

Statement of Common Ground

between

The London Borough of Harrow

and

The Environment Agency

**In relation to the management of flood risk and groundwater / land
quality issues in the preparation of the Local Plan for the
London Borough of Harrow 2021 - 2041**

April 2025

1. Introduction

- 1.1 This Statement of Common Ground has been prepared by The London Borough of Harrow (“LBH”) and the Environment Agency (EA), hereafter referred to as ‘the parties’.
- 1.2 It sets out matters that are agreed between the parties in relation to Harrow’s New Local Plan 2021-2041 Proposed Submission (Regulation 19) version, November 2024 (the emerging Local Plan).
- 1.3 The EA are responsible to manage fluvial flood risk across the borough. The EA’s role in the planning system is as a statutory consultee as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and in Government Planning Practice Guidance.
- 1.4 In relation to strategic planning matters, section 33A (1) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) indicates that Local Planning Authorities have a duty to cooperate with bodies (or other persons) within subsection (9) and paragraphs (a), (b) and (c) of subsection (1), in section 33A(1) of the PCPA 2004.
- 1.5 The Duty to Cooperate was established in the Localism Act 2011. The Duty to Cooperate requires all Local Planning Authorities (LPAs) to engage constructively, actively and on an ongoing basis in relation to cross-boundary issues.
- 1.6 Both parties are prescribed bodies for the purposes of the Duty to Cooperate.

2. London Borough of Harrow Profile

- 2.1 LBH is an Outer London borough located in north west London. It borders four other London boroughs - Barnet to the east, Brent to the southeast, Ealing to the south and Hillingdon to the west. The Hertfordshire districts of Three Rivers and Hertsmere are located to the north.
- 2.2 Covering a total area of 50.47 km², LBH incorporates the Metropolitan centre of Harrow and the District Centres of Edgware, Wealdstone, North Harrow, Pinner, Rayners Lane, South Harrow, Stanmore and parts of Burnt Oak, Kingsbury and Kenton. The Borough also contains a number of designated Local centres and Parades.

- 2.3 The borough has a resident population of approximately 261,200. Household sizes are significantly larger than the London average. 32.5% of households have 4 or more people compared to the London average of 24.1%. There are also a significantly lower proportion of lone person households (12.1%) than the London average (20.1%).

3. Plan Making Summary

- 3.1 LBH commenced the evidence gathering process for its Local Plan in 2018. A document seeking views on the issues that the Local Plan should cover was issued for consultation in February 2024 (Regulation 18). The Environment Agency responded via a formal response dated 25th April 2024, highlighting possible soundness concerns.
- 3.2 Feedback from the earlier stages of the plan making process and the conclusions of all the completed evidence base documents were used to prepare the Regulation 19 version of the plan, which was issued for consultation in November 2024. The Environment Agency responded via a formal response dated 20th December 2024, highlighting soundness concerns.
- 3.3 LBH have submitted the Regulation 19 version of the plan for examination after full consideration of all representations received. The plan is intended to be examined against the December 2023 National Planning Policy Framework (NPPF), as enabled by the 2024 NPPF transitional arrangements.

4. The Strategic Matters – flood risk & groundwater contamination

London Borough of Harrow

- 4.1 The West London Strategic Flood Risk Assessment (SFRA) has identified in broad terms areas that are liable to flooding from rivers and ordinary watercourses within the catchments of the Rivers Brent, Colne and Crane, and the associated probability of flooding. It also identifies areas subject to surface water flooding. The strategic assessment informs spatial planning in the Borough and forms a principal component of the evidence base that underpins planning policies and site allocations.
- 4.2 The borough's Level 2 SFRA includes a Screening Assessment for each of the 41 allocated sites, which identifies which sites require a full Site Assessment. Site Assessments have been produced for each of the 18 sites that were identified which provides an assessment of each flood source, with planning

considerations and potential mitigation measures that may be required for the assessed site.

- 4.3 This work has informed the Council's Sequential and Exception Test, which is appended to the Council's Site Selection/ Allocation Methodology 2024. Its recommendations have also been incorporated into the Plan's site allocations.
- 4.4 These matters have been agreed between the parties following a Duty to Cooperate meeting held on 11th December 2024.

Fluvial flood risk

- 4.5 As part of the EA's regulation 19 response, the EA raised serious concerns regarding the approach to development within Flood Zone 3b i.e. functional floodplain. As a result, the Council has proposed amended wording to Policy CN3 to address these concerns, as set out in Appendix 1.

Groundwater Contamination

- 4.6 As part of the EA's regulation 19 response, the EA raised significant concerns regarding the absence of a local plan policy dealing with groundwater and land quality issues. The Council has proposed amended wording to Policy CN3 of the Local Plan to address this, as set out in Appendix 1.

Other Issues

- 4.7 The Council acknowledges the EA's response to the proposed submission on other matters, and the Council's proposed modifications to the plan, alongside general responses, are included as Appendix 1 of this document.

5. Agreed approach to managing flood risk and groundwater/contamination

- 5.1 The parties recognise the issues, having been raised during ongoing Duty to Cooperate meetings, as well as through written consultation representations to the Council's Local Plan.

6. Governance Arrangements Including Future Review

- 6.1 The parties agree to:
- Keep a dialogue open on matters arising which are likely to have significant impacts and implications for the delivery of local plan policies.
 - To review and update this Statement of Common Ground in the light of any material change in circumstances; and

- To maintain positive principles of cooperation.

7. Signatories

- 7.1 We agree that this statement is an accurate representation of matters discussed, and issues agreed upon.
- 7.2 It is agreed that these discussions have and will continue to inform the emerging Harrow Local Plan. The parties will continue to work together collaboratively to meet the requirements of duty to cooperate legislation.

	On behalf of LBH	On behalf of EA
Signature		
Signed by	Viv Evans	Mohammad Ahmed
Position	Chief Planning Officer	Planning Specialist
Date	14 April 2025	28 April 2025

Appendix 1 – Environment Agency representations (summarised where appropriate) and LB Harrow’s responses to the Publication version of the LB Harrow Local Plan

Policy	Environment Agency Comment	LB Harrow response
GR1	As mentioned in our Regulation 18 response, we suggest using more robust wording for clause c (<i>e.g. changing the word ‘should’ to ‘must’</i>) 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.	GR1B(c) is worded to in recognition that not all circumstances allow for the retention of all biodiversity, rather ensuring it is considered and in some circumstances some removal may be acceptable when weighed in the planning balance. No proposed modification
GR1	Furthermore, we recommend the inclusion of rivers within this text, to support wildlife corridors and biodiversity. We suggest the following proposed wording: <i>B. To ensure the most efficient and optimal use of land, proposals must take a design led approach by:</i> <i>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).</i> 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 rives 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.	Noted and considered a reasonable suggestion Proposed modification Amend paragraph GR1B(c) as follows: ‘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)’.

Policy	Environment Agency Comment	LB Harrow response
GR3	We are pleased to see the updates made to these policies since our last response.	Noted No proposed modifications
GR7	We are pleased to see the updates made to these policies since our last response.	Noted No proposed modifications
GR12	We believe using the term “ <i>Flood zone (Surface Water) 3a</i> ” 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. to be adopted. The policy therefore should be re drafted to reflect this point or deleted.	Proposed Modification Amend references to flood zone (surface water) 3a to high/ medium/ low risk of surface water flooding as appropriate in the site allocations, as set out in the SFRA. See individual Site Allocations.
CI3	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.	This representation does not go to the heart of soundness of the policy. No proposed modifications
SP07	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	Support noted. Flood risk matters are covered elsewhere in the plan. No proposed modifications
SP08	Section h(2) of this policy states “ <i>where possible avoiding or otherwise minimising light and noise pollution, and improving air, water and soil quality</i> ”. We suggest that “ <i>water</i> ” 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	It is considered that water and soil quality cover this sufficiently. No proposed modifications.

Policy	Environment Agency Comment	LB Harrow response
	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.	
CN1	We're pleased with the changes made to this policy following recommendations from our previous response.	Noted. No proposed modifications.
CN3	<p>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.</p> <p>These soundness concerns can be addressed by re-considering the policy wording to ensure:</p> <ol style="list-style-type: none"> 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. <p>Further details can be found in the Flood Risk and Coastal Change section of the Planning Practice Guidance.</p>	<p>Noted.</p> <p>Proposed modification:</p> <p>Add sub-clauses to clause D: In case of any redevelopment within Flood Zone 3b, proposals must demonstrate:</p> <ol style="list-style-type: none"> a. No increase in the built footprint within Flood Zone 3b. b. No increase in the vulnerability classification of any existing development within Flood Zone 3b.
CN4	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.	Noted and agreed. Proposed Modifications:

Policy	Environment Agency Comment	LB Harrow response
	<p>Groundwater land contamination</p> <p>Clause H should clarify what is meant by “control of water pollution”. Furthermore, “<i>major development</i>” should be changed to “<i>all development</i>”. This is the same as 8.4.12. For clause H we suggest it be reworded to, <u>“Proposals for any development should ensure best practice is followed to ensure groundwater resources are not negatively impacted.”</u></p> <p>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, “<i>Proposals must prevent discharges to ground through land affected by contamination</i>” is some wording that can be used.</p>	<p>Amend Part H as follows: to read: ‘Proposals for <u>major all development</u> should ensure <u>appropriate best practice is followed with respect to the control of water pollution to ensure groundwater resources are not negatively impacted. Where SuDS are proposed, these must prevent discharges to ground through land affected by contamination</u>’</p>
CN4	<p>Discharges to groundwater</p> <p>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</p>	<p>Noted and agreed. The CIRIA C753 SUDS Manual is already referred to in paragraph 8.4.12.</p> <p>Proposed Modification:</p> <p><u>Add to the end of paragraph 8.4.12, the following: and The Environment Agency's Approach to Groundwater Protection, particularly statements G1 and G9 to G13; The Susdrain website; and the Sustainable Drainage Systems: Non-Statutory Technical Standards guidance on gov.uk and the Recommendations to Update these’.</u></p>

Policy	Environment Agency Comment	LB Harrow response
	<p>use of the drainage catchment and sensitivity of the receiving groundwater body.</p> <p>We recommend that the following guidance be referenced:</p> <ul style="list-style-type: none"> • The Environment Agency's Approach to Groundwater Protection, particularly statements G1 and G9 to G13; • The CIRIA C753 SUDS Manual; • The Susdrain website; <p>The Sustainable Drainage Systems: Non-Statutory Technical Standards guidance on gov.uk and the Recommendations To Update these.</p>	
CN5	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Securing floodplain compensation - and utilising plans for compensation that provide wetlands and biodiversity gain.</p>	<p>Noted and agreed that elaboration on blue infrastructure within the supporting text would be beneficial.</p> <p>Proposed Modification:</p> <p><u>Amend paragraph 8.5.3 by adding the following to the end: 'In recognition of the important role waterways / blue infrastructure plays, the policy facilitates enhancements that could include reconnection of sites to waterways / corridors, deculverting / daylighting / restoration schemes, securing floodplain compensation - and utilising plans for compensation that provide wetlands and biodiversity gain.'</u></p>
CN5	Advice	Noted.

Policy	Environment Agency Comment	LB Harrow response
	<p>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.</p> <p>Flood Risk Activity Permits are required for certain activities as outlined here: Flood risk activities: environmental permits - GOV.UK (www.gov.uk)</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> • 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 <p>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.</p>	<p>No proposed modifications.</p>
CN5	<p>Groundwater and land quality issues</p> <p>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.</p>	<p>Noted.</p> <p>Proposed Modification:</p> <p>Add to Policy SP08:</p> <p><u>Groundwater and land quality</u></p>

Policy	Environment Agency Comment	LB Harrow response
	<p>Therefore, as this Local Plan is not positively prepared, or consistent with national policy, we find this draft Local Plan unsound.</p> <p>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:</p> <ul style="list-style-type: none"> • Specific National Planning Policy Framework (NPPF) paragraphs 180 and • 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. <p>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): “<i>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</i>”. We recommend including information on this in the supporting text of any proposed policy on groundwater and land quality.</p>	<p><u>i. Planning policies and decisions should ensure that:</u></p> <p><u>1. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</u></p> <p><u>2. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</u></p> <p><u>3. adequate site investigation information, prepared by a competent person, is available to inform these assessments.</u></p> <p>Add Supporting Text: <u>8.0.10 Planning applications should be accompanied by a Preliminary</u></p>

Policy	Environment Agency Comment	LB Harrow response
	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.	<u>Risk Assessment (PRA) together with a planning application where land is potentially contaminated. 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”.</u>

Site allocations

Policy	Environment Agency Comment	LB Harrow response
Site allocations	We believe using the term “ <i>Flood zone (Surface Water) 3a</i> ” 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. to be adopted. The policy therefore should be re drafted to reflect this point or deleted.	Proposed Modification: Noted. Wording has been updated in relevant site allocations.
OA13	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.	Noted. No proposed modifications
OA16	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	Noted. No proposed modifications

	<p>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://publications.environment-agency.gov.uk/pdf/SCHO0195BJKX-e-e.pdf</p>	
GB1	<p>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.</p>	<p>Noted.</p> <p>No proposed modifications</p>
O9	<p>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.</p>	<p>Noted.</p> <p>No proposed modifications</p>
O17	<p>Any development should be kept within FZ1. A Flood Risk Assessment (FRA) will also need to be submitted as part of this development.</p>	<p>Noted.</p> <p>No proposed modifications</p>
O19	<p>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</p>	<p>Noted.</p> <p>No proposed modifications</p>

Integrated Impact Assessment

Policy	Environment Agency Comment	LB Harrow response
IIA	Recommend the topic Biodiversity, Geodiversity, Flora & Fauna, blue spaces (page 14) should be included with mention of an 8m buffer (riparian) zone for main rivers.	<p>Agree the IIA document could be amended in line the suggested change, when it is updated as part of the Examination in Public.</p> <p>Proposed modification</p> <p>Update the topic Biodiversity, Geodiversity, Flora & Fauna, blue spaces (page 14) to refer to the requirement for an 8m buffer (riparian) zone for main rivers</p>