



Local Plan Publication Consultation

From 9 June 2023 to 24 July 2023

RESPONSE FORM

The Council is inviting comments on the Publication version of the Local Plan.

The Local Plan sets out a 15-year strategic vision, objectives and the spatial strategy. The draft Plan includes place-based strategies covering the whole borough, along with accompanying site allocations, as well as the thematic planning policies that will guide future development in the borough. It will inform how growth will be accommodated across the borough. The draft Plan seeks to address future challenges including climate change, health, affordability and liveability.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes available on the website (via the link below).

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: www.richmond.gov.uk/draft_local_plan_publication_version

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to LocalPlan@richmond.gov.uk
- Post a hard copy of the form to Spatial Planning and Design, LB Richmond upon Thames, Civic Centre, 44 York Street, Twickenham, TW1 3BZ.

Alternatively, you can make comments on the draft Local Plan **online via our Consultation Portal**, which is accessible at the website listed above.

All responses must be received by 11:59pm on Monday 24 July 2023. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

This form has two parts:

- Part A – Personal details and about you
- Part B – Your detailed response(s).

Part A: Personal Details		
	1. Personal Details *	2. Agent's Details (if applicable)
Title	Ms	
First name	Jane	
Last name	Lovell	
Job title (where relevant)	N/A	
Organisation (where relevant)	N/A	
Address	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 80px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 60px; height: 15px;"></div>	
Postcode	<div style="background-color: black; width: 50px; height: 15px;"></div>	
Telephone	<div style="background-color: black; width: 80px; height: 15px;"></div>	
E-mail address	<div style="background-color: black; width: 150px; height: 15px;"></div>	

*If an agent is appointed, please complete only the title, name and organisation boxes but complete the full contact details of the agent.

Data protection

The Council is committed to ensuring that personal data is processed in line with the General Data Protection Regulation (GDPR) data protection principles including keeping data secure.

The Council's Privacy Notice is published on the webpage www.richmond.gov.uk/data_protection

All responses will be held by the London Borough of Richmond upon Thames. Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

If you submit comments, the consultation responses and your personal data will be passed to the Planning Inspectorate and a Programme Officer. The Programme Officer manages the procedural and

administrative aspects of the examination. The Programme Officer will contact you using the personal information you have provided if you have indicated in the response form your wish to engage in the Examination.

Part B: Your Response

3. To which part(s) of the draft Local Plan does your response relate to?

Please indicate the documents **and** the specific paragraph numbers, policy or site allocation numbers and names, maps or tables you are commenting on.

Documents		Sections	
Publication Local Plan (including changes to the Policies Map designations)	<input checked="" type="checkbox"/>	Page number(s)	8 and 9/290/295/298
		Paragraph number(s)	(in page order as shown above using the online low res version of the draft plan).Section 2.17 provides a link to the Open Land Review conducted by Arup And I refer to the section on MOL. Open Land. Page 290 of the draft plan, Paragraph 21.8 Policy B relating to MOL. Page 295 of draft plan paragraph 21.10 and 21.11 relating to MOL.
		Policy no./name	MOL
		Place-based strategy	
		Site Allocation(s) no./ name	52 Orchard Road Twickenham TW1 1LY
		Maps	Arup Open Land Review page 25 (linked from page 8 of the Draft Local Plan) Arup Open Land Annexe Report page 104 (separate document linked from page 8 of the Draft Local Plan)
		Tables	
Sustainability Appraisal Report		Page number(s)	

	<input type="checkbox"/>	Paragraph number(s)	
Other (for example an omission or alternative approach)	<input type="checkbox"/>		
4. Do you consider the Local Plan is:			
4.1 Legally compliant	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
4.3 Complies with the Duty to Co-operate	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Further information on these terms is included within the accompanying guidance note, which can be found on the website at www.richmond.gov.uk/draft_local_plan_publication_version			
<i>If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.</i>			
5. Do you consider the Local Plan is <u>unsound</u> because it is <u>not</u>:			
5.1 Positively Prepared	<input checked="" type="checkbox"/>		
5.2 Justified	<input checked="" type="checkbox"/>		
5.3 Effective	<input checked="" type="checkbox"/>		
5.4 Consistent with national policy	<input checked="" type="checkbox"/>		

6. Please give details of why you consider the Local Plan is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

1.0 THE SITE

Land to the North of Chertsey Road forming a garden for 52 Orchard Road, Twickenham, Middlesex, TW1 1LY.

1.1 The subject site is a lawned garden area to the east of the River Crane and immediately to the west of 53 and 55 Orchard Road and numbers 3 and 4 Apple Grove. Its southern boundary is the A316, Chertsey Road and the northern boundary is 52 Orchard Road.

1.2 The site is designated on the LB Richmond proposals map as Metropolitan Open Land (MOL). The River Crane, which runs along the eastern boundary, is also designated as Metropolitan Open Land but in contrast to my garden, in all of the neighbouring properties the designation is confined to the riverbank and has not encompassed any of these gardens sharing the same characteristics. This is not only the case for my immediate neighbours, but applies to the whole of the properties along that stretch of river from 52 Orchard Road travelling north to Railshead Road (.85 hectare). There are approximately 120 properties this area in which the River Crane runs through gardens and none has an MOL designation extending beyond the riverbank.

2.0 LEGAL COMPLIANCE

The Primary concern in assessing the legal compliance of the plan in respect of the soundness of this designation is whether the plan conforms generally to the London Plan and NPPF policies.

3.0 CONFORMITY WITH THE LONDON PLAN

3.1 Chapter 8 – Green Infrastructure and Natural Environment of the London Plan contains Policy G3 – Metropolitan Open Land, which clearly defines the four criteria for MOL designation. The policy states:

MOL is a strategic designation and is allocated in accordance with The London Plan Policy 3G. Land designated as MOL should satisfy one or more of the following criteria:

1. Land that contributes to the physical structure of London by being clearly distinguishable from the built up area;
2. Land that includes open air facilities, especially for leisure, recreation, sport, arts and cultural activities and tourism which serve the whole or significant parts of London;
3. Land that contains features or landscapes of historic, recreational, nature conservation or habitat interest, of value at a metropolitan or national level;
4. Land which forms part of a Green Chain and meets one of the above criteria.

This garden meets none of the above criteria let alone two. By contrast the separately designated river bank does meet the criteria.

3.2 Policy G3 further states:

8.3.1 Metropolitan Open Land is strategic open land within the urban area. It plays an important role in London's green infrastructure – the network of green spaces, features and places around and within urban areas. MOL protects and enhances the open environment and improves Londoners' quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity.

This further demonstrates that the garden in question does not and cannot fulfil any of these benefits and does not warrant the MOL status.

3.3 Furthermore, in Chapter 8 - paragraph 8.3.4 states that:

Proposals to enhance access to MOL and to improve poorer quality areas such that they provide a wider range of benefits for Londoners that are appropriate within MOL will be encouraged. Examples include improved public access for all, inclusive design, recreation facilities, habitat creation, landscaping improvement and flood storage.

This would be impossible to meet given that this is a private garden with no public access.

4. CONFORMITY WITH NPPF

MOL is a London designation affording the same level of protection as Green Belt and in the context of this; I would refer to the following:

NPPF Policy 13 – Protecting Green Belt Land - Paragraph 138 states the following:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

None of these purposes apply to this private garden.

5. CONFORMITY WITH DRAFT LOCAL PLAN

Concerning this particular site, the Draft Local Plan is neither in conformity with the London Plan nor NPPF policy.

5.1 The designation is further unsupported by statements within the Draft Local Plan.

Page 290 of the Draft Local Plan states that:

B. Appropriate uses within the Green Belt or Metropolitan Open Land include public and private open spaces and playing fields, outdoor recreation and sport, biodiversity including rivers and bodies of water, open community uses including allotments and cemeteries.

Whilst the River Crane runs alongside this site and has an MOL designation which covers the riverbank, there is no possible way in which the garden could meet any of the above stated uses.

There is no public access and it could not meet any of the uses on the above list.

5.2 Page 295 of the Publication Local Plan, paragraph 21.10 states that:

Metropolitan Open Land (MOL) is unique to London and protects strategically important open spaces.

The site in question does not match this description and the Draft Local Plan in this designation is in conflict with the overarching premise that MOL exists to protect significant areas rather than it being randomly applied to private gardens in isolation to all neighbouring properties.

6. ARUP METROPOLITAN OPEN LAND REVIEW

6.1 Page 298 paragraph 21.22 of the Publication Local Plan states that:

A review of all the land designated as Green Belt, MOL, LGS (see Policy 35 'Green Belt, Metropolitan Open Land and Local Green Space ') and OOLTI was carried out, providing an up to date, objective and evidence-based assessment of how the currently protected areas contribute to the purposes / criteria set out in the relevant national/regional or local policy guidance.

The review conducted by Arup was neither objective nor evidenced-based in relation to my garden for the following reasons:

As referred to in the above listed documents, Page 25 of the Arup review report contains a map detailing the borough areas designated as MOL in which they have allocated numbers to the areas. My garden is numbered as 32; it is accurately shown as a discrete site and is practically obscured by the head of the map pin. This is demonstrably the smallest area of all of the designated areas, including those Arup recommended for de-designation. This further illustrates the lack of soundness in designating the area as being of strategic London importance.

The Arup Annexe report is a separate document accessed by a separate link on the same page 8 of the Draft Local Plan, and provides a detailed categorisation for each of the numbered areas on the map and how each site performs against the four 4 MOL criteria. This methodology is used to draw their conclusions on whether to recommend retention of the MOL, review it or de-designate. Page 104 relates to my garden, but instead of mapping the plot as a discrete site as on page 25 of the first general report, referred to above, they have now incorrectly parcelled it together with the stretch of the River Crane travelling northwards into Isleworth. The map pin is placed in a completely different location from page 25, and is now sited around half a mile away.

The garden has been misrepresented as being part of the riverbank MOL and is now described as .85 hectare (approximately 2 acres) which now has a northern boundary of Railshead Road in Isleworth over half a mile away. The MOL designation on my garden took place completely separately from that of the banks of the River Crane. The consequence of this error has led to an inaccurate analysis of the performance of the garden against MOL criteria and their subsequent conclusion that it met all four areas. They were further unable to identify that the building on the site was my house. Instead, it is described as one of two buildings of unknown use. I do not believe that they understood that this was a private garden and a separate entity from the River Crane, albeit which included the MOL on the riverbank. Had they identified the area correctly there could have been no alternative other than a recommendation to remove the designation.

I had no knowledge that this review was taking place and Arup never requested a visit. Instead, as shown in the photograph on page 104, they created a hole in my dense laurel hedge in order to take a photograph with a further misleading narrative that it provided a "View facing north from the A316 along the southern boundary, with view of private garden and riverside woodland in the background". The woodland referred to

is actually in Hounslow and had they taken the photograph in accordance with the instructions from Arup to stand on the pavement, this photograph would have accurately shown that the area is screened completely by a dense hedge and has no views, apart from the one they created for the camera. The errors and misrepresentations contained in Arup's review of my property together with their inaccurate conclusion, do not demonstrate soundness and legality. It also calls into question the Borough's assertion that this review was carried out with objectivity.

The unprepossessing area of garden depicted in the photograph on the right hand side of page 104, further serves to demonstrate the unsoundness of the conclusion that it meets the four criteria they outline.

7. PAST PLANNING DECISIONS

There have been various statements in the London and Local Plan which refer to resistance of overpowering developments in the proximity of MOL. In the case of this particularly site, permission has been granted locally on several occasions for ever-increasing height extensions to a telecoms mast sited on the southern boundary. In addition, planning permission was granted at appeal for a new development – now completed – of two houses and two flats, the latter backing immediately on to the eastern boundary. These examples contradict the stated aim of protecting MOL and erode the justification for the retention of the designation of the garden as a whole. If this site really did have the protection equal to green belt, I doubt whether these structures would have been granted permission.

8. SOUNDNESS/LEGALITY

For reasons outlined above, which include the non-conformity with the London Plan; NPPF Policy; the Council's stated policies within the Draft Local Plan; the flawed Arup Review and the contradictory treatment of planning adjacent to MOL, it is my belief that in its current state, the Draft Local Plan is neither sound nor legal. In this particular context I also do not view the plan as being positively prepared, justified, effective or consistent with national policy.

Please continue on a separate sheet / expand box if necessary.

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 6 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

ALTERNATIVE APPROACH

No issue is taken with the soundness of the MOL designation along the bank of the River Crane including the section running through my garden. My recommendation would be to confine the designation to the riverbank and not to the garden in its entirety, which does not perform against any of the criteria. In my view that would not only achieve soundness, it would also continue to provide protection for that area. It would further result in an objective, transparent and fair conclusion in line with the Council's stated aims. They have already made amendments to other MOL areas recommended within the Arup review, including the removal in some circumstances. This is not a request for removal but rather an adjustment to the boundary of the riverbank in line with the treatment of all other properties with gardens backing onto the river.

Please continue on a separate sheet / expand box if necessary.

8. Do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)

No, I do not wish to participate
In hearing session(s)

Yes, I wish to participate
In hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

I have requested permission to participate in a hearing session in order to:

Outline and discuss the errors and misrepresentations contained within the Arup MOL Review and its conclusions.

To establish that the area in question is a discrete legal entity and does not form part of the River Crane nor does it travel two miles into Isleworth on its northern boundary.

To have the opportunity to address the gardens ability to perform against any of the MOL criteria.

To participate in a dialogue, rather than decisions being taken by RBC based upon misrepresentations of the site and reinterpretation of MOL designation criteria, with no right of reply.

To reach a mutually agreed alternative, which would ensure fair and consistent treatment, continue to provide protection for the River Crane and to restore the soundness and legality of the Draft Local Plan.

I would be very grateful to have the opportunity to attend the examination in person.

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Please continue on a separate sheet / expand box if necessary.

10. If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:

For electronic responses a typed signature is acceptable.

Date: