### **APPENDIX A**

Press Release from European Commission 8 October 2009

### Environment: Commission takes UK to Court over waste water collection systems

Reference: IP/09/1488 Date: 08/10/2009

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IP/09/1488

Brussels, 8 October 2009

**Environment: Commission takes UK to Court over waste water collection systems** 

The European Commission has decided to take the United Kingdom to the European Court of Justice on the grounds that urban waste water collecting systems and treatment facilities in London and Whitburn in north east England do not comply with EU legislation.

European Environment Commissioner Stavros Dimas said: "More attention needs to be paid to upgrading collecting systems to ensure full compliance with EU legislation on waste water treatment. Such investment will bring enormous benefits in terms of improving the quality of the environment."

The Commission is taking action because it considers that the waste water collecting systems in London and Whitburn are being allowed to spill untreated waste waters from storm water overflows (known as 'combined sewer overflows' in the UK) too frequently and in excessive quantities. The Commission is also concerned that treatment capacity for the waste waters collected in London is in need of improvement. These shortcomings represent an infringement of the 1991 EU directive on urban waste water treatment.

The directive required Member States to put in place adequate waste water collecting systems and treatment facilities for large towns and cities by the end of 2000. The waste waters collected are required to undergo appropriate treatment before they are released. The directive provides that collecting systems and treatment plants may be allowed to spill waste water in certain situations such as emergency shutdowns or unusually heavy rainfall, but the spills being authorised in these two cases are excessive and go beyond what the legislation provides for. Untreated waste-water can be a serious threat to human health, since untreated waste water can carry harmful bacteria and viruses into waters used for bathing or other related forms of recreation. Untreated waste water also contains nutrients such as nitrogen and phosphorous which can damage the marine environment by promoting excessive growth of algae that chokes off other life.

### **Legal Process**

Article 226 of the Treaty gives the Commission powers to take legal action against a Member State that is not respecting its obligations.

If the Commission considers that there may be an infringement of EU law that warrants the opening of an infringement procedure, it addresses a "Letter of Formal Notice" (first written warning) to the Member State concerned, requesting it to submit its observations within a specified period, usually within two months.

In the light of the reply or absence of a reply from the Member State concerned, the Commission may decide to address a "Reasoned Opinion" (final written warning) to the Member State. This clearly and

definitively sets out the reasons why it considers there to have been an infringement of EU law and calls upon the Member State to comply within a specified period, normally two months.

If the Member State fails to comply with the Reasoned Opinion, the Commission may decide to bring the case before the European Court of Justice. Where the Court of Justice finds that the Treaty has been infringed, the offending Member State is required to take the measures necessary to conform.

Article 228 of the Treaty gives the Commission power to act against a Member State that does not comply with a previous judgement of the European Court of Justice. The article also allows the Commission to ask the Court to impose a financial penalty on the Member State concerned.

### For current statistics on infringements in general see:

http://ec.europa.eu/environment/legal/implementation\_en.htm

1:

Directive 91/271/EEC

### **APPENDIX B**

Ministerial Statement 1 March 2010

### Written Ministerial Statements

### Monday 1 March 2010 ENVIRONMENT, FOOD AND RURAL AFFAIRS

### **Thames Tunnel Project**

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): The building of the Thames tunnel is vital for the future health of Londoners and for the environment and reputation of our capital city. I would like to inform the House that I am minded to direct applications for the tunnel to the Infrastructure Planning Commission (IPC), under Section 35 of the Planning Act 2008, because I believe that this is likely to be the most appropriate and effective way of reaching a decision on this unique and complex project.

Around 32 million cubic metres of untreated sewage and rainwater pollute the River Thames tideway every year from combined sewer overflows (CSOs) when storm water capacity is exceeded. A CSO is a feature of a combined system, introduced for the purpose of relieving the system of flows in excess of a selected rate, the excess flow being discharged to a local receiving water. A combined system is a system that takes in both

1 Mar 2010 : Column 95WS

rainwater and sewage. The discharges occur, on average, once a week and have a significant environmental impact on the river. These discharges can increase the likelihood of fish kills, create a higher health hazard for users of the river, and damage the aesthetic appeal of the Thames. Following the Thames tideway strategic study the Government identified the tunnel, which will intercept around 30 million cubic metres of the average annual discharge, as the best solution to protect the River Thames and to ensure that the capital has a sewerage system able to cope with the impact of population growth, more intense rainfall atterns and the reduction of green space available to soak up rainfall.

I believe the project to be of national significance and I am minded to direct it to the IPC for the following reasons:

it is essential to meet the ecological water quality objectives of a major river;

it is essential to reduce the risk to human health and prevent negative aesthetic impacts;

the unsatisfactory intermittent discharges cause reputational risk to the UK, detracting from the appeal of the river in the nation's capital, which is otherwise a great asset to residents and visitors alike;

the unique scale and complexity of development will lead to an equally large and complex planning process and the Government have a clear interest in ensuring that the planning process goes as smoothly as possible, to ensure that there are not significant delays in addressing the problems caused by these sewage overflows, while ensuring the process is transparent and that all interested points of view are given a proper opportunity to be heard; and

these improvement works are needed to enable us to continue to meet our obligations under the urban waste water treatment directive. The urgency of the works is increased by the infraction proceedings being pursued against the UK by the European Commission for an alleged breach of the directive.

I believe that a Section 35 direction is likely to offer the most efficient route for a decision on development of the Thames tunnel. The announcement that I am minded to direct the project to the IPC will allow DEFRA to work with the directly affected London boroughs, Thames Water and other London stakeholders to discuss what a Section 35 direction is likely to involve. It will also allow us to include consideration of the Thames tunnel in the national policy statement for waste water.

The ongoing input of local planning authorities and local stakeholders will be vital. Under the Planning Act, scheme promoters have a duty to consult, and local authorities can make representations if they think promoters have not adequately consulted with local authorities on how they carry out their consultation with local communities. This can result in an application not being accepted as valid by the IPC. Local authorities will also be invited to submit local impact reports as part of the IPC's consideration of applications.

A final decision on whether to direct the project to the IPC will not be made until after planning applications are submitted under the Town and Country Planning Act. I do not expect Thames Water to submit these applications before the autumn of 2011.

Further information on the Thames tunnel and DEFRA'S involvement is available on DEFRA'S website at:

http://www.defra.gov.uk/environment/quality/water/water quality/sewage/overflows/index.htm

### **APPENDIX C**

Government office for London Representation 29 December 2009



### **Proposed Submission Core Strategy**

**Event Name** 

Proposed Submission Core Strategy

Comment by

Government Office for London (Government Office

for London)

**Comment ID** 

PSubCS274

**Response Date** 

29/12/09 14:40

**Consultation Point** 

Policy CE 2 Flooding (View)

**Status** 

Processed

No

**Submission Type** 

Email

Version

0.6

Do you consider this part of the core strategy to be Legally compliant?

Do you consider this part of the core strategy to be

Sound?

Effective

Do you consider this part of the core strategy to be unsound because it is not:

### You have selected NO

Please give details of why you consider this part of the core strategy to be unsoud or not legally compliant. Please be as precise as possible when setting out your comments.

30. We note the reference to the Thames Tideway Tunnel in Policy CE2. You will be aware that DEFRA's Water Strategy for England (February 2008)sets outGovernment support for the construction of the Thames Tideway Tunnel to limit pollution from sewer overflows. This was preceded by a Ministerial Statement, by Ian Pearson, Minister for Climate Change and the Environment on 22 March 2007 on the decision to take the project forward. The Core Strategyshould therefore include policy to support the principle of the Thames Tideway Tunnel.

### **APPENDIX D**

Extract from and Correspondence regarding URS Central London Infrastructure Study
July 2009



### RE: K&C Core Strategy Evidence Base Jonathan.Wade to: lan.Fletcher

Cc: Jon.Medlin

30/11/2009 09:13

History:

This message has been forwarded.

Thanks Ian,

I was not aware of this. I will speak to our infrastructure officer and s106 Officer, Jon Medlin to ensure this is updated ASAP.

Regards,

Jonathan

----Original Message----

From: Ian.Fletcher@thameswater.co.uk [mailto:Ian.Fletcher@thameswater.co.uk

]

Sent: 26 November 2009 14:54 To: Wade, Jonathan: PC-Plan

Subject: K&C Core Strategy Evidence Base

### Jonathan

I thought that you would like to know that the version of the URS Central London Infrastructure Study that is on your web site in the evidence base section (document 97) is not the same as the version I have seen elsewhere.

Your version is dated June whilst I have previously seen a July version

You may want to make sure that you have the most up to date version.

Regards

Ian Fletcher Bsc (Hons) Dip TP MRTPI Planning Projects Manager (Policy) Thames Tunnel The Point 7th Floor 37 North Wharf Road Paddington London W2 1AF

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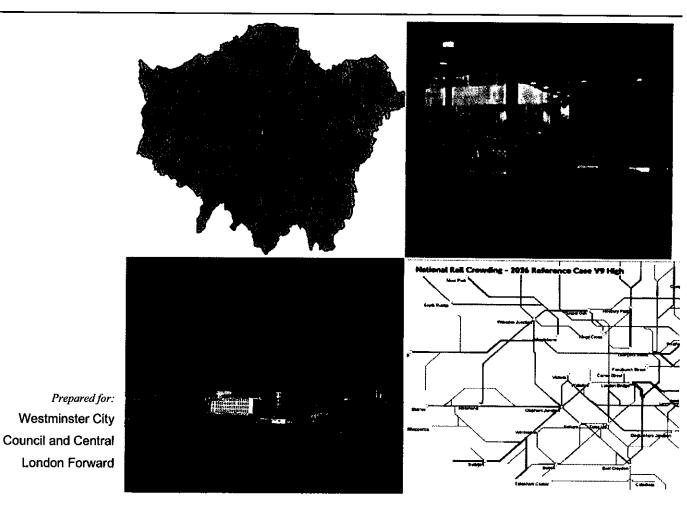
Our vision: If customers had a choice, they would choose Thames Water.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

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### **URS**

### **Central London Infrastructure Study Final Report**



Prepared by:
URS Corporation
Limited

July 2009

### Central London Infrastructure Study

July 2009 Final Report

Issue No 4 44935320



**Project Title:** 

Central London Infrastructure Study

Report Title:

Central London Infrastructure Study

**Project No:** 

44935320

Report Ref:

Status:

Final Report

**Client Contact Name:** 

Eric Sorensen

**Client Company Name:** 

Westminster City Council and Central London Forward

issued By:

**Esther Howe** 

### **Document Production / Approval Record**

Issue No:	Name	Signature	Date	Position
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Checked and approved by	Rory Brooke	1 Brone	24/07/09	Project Director

### **Document Revision Record**

Issue No	Date	Details of Revisions	
1	09/01/09	Draft Report	
2	06/03/09	Draft Report	
3	15/06/09	Final Draft Report	
4	24/07/09	Final Report	

### REPORT SUMMARY

### INTRODUCTION

In September 2008 Westminster City Council and its partner authorities in Central London Forward (CLF) commissioned URS Corporation Ltd (URS) to carry out an assessment of their strategic infrastructure needs.

The overall study aims to provide a strategic (i.e. sub-regional) understanding of the implications of growth for the whole of Central London, with an indication of how growth, and therefore demand for infrastructure, is distributed across the study area.

The Central London Forward local authorities are:

- · City of London
- City of Westminster
- London Borough of Camden
- London Borough of Islington
- · London Borough of Southwark
- · Royal Borough of Kensington and Chelsea.

The London Borough of Lambeth joined CLF in 2009, but as this was after the study was commissioned information on Lambeth is not included in the analysis.

**Figure 1: Central London Forward Local Authorities** 



Source: Central London Forward and URS Corporation



intensification or considered to be opportunity areas. Specific timeframes for delivery should be presented and adhered to. A monitoring role could be through the LDA's Decentralised Energy Delivery (DED) Unit.

### Other Physical Infrastructure

A short term requirement for upgrades to flood defences in three of the six Central London authorities was identified, as well investment in sewage treatment works and reduced sewer flooding. Other agencies are taking the longer term agenda for provision of adequate flood and drainage infrastructure forward; the scale and costs of these schemes is significant, reflecting the magnitude of potential impacts should adequate mitigation not take place.

The requirements around waste management emphasise the need for a strategic approach to infrastructure provision. To a greater degree than some other infrastructures it is the Central London authorities who will directly experience the disbenefits of failing to devise and implement a successful forward strategy, due to increasing landfill charges.

### Social Infrastructure

While in general the scale of required investment is smaller for strategic social infrastructure than other infrastructure items, a potential deficit was identified in relation to FE and adult learning. FE and skills training is an important mechanism to ensure local people benefit from planned growth and for this reason should be considered a high priority.

There was a lack of data relating to the social infrastructure areas. However it is clear that for a number of infrastructures, including primary healthcare, HE and police, there are considerable backlog costs associated with getting the existing estates and services up to a suitable standard; costs for expansion and improvement of services are further to these existing investment requirements.

**Table 5: Central London Authorities and Infrastructure Requirements** 

Location	Infrastructure priorities: proposed schemes and recommended actions			
Central London	Ensure delivery of Thames Tideway overflow scheme			
	Implementation of SUDS			
	Ensure delivery of sufficient alternative waste management arrangements to limit quantum of waste sent to landfill			
	New and refurnished sewerage treatment works including odour reduction			
	New and renovated sewers including investment required to reduce sewer flooding.			
	New and refurbished pumping stations			
	Network rail train service upgrades, including: Thameslink 2000, CTRL Domestic Services, Integrated Kent Franchise, Brighton and Sussex, South West, West Anglia, Thameside, Great Eastern and East Coast Main Line			
	Major Station upgrade /redevelopments			
	Transport for London service upgrades, including: Cross Rail, East London Line, road congestion schemes, LU stations congestion relief programme, increased capacity at LU lines, interchange improvements at several stations, public realm improvements at locations identified in Central London Pedestrian Study.			

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### **APPENDIX E**

**Extract from Core Strategies of Wandsworth and Tower Hamlets** 

Wandsworth Local Development Framework

### Core Strategy: submission version



March 2009



### Core Policies for Issues: Policy IS 6

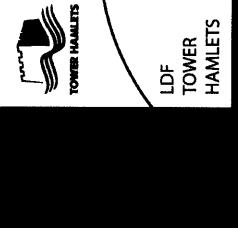
### Community services and the provision of infrastructure

- a. The Council will support the provision and/or improvement of facilities for community services including education and childcare, health and social welfare, police and other emergency services and the prison service. It will work with partner organisations to support the provision of adequate, high quality social and community facilities by:
- i. Resisting the loss of social and community facilities unless there is no current or future demonstrable need.
- ii. Seeking to secure the provision of new, or improvements to existing, social and community facilities.
- iii. Supporting the dual use of social, educational and community facilities, particularly the use of schools after hours, for a mix of sporting, social, cultural and recreational uses.
- iv. Supporting the provision of improved health services, including mental health care, GP and local hospital services, having regard to scale of development and public transport availability.
- b. The provision of infrastructure including transport, particularly improvements to public transport and facilities for walking and cycling, utilities, telecommunications, waste and recycling facilities, water and sewerage capacity will be supported. The provision of the infrastructure necessary to support development set out in the Strategy, particularly in the areas identified for major change, will be sought as identified in the Infrastructure Schedule in Appendix 1. The availability of infrastructure both existing and potential will be taken into account in considering development proposals.
- c. The Council will support an enabling approach to the provision of public services, which allows them to be incorporated within developments as proposals are brought forward by partner organisations, with funding secured through planning obligations.
- d. The Council will work with Thames Water to support the timely implementation of the Thames Tideway Sewer Tunnel project, including the connection of the combined sewer overflows in the borough.

Hospital site, which caters for local needs as well as specialist needs of the UK. The Council supports the delivery of a programme of modernisation of the mental health facilities on this site, recognising its important contribution to mental health services in South-West London.

- **4.155** The PCT's Healthy Living Initiative for Wandsworth prioritises improvements to sexual health, a reduction of drug and alcohol abuse and the need for smoking cessation. Key elements of the Core Strategy will help contribute towards general public health initiatives, including the promotion of measures that support walking and cycling.
- **4.156** The Metropolitan Police Authority undertook a review of the infrastructure requirements necessary to support the effective policing of the borough in its Asset Management Plan (November 2007). The Council will support the provision of new police facilities identified in the plan in appropriate locations including: a custody centre in an accessible location; a patrol base appropriate to an employment location; and the provision of a number of "front counters" throughout the borough where the public can contact the police.
- **4.157** Wandsworth Prison is one of the largest in the country, as well as a major employer. Development at the prison, exclusive of the area currently identified as MOL, which would lead to the improvement of facilities will be supported provided that the nature and scale of any proposal would not harm the amenity or character of the area or compromise the prison's listed buildings.
- 4.158 Delivering the spatial strategy depends on the provision of adequate and appropriate infrastructure. The Council will seek to ensure that there is adequate transport (see policy PL3 and IS1), electricity, gas, water supply, surface water, foul drainage and sewerage, telecommunications and waste and recycling facilities to serve all new developments. A schedule of the infrastructure projects which are necessary in order to effect the delivery of the development set out in the Core Strategy is contained in Appendix 1. Details of a number of projects which will be required in the medium to long term have yet to be confirmed. This schedule will be reviewed and updated as part of the Annual Monitoring Report. Developers will be required to demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. Where there is a capacity problem and no improvements are programmed the Council will require the developer to fund appropriate improvements which must be completed prior to occupation of the development.
- **4.159** In order to meet the requirements of the EU Urban Waste Water Treatment Directive, Thames Water has been asked by the Government to implement a scheme which reduces and limits pollution for the Beckton and Crossness sewerage system. The Council supports the implementation of the Thames Tideway Sewer Tunnel scheme which has been endorsed by the Government and supported in Policy 4A.18 of the London Plan.





# CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

Submission Version December 2009

# Creating a green and blue grid

TOWER HAMLETS LOCAL DEVELOPMENT FRAMELYORK

### Where we want to be



◆ Fig 27. Creating a green and blue grid



- Area of search for new publicly accessible green open space
- Existing publicly accessible greenspace
- Lea Miver Park, Facwalk and Lee Valley Regional Park
- Obmok Park
- 111 Green grid



borough's natural assets are in reach of everyone; are valued, well-designed and Delivering a green grid for Tower Hamlets, that links and draws upon the grid and principles set out in the East London Green Grid SPG. Ensuring that the accessible to all.

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## How we are going to get there

1. Deliver a network of open spaces, by:

### Protecting

 Protecting and safeguarding all existing open space such that there is no net loss.

### Creating

- Maximising opportunities for new publicly accessible open space, of a range of sizes, particularly in the following locations:
  - Poplar Riverside
    - Bethnal Green
- Fish Island
- Bromley-by-Bow
- , Aldgate
- Spitalfields and Shoreditch
- Assisting in the delivery of new strategic publicly accessible open spaces, including the Lea River Park, FAT Walk and the Olympic Park, to significantly address deficiencies in open space in the eastern part of the borough.

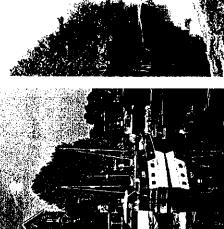
### Enhancing

Improving the quality, usability and accessibility of existing publicly accessible open spaces across the borough and to neighbouring boroughs.

### Connecting

- Promoting publicly accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles, ages and needs
- Improving access to the strategically important publicly accessible open spaces, including Victoria Park and Mile End Park, the Lee Valley Regional Park and also the Olympic Park, Lea River Park and FAT Walk.
  - 9. Creating new green corridors and enhancing existing ones to connect publicly accessible open spaces to main destination points, such as town centres, schools, health facilities, other publicly accessible open spaces, and also to, and along, waterspaces.









- Promote and support new development that provides green roofs, green terraces and other measures to green the built environment.
- 3. Protect and enhance biodiversity value through:
- a. The design of open space and buildings.
- Ensuring development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 4. Work with British Waterways to deliver a network of high-quality, usable and accessible waterspaces, through:
- Identifying opportunities for new water spaces, particularly in Poplar Riverside.
  - b. Protecting and safeguarding all existing water spaces from inappropriate development.
- c. Improving the quality, usability, accessibility of the environment of water spaces including the immediate area and water quality.
  - d. Working with relevant agencies and others to protect and enhance the aesthetic, ecological and biodiversity values of the borough's waterspaces.
- Improving accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities.
- Ensuring that new development responds positively and sensitively to the setting of waterspaces while respecting and animating waterspaces to improve usability and safety.
- 9. Using waterspaces for movement, including passenger and freight transport.
- h. Ensuring residential and commercial moorings are in locations that do not negatively impact on waterspaces or navigation.
- 5. Reduce the risk and impact of flooding through:
- a. Using the Sequential Test to assess and determine the suitability of land for development based on flood risk.
- b. All new development that has to be located in a high risk flood zone must demonstrate that it is safe and passes the Exceptions Test (in accordance with PPS25).

### SP04

- Ensuring that all new development across the borough does not increase the risk and impact of flooding.
- d. Ensuring the application of flood-resilient design of all new developments in areas of Flood Risk 2 and 3a.
- Protecting and where possible increasing the capacity of existing and new waterspaces to retain water.
- f. All new developments must aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off.'
- 9. Seeking to maintain existing flood defences to the appropriate standards and, in the case of riverside development, improve the standard, lifetime and access to such defences.
- n. Ensuring effective emergency-planning practices are in place.
- Working closely with the Environment Agency to keep up-to-date information about flood risk in the borough.
- 6. Supporting the development of the Thames Tunnel and associated storm relief connections by working closely with Thames Water to facilitate its implementation.

This strategy will be implemented through a number of key projects including:

Masterplans and Area Action Plans (All)

Flood barriers

Lea River Park and FAT Walk and Olympic Park LBTH Open Space Strategy

Development Management DPD Site and Placemaking DPD

Proposals Map DPD

Local Biodiversity Action Plan

LBTH Green Grid Projects (All)

Please refer to the Programme of Delivery (Appendix two) for full implementation and delivery details and the Monitoring Framework (Appendix three) for full plan, monitor and manage details.

# Why we have taken this approach

- 4.15 The provision of publicly accessible open space varies across the borough. Areas in deficiency of access to publicly accessible open space have been identified<sup>91</sup>, as well as some open spaces having deteriorated in quality. The deficiency was further indicated in the Annual Monitoring Report 2007/08, which stated that 1.14 hectares per 1,000 population of public open space was achieved that year. This is less than the development standard of 1.2ha set out in the Open Space Strategy<sup>92</sup>.
- 4.16 In continuing to deliver the 1.2ha standard, the council would need to provide 99ha of publicly accessible open space by 2025 (approximately the same area of Victoria Park and Mile End Park combined)<sup>93</sup>. Due to this physical constraint, the council's approach will be to "Protect, Create, Enhance and Connect" open space<sup>94</sup> and use the 1.2ha standard as a monitoring standard to justify local need<sup>95</sup> (see Programme of Delivery, Appendix 2).
- 4.17 This approach will address deficiencies in, and access to, open space that are indicated to have a significant negative impact on people's health. These impacts are likely to be exacerbated by the predicted increase in population. As such, maximising the provision of accessible, high quality open space is a key priority for the council.
- 4.18 Open space deficiency also has implications for biodiversity. Biodiversity is an indicator for sustainable development and is not only important in its own right, but is also able to help us to adapt to climate change, mitigating against urban heat island effect and increased risk of flooding<sup>29</sup>.
- 4.19 The London Plan has designated two Areas of Deficiency for Access to Nature in the west and south-east of the borough, which indicate that people living and working in these areas have little access to observe and interact with wildlife<sup>100</sup>. The borough's Local Biodiversity Action Plan provides a series of aims to improve biodiversity<sup>101</sup>.

In assessing the above issues, the LBTH Green Grid provides a spatial approach to identifying locations for new publicly accessible open spaces, improving existing open spaces, and strengthening connections between spaces and destination points<sup>102</sup>.

- 4.20 The Blue Grid addresses the issues relating to the borough's water spaces and flood risk. This is an important concern, given that the southern and eastern areas of the borough are of Flood Risk 2 and 3a<sup>103</sup>. The places within these areas, and all new uses, are subject to the Sequential Test that identifies land that is suitable for development and assesses any afternative locations<sup>104</sup>.
- 4.21 The risk of all types of flooding needs careful management and maintenance, with a flood-defence system that can provide an increasing level of protection against climate change and, where possible, can be integrated with new development<sup>105</sup>. Achieving the wider aspiration of creating a Water City<sup>106</sup> is already underway, with the borough making better use of its waterways as places for cultural, recreational and leisure activities.

## Key supporting evidence base

- European Union Water Framework Directive
  - Basin River Management Plan
- PPS1: Delivering Sustainable Development, 2005
- PPS9: Biodiversity and Geological Conservation, 2005
  - PPS25: Development and Flood Risk, 2005
    - GLA London Plan, 2008
- LBTH Opportunities for Sustainable Energy and Biodiversity Enhancement, 2008
  - LBTH Open Space Strategy, 2006
- LBTH Green Grid Baseline Report, 2009
- LBTH Local Biodiversity Action Plan, 2004
- LBTH Strategic Flood Risk Assessment, 2008
- LBTH Climate Change Mitigation and Adaptation Report, 2009
  - Thames Estuary 2100 Action Plan, 2009
- HUDU Watch Out for Health, 2009