

London Borough of Richmond upon Thames
Spatial Planning and Design
Civic Centre
44 York Street
Twickenham
TW1 3BZ

LBRuT Local Plan | Regulation 19 Publication Version Consultation

Dear Spatial Planning and Design Team,

Royal Botanic Gardens, Kew (RBGK) is pleased to respond to the consultation on the Regulation 19 version of London Borough of Richmond's draft Local Plan. Our comments reflect those made in our detailed response to the Regulation 18 version in January/February 2022.

LBRuT indicates that its preferred method for receiving comments to the consultation is electronically, using the standard representation form. RBGK has completed this and we attach a copy to this letter.

In line with our response to the earlier consultation, RBGK remains broadly supportive of the overarching strategic vision set out in LBRuT's draft Local Plan, including the response to the climate emergency, retaining and improving biodiversity, and protecting heritage and culture. We welcome the opportunity to provide comments on draft versions of the Plan and are pleased to note a number of amendments are included in this latest draft that align with the suggestions we made in relation to the Regulation 18 version.

However, a number of areas of concern remain and RBGK raises these again because we believe these cause the Plan to fail the tests of soundness. We do not repeat them in detail here, but in summary these concerns relate to:

- The designation of Kew Gardens as an "incremental intensification area" and an "area deficient in public open space" in **Policy 2: Spatial Strategy, Managing Change in the Borough**.
- Clarification on how the identified views referenced in **Policy 31: Views and Vistas** have been assessed, and how it is intended to progress supporting policies (specifically, the draft Local Views SPD).
- Amendments to **Policy 32: Royal Botanic Gardens, Kew World Heritage Site** to ensure the correct balance can be struck between protecting, conserving, promoting and enhancing the RBG Kew WHS with regard to future development.
- Inconsistency in the description of permitted heights set out in **Policy 45: Tall and Mid-Rise Building Zones**.

RBGK urges LBRuT to consider our representations and implement the proposed amendments we have set out. If it would be helpful to discuss any of these concerns in more detail, or if we can be of further assistance in refining the amended wording in relation to any of these points, we would be very happy to do so.

We would also like to take this opportunity to request some clarification on the process for progressing the related **Local Views Supplementary Planning Document**. This is a key document that has the potential to



have a major impact on Kew Gardens. As such, RBGK provided detailed comments in response to the consultation on the draft SPD in Summer 2022. We note that LBRuT has recently published all the responses received to that consultation and indicates on its website that the next step once it has considered these will be to adopt a final version of the document. RBGK would like some reassurance that a future version of the SPD will be made available for review prior to its adoption, given its importance and also in light of the nature of some of our responses to the last consultation which identified additional detail that would be required for the document to provide the right level of protection for the identified views.

Similarly, RBGK notes from the Regulation 19 version of the Local Plan (Policy 3, para. 16.16) that LBRuT is considering producing further guidance on energy efficiency in historic buildings. Again, this has the potential to impact Kew Gardens and so we would be grateful for some further information on the programme for progressing this and opportunities to be involved.

Thank you again for considering RBGK's comments; please do not hesitate to contact me if I can be of further assistance.

Yours sincerely,

A black rectangular redaction box covering the signature of Georgina Darroch.

Georgina Darroch, Government Affairs & World Heritage Manager
Royal Botanic Gardens, Kew



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**](http://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	Mr
First name	Georgina	Henry
Last name	Darroch	Brown
Job title (where relevant)	Government Affairs and World Heritage Manager	Senior Planner
Organisation (where relevant)	Royal Botanic Gardens, Kew (RBGK)	The Planning Lab
Address	Royal Botanic Gardens, Kew, Richmond, Surrey	████████████████████ ██████
Postcode	TW9 3AE	████████
Telephone	c/o agent	██████████
E-mail address	c/o agent	████████████████████

*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)	
		Paragraph number(s)	
		Policy no./name	2. Spatial Strategy: Managing change in the borough 31. Views and Vistas 32. Royal Botanic Gardens, Kew World Heritage Site 45. Tall and mid rise building zones
		Place-based strategy	
		Site Allocation(s) no./ name	
		Maps	
		Tables	
Sustainability Appraisal Report	<input type="checkbox"/>	Page number(s)	
		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 checked="" type="checkbox"/>	No <input 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 checked="" 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

If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.

5. Do you consider the Local Plan is unsound because it is not:

5.1 Positively Prepared	<input type="checkbox"/>
5.2 Justified	<input 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.

RBGK welcomes the opportunity to comment on the latest iteration of the Local Plan. However, believes the draft Plan would fail the test of soundness in a number of places. The issues identified below were mostly raised by RBGK during the last consultation phase (Reg 18, date) and are summarised as follows:

Policy 2: Spatial Strategy: Managing change in the borough

The "key diagram" on page 26 continues to designate a large proportion of Kew Gardens as an "incremental intensification area", as well as an "area deficient in public open space", which seems contradictory and at odds with the character and nature of the locality. While we would support the protection and enhancement of public open space surrounding Kew Gardens, we reiterate that the Royal Botanic Gardens at Kew is a World Heritage Site; located in a Conservation Area; registered as a Grade I Registered Park and Garden of Special Historic Interest; and manages a total of forty-six listed buildings and structures. It provides approximately 300 acres of open space and gardens, and is heavily protected in policy terms. While we understand that the current boundaries of the incremental intensification areas have been drawn based on PTAL and proximity to stations and town centres, RBGK is concerned that the inclusion of Kew Gardens and surrounding streets could lead to an intensification of development which would harm its heritage value. This approach is not compliant with London Plan Policy HC1 which states that the cumulative impacts of incremental change from development on heritage assets and their settings should be actively managed.

While RBGK must maintain some flexibility for appropriate and justified development to support its primary visitor and research function, this designation also appears to contradict the Urban Design Study (2023) undertaken by Arup which confirms that Kew Gardens and Riverside has a high sensitivity to change, and that the area's high value and susceptibility mean that significant change is unlikely to be appropriate. RBGK request that both of these designations are reassessed, or their relevance to how they should be applied to the immediate area surrounding the Gardens be clarified in the policy text. Without such modifications, the Plan may facilitate inappropriate development in this area, which would otherwise be incompatible with the aims of the Plan and may adversely affect the Gardens and its WHS status. We consider that with these minor amendments set out above this policy could be made sound.

Policy 31: Views and Vistas

RBGK continues to seek clarification on how the identified views have been assessed as this information is not included in this version of the Plan. Although an evidence base is referred to - including work undertaken by Arup to inform the SPD – the methodology relating to views analysis does not appear to form part of Arup's Urban Design Study (2023). We are concerned that the lack of detail about the views included in the Plan (and the supporting Urban Design Study and Local Views SPD documents), for example in terms of a description of the visual amenity or development management guidance, might lead to inappropriate development that negatively impacts the Kew Gardens WHS.

RBGK would also like to understand the next steps for the draft Local Views SPD and how LBRuT intends to respond to the comments received during the most recent consultation in Summer 2022. As this SPD is so closely related to this Plan policy, it is important that this next stage of work is closely coordinated with any further modifications to the Local Plan and that RBGK has the opportunity to input and comment further.

Policy 32: Royal Botanic Gardens, Kew World Heritage Site

RBGK requested in its response to the Regulation 18 consultation that some amendments were made to the text of this Policy, which aims to protect, conserve, promote and enhance the RBG WHS. To achieve these aims, it is imperative that RBGK is able to adapt the site into the future to support the sustainable function and operation of the Gardens. It must do this while continuing to provide a world-renowned, leading visitor attraction and working scientific and research institution. At present, RBGK does not believe that the wording of the policy allows for sufficient flexibility to carefully balance the needs of conservation, access, the interests of our visitors and the local community, and sustainable economic use and operation of the site, in order to effectively manage the WHS for the future in the consideration of future development proposals.

For this reason, RBGK reiterates its request that the following additional point is added under Part A of this policy, as follows:

'4. Ensuring the long-term sustainability of the World Heritage Site will require a careful balancing between the needs of conservation, access, biodiversity, the climate emergency, income and the public benefits of any development on the site.'

Another important element of the functioning of Kew Gardens as an internationally significant visitor attraction is the regular temporary exhibitions and installations it runs throughout the year, for which planning permissions are often required. These can be key in enhancing the visitor and learning experience for our local and international visitors alike; they also provide a way to draw attention to important issues and key elements of Kew's research, such as halting biodiversity loss. They draw visitors to the Borough, which provide other social and economic benefits.

To ensure this necessary activity is appropriately recognised in LBRuT's development management policy, RBGK reiterates its request that the following wording to be added as a fifth point under Part A:

'5. Temporary events and exhibitions are recognised as a key part of the offer at the Royal Botanic Gardens, Kew World Heritage Site and, subject to other planning policy considerations within this plan, are supported in principle.'

Policy 45: Tall and Mid-Rise Building Zones

RBGK has a particular interest in the tall and mid-rise building zones in close proximity to Kew Gardens – namely, F1 (Richmond Station), F3 (North Sheen) and G3 (Kew Retail Park). Kew Gardens WHS is particularly sensitive to the impacts of tall buildings in these locations and therefore RBGK is very keen to see that this policy provides appropriate protection. We remain concerned that the policy, supporting text and detail set out in Appendix 3 do not consistently specify that the heights set out in Appendix 3 are a ‘maximum’ – Appendix 3 refers to an ‘appropriate height’, the policy wording to an ‘appropriate height range’ and supporting text para. 22.24 to an ‘appropriate tall building height range’ as well as an ‘identified maximum appropriate height’. If it is the intention that the identified heights are a maximum, rather than an expectation for all development in these zones, this needs to be consistently expressed across the relevant parts of the Plan. This approach is required to conform with Policy D9 of the London Plan, which notes that in locations where Boroughs determine tall buildings are an appropriate form of development, they must determine the maximum height that could be acceptable.

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.

See Section 6, above.

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.

N/A

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:

Henry Brown

For electronic responses a typed signature is acceptable.

Date:

24/07/2023