riverward of Thames Tidal Flood Defences”, one has to ask how the functional floodplain in the absence of tidal flood defences.
86. Figure 1 (page 10) shows that six of the borough’s ten islands are located in non-tidal Thames where there are no tidal flood defences.
87. Proposed definitions to one side, the second consideration is that being located in tidal (as opposed to non-tidal) Thames is hugely significant when assessing the risk to life an extreme flood event present to vulnerable uses i.e. residential properties.
88. In the ordinary course of events, any flooding which might occur after periods of exceptionally wet weather (pluvial) and/or exceptionally high tides (fluvial) quickly subsides, usually within one hour after the peak of a High Tide.
89. The difference between High Tide and Low Tide on the tidal River Thames (with the exception of the very short stretch of the Thames where there is what is known as the Maintained Level) is c.5m.

90. This indicates the enormous volume of water being carried downstream on an outgoing tide, and is indicative of how quickly, on the turn of the tide, an extreme flooding event on tidal Thames would subside, allowing any additional measures, to include evacuation, to take place.
91. It is difficult to envisage that, even in the event of an extreme flood, residents would be prevented from leaving Eel Pie Island via the footbridge for a period of more than six hours.
92. The hydrograph below shows how quickly on tidal Thames - within a matter of hours - the water levels subside even during an extreme flood event:

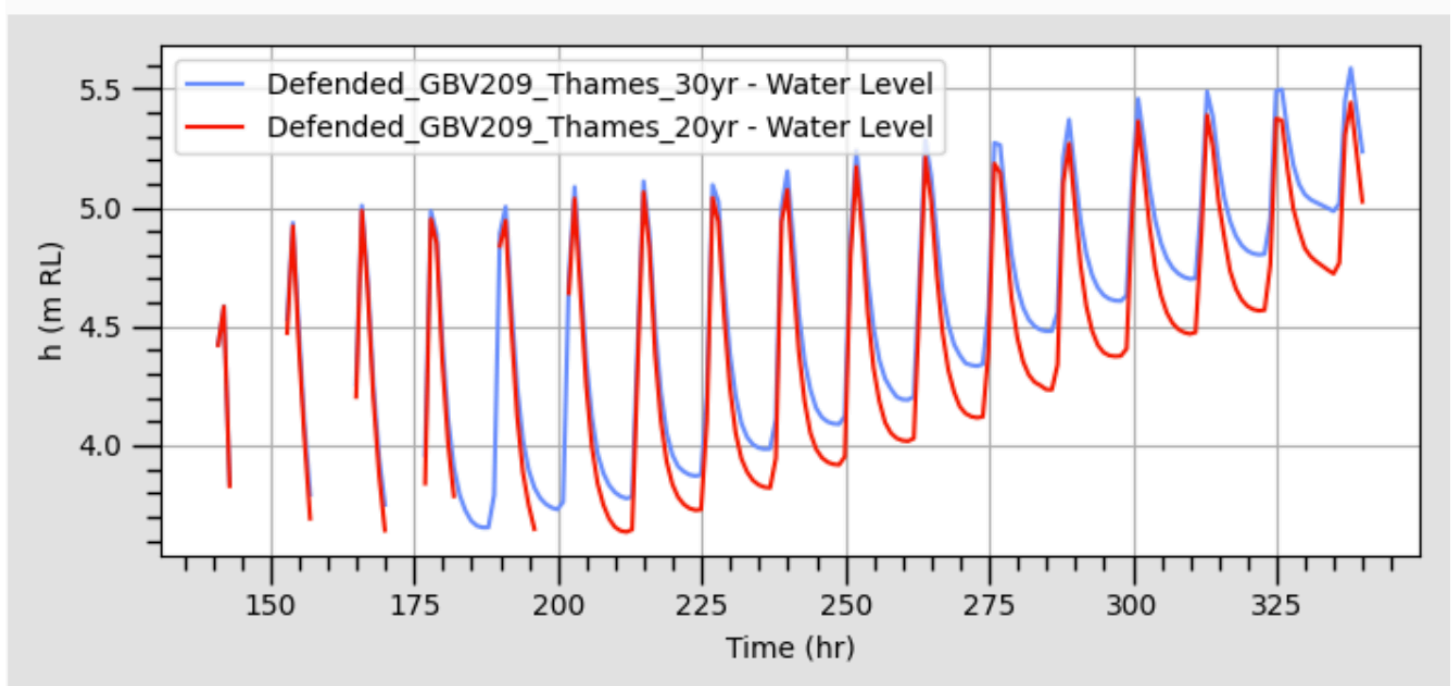


Figure 13: Hydrograph showing flood event on tidal Thames (Source:TUFLOW)

93. Located on tidal Thames, Eel Pie Island has long been actively anticipating and preparing for flood events. For example, the vast majority of the c. 50 residential properties on the island are built raised up. In addition to this, several have passive flood defences, with many properties having more active defences that can be brought into use if needed.
94. Flood warnings are quickly and efficiently communicated by social media (by the PLA and the EA) and further shared amongst islanders via WhatsApp and email.
95. In the extremely unlikely event there were the need to evacuate the island during (as opposed to before) an extreme flood event, many business owners and residents have

both commercial and private powered boats moored alongside the island. In fact, there are more boats than there are residential properties on Eel Pie Island.

96. The risk to life an extreme flooding event would present on Eel Pie Island is extremely low so as to be almost negligible.
97. All of the above were previously taken into consideration by LBRuT, and Eel Pie Island was accordingly identified as an **exception** in the 2010 SFRA.
98. See the section below entitled **(8) STRATEGIC FLOOD RISK ASSESSMENTS (SFRA):2010, 2016 and 2021** (page 25) for more detail on this.

(7) PLANNING PERMISSIONS ON EEL PIE ISLAND

99. The following are amongst some of the planning permissions granted on Eel Pie Island since 2010:

I Aquarius, TWI 3EA - first floor extension

II Aquarius, TWI 3EA - ground floor extension

I5 Aquarius, TWI 3EA - 2nd floor extension (new storey)

I6 Aquarius, TWI 3EA - ground floor extension

I7 Aquarius, TWI 3EA - 2nd floor extension (new storey)

I8 Aquarius, TWI 3EA - 2nd floor extension (new storey)

Wild Thyme, TWI 3DY - demolition of an existing 3-bedroom house and permission for a larger 3-bedroom house

The Cottage, TWI 3DY - demolition of an existing 3-bedroom house and permission for a larger 3-bedroom house

Wyndfall, TWI 3DY - extension of an existing 2-bedroom house

Love Shack, TWI 3DY - construction of a 2-storey rear extension, to extend an existing 1-bedroom house

Palm Beach, TWI 3DY - extension to an existing 5-bedroom house

The Haven, TWI 3DY - demolition of an existing 1-bedroom house and permission for a smaller 1-bedroom house

The Nook, TWI 3DY - extensions to an existing 3-bedroom house

The Moorings, TWI 3DY - extensions to an existing 3-bedroom house

Ivy Castle, TWI 3DY - extension to an existing 4-bedroom house

100. Most recently, however, planning applications for extensions, for example, are being objected to by the Environment Agency, who now consider “any increase in built footprint represents intensification in land use”, and subsequently being refused by Richmond LPA. There is a planning application (**Jacob’s Ladder, TWI 3DY Ref: Planning Inspectorate APP/L5810/W/24/3358054 and LBRuT LPA 24/0477/FUL**) that is currently the subject of an Appeal.
101. Similarly, applications under existing permitted development rights to change from, for example, Business Use Class E to Dwellings Class Use C3 are also now being refused by Richmond LPA, citing the emerging Local Plan and the redefinition of the functional floodplain. There was a recent refusal that was upheld at Appeal relating to a change of use from Class E to Class C3 (**Ref: Planning Inspectorate APP/L5810/W/24/3339064: Upper Decks units 3, 4 and 6 Phoenix Wharf, TWI 3DY**) that cited flooding risks as the sole reason for refusal.
102. The above refusals represent the material impact this emerging redefinition is already having on the ability of properties, be they residential or commercial, on Eel Pie Island to adapt/change and in doing so allow the island to continue to thrive.
103. All of the above planning applications - with the exception that granted to The Haven - would be refused if Eel Pie Island were to be reclassified as being located in the functional floodplain by reason of the island and its access lying “riverward of the Thames Tidal Flood Defences.
104. It should be noted, though, that the above planning permissions (para 99) were granted against the background of the Council erroneously believing that the access to Eel Pie Island lay in Flood Zone 3b.
105. It is, however, being asserted by the Council and the EA in their amended Statement of Common Ground that the proposed redefinition would make no difference to Eel Pie Island as the island had, since at least 2010, been considered, for planning purposes, to be in the functional floodplain by reason of its access being in Flood Zone 3b.
106. If this is the case, one has to question why the extensive list of planning permissions granted in para 93 were given permission when similar applications are now being refused given the emerging Local Plan.

107. Please see a section below entitled **(8) STRATEGIC FLOOD RISK ASSESSMENTS (SFRAs) - 2010, 2016 and 2021** that will examine how Eel Pie Island has been categorised for planning purposes over the past 15 years.

(8) STRATEGIC FLOOD RISK ASSESSMENTS (SFRA): 2010, 2016 and 2021

108. In its 2010 Strategic Flood Risk Assessment (SFRA), LBRuT took into consideration the **exception** presented by Eel Pie Island (page 59 of PDF as shown below):

Eel Pie Island

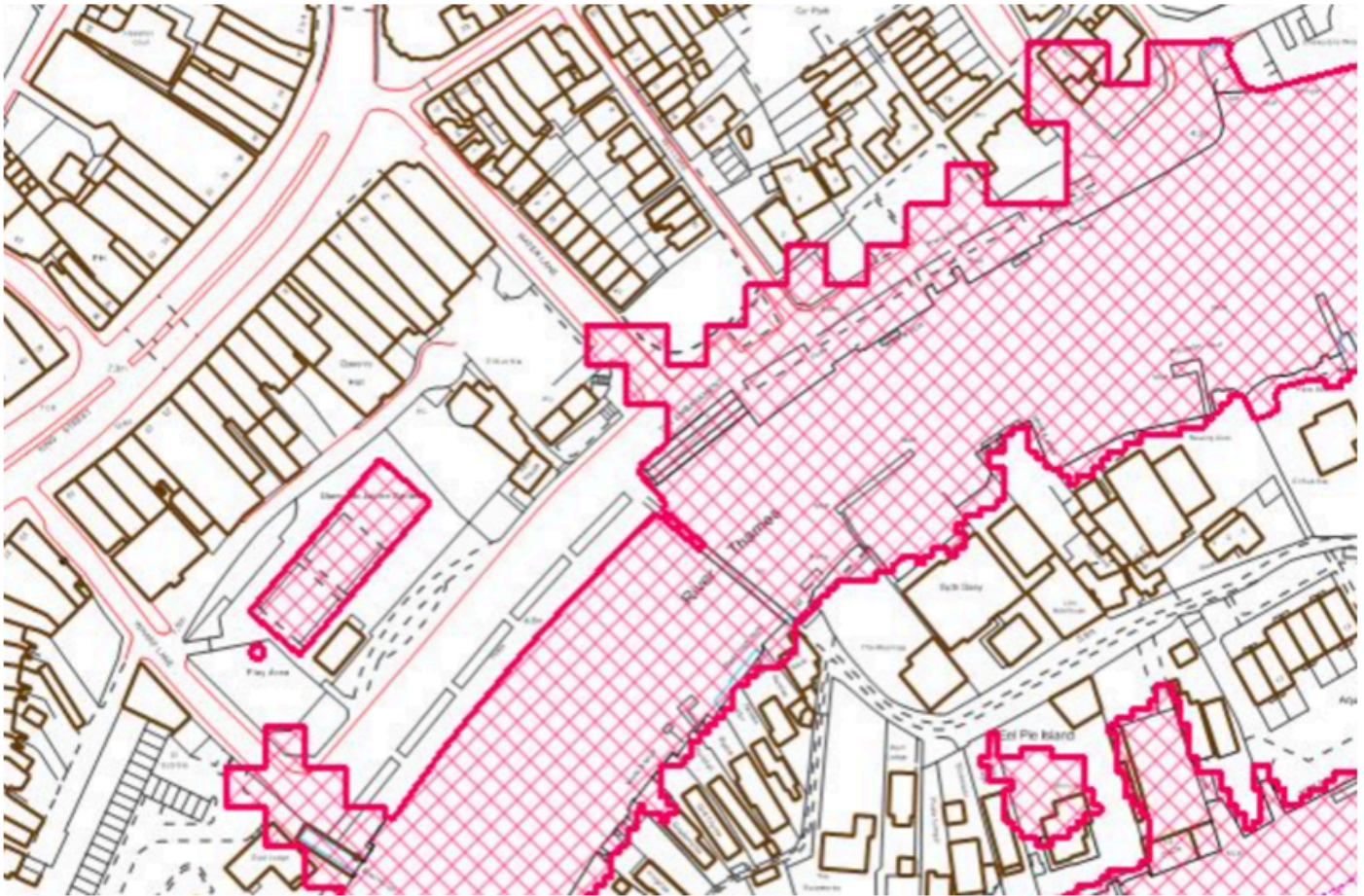
The flood risk designation for Eel Pie Island has changed from functional floodplain (zone 3b) to a high probability flood risk area (zone 3a). This is due to the latest flood modelling carried out by the Environment Agency.

Whilst PPS25 (Table D.1) would allow Local Planning Authorities in such circumstances to designate the entire Island as functional floodplain, the Council took a pragmatic approach and designated the Island as zone 3a. The Local Planning Authority therefore represents accurately the level of flood risk on Eel Pie Island. It also took into consideration the implications for existing developments on the Island for obtaining property insurance if the Island were entirely designated as functional floodplain.

109. The above was in spite of the erroneous categorisation of access to the island being located in Flood Zone 3b (page 59 of PDF as shown below):

However, access and egress to or from Eel Pie Island is only via a pedestrian bridge, which has its foot on the north side, which together with Twickenham Embankment, is in the functional floodplain (zone 3b).

110. The above states that Twickenham Embankment is located in Flood Zone 3b. This is manifestly incorrect. Parts of Twickenham Embankment are located in Flood Zone 3b, and parts of it are not. This is shown on the Aurora Mapping System image below:



111. Figure 14: Flood Zone 3b on Twickenham Embankment

112. LBRuT's 2016 SFRA continued to apply this **exception** to Eel Pie Island (page 20 of the PDF as shown below):

Zone 3b	The functional floodplain. This zone comprises land where water has to flow or be stored in times of flood.	>5% chance in any one year or land which is designed to flood in an extreme (0.1%) flood; exception is Eel Pie Island .	<ul style="list-style-type: none"> • Water Compatible • Essential Infrastructure only if Exception Test passed
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113. However, this exception was not noted in the body of text that related to Eel Pie Island (page 67 of PDF as shown below) and continued to erroneously place the island's bridge in Flood Zone 3b due to its foot being on Twickenham Embankment, which is again incorrectly categorised as being entirely in Flood Zone 3b:

Eel Pie Island

284. The flood risk designation for **Eel Pie Island** is **functional floodplain flood zone 3b**.
285. **Eel Pie Island** has been given this designation due to the access and egress routes to and from the **island** is via a pedestrian foot bridge, which has its foot on the Twickenham Embankment side, also designated as a functional floodplain zone 3b.

- I 14. The 2016 SFRA was prepared (for the first time) by Metis Consultants and checked by LBRuT. This internal contradiction was clearly missed and island's exception status was not noted in the main text.
- I 15. In the 2021 SFRA was again prepared and this time not checked by LBRuT but rather checked by Metis Consultants themselves. In this SFRA, the **exception** afforded Eel Pie Island has disappeared entirely and all the borough's islands are dealt with en bloc (from para 6.2.4, page 44 of the PDF):

Several of these islands are developed and serve both residents and visitors of Richmond. All these islands are entirely within Flood Zone 2, and a large proportion of their total area coverage is within Flood Zone 3a and Flood Zone 3b. LP 21 of the Local Plan currently states that "where the access and egress to and from the island is within the functional floodplain, for the purposes of new development, such islands will be considered and treated as functional floodplain (Zone 3b), even if parts of the islands may be within an area of lower probability of flooding."

- I 16. The exception that applied to Eel Pie Island has been gradually erased with each successive version of LBRuT's SRFA. It is suggested that this was a drafting error rather than a deliberate act. If it was a conscious change, then it has not, until very recently with the emerging Local Plan, affected planning permissions on Eel Pie Island.
- I 17. This proposed change to the definition of the functional floodplain is already having a negative impact on Eel Pie Island's viability as a place for people to live, work and thrive, as already indicated in the section entitled **(7) PLANNING PERMISSIONS ON EEL PIE ISLAND** (page 23).

(9) PLATT’S EYOT: SITE ALLOCATION 2

118. By way of further context, we would like to draw the Inquiry Inspectors’ attention to **MM8**. This is a modification that relates most specifically to Platt’s Eyot, the island most similar to Eel Pie Island of the borough’s islands.
119. Platt’s Eyot is a similar size to Eel Pie Island, and likewise has its access in Flood Zone 3a. The majority (c.90%) of the island is located in Flood Zone 3a.
120. Unlike Eel Pie Island, Platt’s Eyot is situated in non-tidal Thames
121. MM8 looks to introduce the “dwelling” to the existing land uses:

Site Allocation 2 Platts Eyot, Hampton

Amend the text to clarify the existing land uses in the context:

Business and employment uses including river-related and river-dependent operations, workshops (Use Class B2/B8), office (Class E(g)), and recording studios (Sui Generis) and dwelling (C3); carpark

122. The draft Local Plan, in the “Vision” for **Platt’s Eyot (Site Allocation 2)**, refers to the introduction of residential development “to achieve viability” necessary to support regeneration plans:

Vision: Proposed site - Platts Eyot

The Council is committed to working in partnership with the site owners and Historic England to develop a Masterplan or development brief for the island. Regeneration should maintain, and where possible enhance, existing river-dependent and river-related uses. New business and industrial uses that respect and contribute to the island’s special and unique character are encouraged. Some residential development may be appropriate where it enables for the restoration of the listed buildings, especially those on the Heritage At Risk Register.

123. The Council and the EA, in the Statement of Common Ground, assert that all the borough’s islands have their access in Flood Zone 3b. Planning applications, for residential refurbishments and change of use from business to residential, are being refused on Eel Pie Island citing flood risk.
124. And yet the same LPA is being directed by the emerging Local Plan to support the introduction of residential - an introduction that will require a change of use, change of

use having been recently refused on Eel Pie Island - on an island that is virtually identical to Eel Pie Island.

- 125. And an island - like Eel Pie Island - that the LPA erroneously considers to have its access in Flood Zone 3b.
- 126. On the adoption of MM4, the ambiguity of the definition of the functional floodplain that refers to tidal flood defences on non-tidal Thames to one side, Platt's Eyot would be classified as being located in its entirety in the functional floodplain.
- 127. **Policy LP 21** states, under "Land uses and developments - restrictions", that "proposals for the change of use of the conversion to a use with a higher vulnerability classification will not be permitted."
- 128. And yet MM8 is supporting exactly the above - the introduction of residential development in converted boatyard building is a "conversion to a use with a higher vulnerability."
- 129. The scenario being envisaged (the introduction of residential) to support the regeneration of Platt's Eyot is directly comparable to a change-of-use planning application that was refused on Eel Pie Island a matter of months ago.
- 130. The use of a Site Allocation to Platt's Eyot is to be supported. And is surely proof positive that each of the borough's islands is unique, something that should be recognised in both the Local Plan and the accompanying SFRA. One size clearly does not fit all, and if there is to be a more general policy adopted, then **exceptions** should be made in the case of both Platt's Eyot and Eel Pie Island where there is clearly justification.

(10) CONCLUSION

- 131. I would therefore on behalf of my client, Mr Henry Harrison, urge the Inspectors to **refuse to allow the proposed change to the definition of the functional floodplain with regard to Policy 8 of the emerging Local Plan.**
- 132. If this main modification to Policy 8 is allowed, a significant number of members of the community, particularly those with property both residential and commercial on Eel Pie Island and Platt's Eyot, would be affected in a harmful and unnecessary manner.

- I33. This proposed change would have significant impact on the provision of new residential or mixed use development on both Eel Pie Island and Platt's Eyot, to include extensions to residential properties and changes of use from commercial to residential use.
- I34. It will also affect the availability and affordability of property insurance.
- I35. It will also affect the availability and affordability of financing eg mortgages and business loans secured against property.
- I36. The proposed change also takes away property owners permitted development rights to change from commercial to residential if the local planning authority refuse prior approval due to flooding issues.
- I37. All the above will negatively impact Eel Pie Island's ability to adapt to change and continue to thrive and the aspiration to regenerate Platt's Eyot..
- I38. We would also request that the **erroneous statement that all of the borough's islands have their access in Flood Zone 3b be corrected**, and more specific reference is made to each island.