



**London Borough of Richmond upon Thames**

**Local Plan**

Addendum

**Sustainability Appraisal  
Adoption Statement**

**March 2020**

London Borough of Richmond upon Thames – Addendum Local  
Plan Sustainability Appraisal (SA) / Strategic Environmental  
Assessment (SEA) Adoption Statement

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## **1. Legal challenges to the adoption of the Plan**

- 1.1 Subsequent to the Local Plan's adoption in July 2018 there were two applications to the High Court for statutory reviews (under s.113 of the Planning and Compulsory Purchase Act 2004) in respect of the decision of the Council to adopt the Local Plan. One was in relation to the Other Open Land of Townscape Importance (OOLTI) boundary at the former St Michael's Convent, Ham (Site Allocation SA17) and the other to the Local Green Space (LGS) designation at Udney Park Playing Fields, Teddington.
- 1.2 With the consent of the Council and the Secretary of State a Court Order quashed the OOLTI designation in respect of the southern part of the garden (south of, and including, the footpath running approximately west to east across the said garden) at the former St Michael's Convent. In relation to the LGS designation of the Udney Park Playing Fields, a hearing was held in the Planning Court in January 2019, after which a judgement and Order were issued that quashed paragraph 5.2.8, which was the relevant part of the Local Plan.
- 1.3 Both Court Orders required the Council to publish for consultation for six weeks the relevant changes relating to the OOLTI boundary and LGS designation as proposed Main Modifications to the Publication version of the Local Plan. The consultation relating to the OOLTI boundary was undertaken from 17 January to 1 March 2019, and that relating to the LGS designation took place between 22 February and 5 April 2019.
- 1.4 The Planning Inspectorate appointed a second Inspector to consider whether to recommend Main Modifications to the submitted Local Plan in order that it be sound and legally compliant, having regard to any representations made.
- 1.5 On 4 February 2020 the second Inspector issued his Redetermination Report to the Council. He concluded that the relevant part of the garden of the former St Michael's Convent, Ham should be included within the OOLTI designation as originally proposed by the Council, and that the Udney Park Playing Fields, Teddington warranted designation as LGS, as originally proposed by the Council. This is because the Inspector does not consider that either Main Modification consulted upon is necessary to make the Plan sound.
- 1.6 Reflecting the second Inspector's conclusions, the Local Plan is sound and capable of adoption. The OOLTI boundary will be amended on the accompanying Policies Map and added to the final version of the Local Plan (Site Allocation SA17). Paragraph 5.2.8 remains as per the submitted Local Plan. The LGS boundary will be added to the Policies Map. These two matters only have now been adopted within the Local Plan, following a resolution of Full Council at its meeting on 3 March 2020.

## 2. Updates to the Local Plan Sustainability Appraisal Adoption Statement

- 2.1 This note is an Addendum to the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) Adoption Statement<sup>1</sup> July 2018, published at adoption of the Local Plan in July 2018.
- 2.2 Following the Court Order (dated 20 December 2018) regarding the Other Open Land of Townscape Importance (OOLTI) of the St Michael's Convent site, the Council consulted on the proposed Main Modification relating to the OOLTI boundary. The Council considered the alteration to the OOLTI boundary at St Michael's Convent, Ham Common did not necessitate a further SA<sup>2</sup>. It was not likely to result in significant environmental effects as the change related to a small area of land, and the Plan retained a significant OOLTI designation north of the footpath (as shown in a map on the Council's website<sup>3</sup> of the revised OOLTI boundary).
- 2.3 Following the Court Order regarding the Local Green Space (LGS) at Udney Park Playing Fields, Teddington the Council consulted on the proposed Main Modification relating to the LGS designation and a further SA of this was undertaken<sup>4</sup>. Overall, the SA assessment of this proposed Main Modification found that there would be no likely significant negative effects when assessed against the sustainability objectives in the SA, with many neutral or positive effects being identified. It was concluded that the modification therefore did not significantly alter the overall findings of the Publication Local Plan SA<sup>5</sup> in terms of delivering positive sustainability outcomes.
- 2.4 Consultation responses received to both Main Modification consultations were sent to the Planning Inspectorate to reconsider these matters, in line with the Court Orders. The second Inspector's Redetermination Report (2020) states at paragraph 50 that Sustainability Appraisal had been carried out, where necessary, and is adequate<sup>6</sup>.
- 2.5 The Redetermination Report<sup>7</sup> returns the extent of the OOLTI in relation to the St Michael's Convent site, part of site allocation SA 17, as per the submitted Plan. Paragraph 5.2.8 that designates the UPPF as LGS remains in the form set out in the submitted Plan. SA has been carried out simultaneously alongside the preparation of the Plan and informed the consideration of alternatives and options, as well as making decisions on the final policy direction. The SA has encouraged the integration of social, environmental and economic considerations into the development of policies.

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<sup>1</sup> [https://www.richmond.gov.uk/media/15937/local\\_plan\\_sustainability\\_appraisal\\_adoption\\_statement.pdf](https://www.richmond.gov.uk/media/15937/local_plan_sustainability_appraisal_adoption_statement.pdf)

<sup>2</sup> [https://www.richmond.gov.uk/media/16686/lp\\_consultation\\_inc\\_mm\\_schedule\\_and\\_subject\\_land\\_map.pdf](https://www.richmond.gov.uk/media/16686/lp_consultation_inc_mm_schedule_and_subject_land_map.pdf)

<sup>3</sup>

[https://www.richmond.gov.uk/media/16688/lp\\_st\\_michaels\\_convent\\_oolti\\_boundary\\_following\\_court\\_order.pdf](https://www.richmond.gov.uk/media/16688/lp_st_michaels_convent_oolti_boundary_following_court_order.pdf)

<sup>4</sup> <https://www.richmond.gov.uk/media/16825/sa-for-uppf-lgs-consultation.pdf>

<sup>5</sup> [https://www.richmond.gov.uk/media/13319/local\\_plan\\_publication\\_sustainability\\_appraisal.pdf](https://www.richmond.gov.uk/media/13319/local_plan_publication_sustainability_appraisal.pdf)

<sup>6</sup> Redetermination Report on The Proposed Main Modifications To The London Borough Of Richmond Upon Thames Local Plan In Respect Of (1) Other Open Land Of Townscape Importance At St Michael's Convent, Ham Common; And (2) The Local Green Space Designation At Udney Park Playing Fields, Teddington, February 2020  
[https://www.richmond.gov.uk/media/18608/lbrut\\_redetermination\\_final\\_report.pdf](https://www.richmond.gov.uk/media/18608/lbrut_redetermination_final_report.pdf)

<sup>7</sup> [https://www.richmond.gov.uk/media/18608/lbrut\\_redetermination\\_final\\_report.pdf](https://www.richmond.gov.uk/media/18608/lbrut_redetermination_final_report.pdf)

- 2.6 Full details of how the findings of the SA and Environmental Report were taken into account in the development of policy and proposals for sites remain as set out in the Local Plan Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) Adoption Statement 2018<sup>8</sup>, and as set out above during the subsequent statutory reviews. The SA Objectives and SA monitoring framework also remain as set out in the Local Plan Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) Adoption Statement 2018<sup>9</sup>.
- 2.7 This Addendum to the SA Adoption Statement has been prepared in accordance with regulation 16 (3) and (4) of the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the SEA Regulations), and in compliance with the requirements of regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.8 The Richmond upon Thames Local Plan was adopted on 3 July 2018. The two matters in respect of OOLTI at St Michael's Convent, Ham Common and LGS at Udney Park Playing Fields, Teddington have now been adopted within the Local Plan, following a resolution of Full Council at its meeting on 3 March 2020. In accordance with European and national legislation, development plans must be subject to the SA and SEA processes.

To accord with the SEA regulations, the SA Adoption Statement summarises:

- a. How environmental considerations have been integrated into the Plan;
  - b. How the Environmental Report has been taken into account;
  - c. How opinions expressed through public consultation have been taken into account;
  - d. The reasons for choosing the plan or programme as adopted, in light of the other reasonable alternatives dealt with; and
  - e. Measures that are to be taken to monitor significant environmental effects of the implementation of the Plan.
- 2.9 The matters affected by the legal challenges do not change the overall approach of the Plan to direct development in a sustainable manner.

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<sup>8</sup> [https://www.richmond.gov.uk/media/15937/local\\_plan\\_sustainability\\_appraisal\\_adoption\\_statement.pdf](https://www.richmond.gov.uk/media/15937/local_plan_sustainability_appraisal_adoption_statement.pdf)

<sup>9</sup> [https://www.richmond.gov.uk/media/15937/local\\_plan\\_sustainability\\_appraisal\\_adoption\\_statement.pdf](https://www.richmond.gov.uk/media/15937/local_plan_sustainability_appraisal_adoption_statement.pdf)