



## 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](mailto: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	Mr	Mr
First name	Sulinder	Thomas
Last name	Singh	Rumble
Job title (where relevant)		Associate
Organisation (where relevant)		Woolf Bond Planning
Address	c/o Agent	██████████ ██████████████████ ██████████████████ ██████████
Postcode		██████████
Telephone		██████████████
E-mail address		██████████████████████████████

\*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](http://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	35
		Place-based strategy	
		Site Allocation(s) no./ name	
		Maps	Policies Map (with specific reference to MOL boundary at parcel no. 45)
		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 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 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](http://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 checked="" type="checkbox"/>
5.3 Effective	<input checked="" type="checkbox"/>

5.4 Consistent with national policy



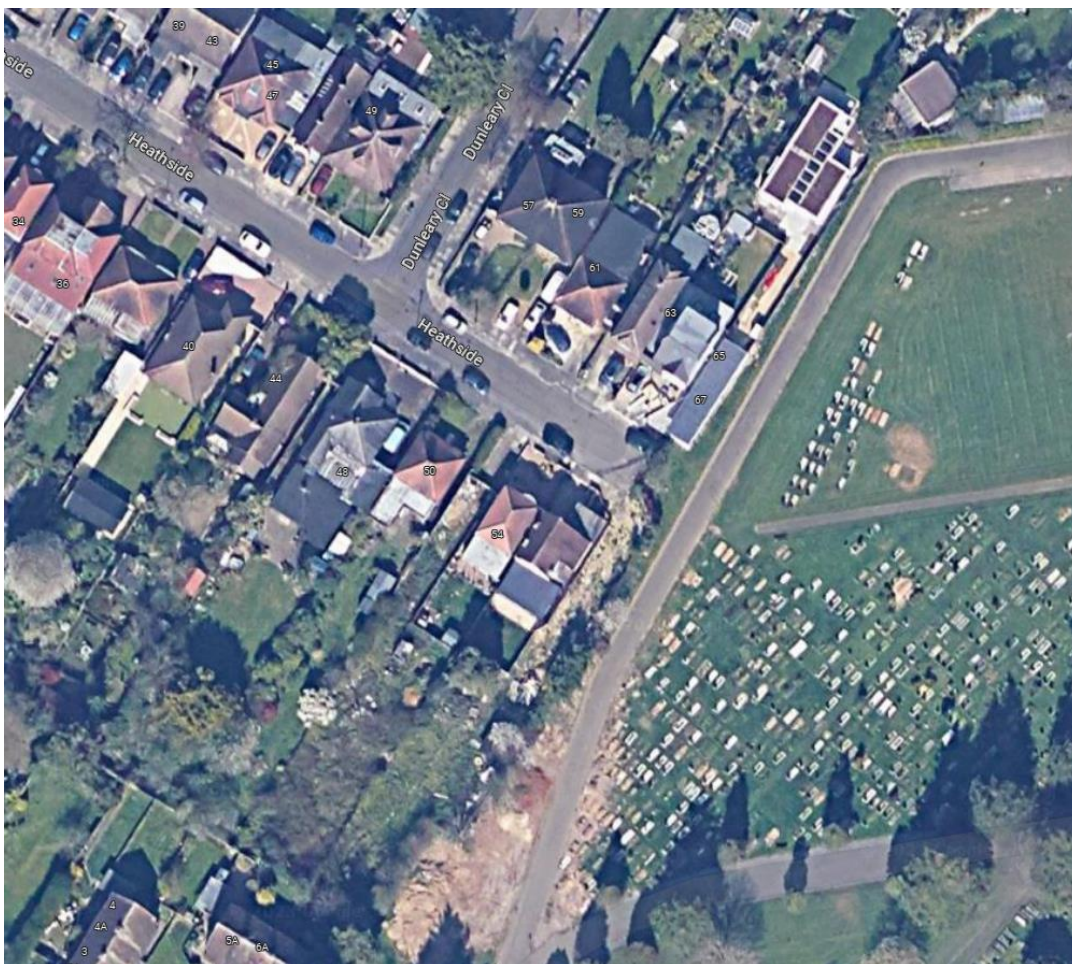
**6. Please give details of why you consider the Local Plan is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance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

#### Site / Representation Context

This representation relates to the definition of the Metropolitan Open Land ("MOL") boundary at 56 Heathside, Whitton, TW4 5NN. It proposes a minor boundary amendment to the MOL that would enable a more justified and effective Local Plan Policies Map.

The below image provides a satellite view of the site (taken from Google Earth).



Further, the below images provide views of the site taken from the Heathside street scene (dated May 2022 and May 2019 respectively).





In addition, the below photo provides a view of the site looking northwards towards Heathside with its mature landscaped boundary (located on the site's far eastern edge) shown on the right hand side of the image.



The below photo provides a view taken from within the adjacent Borough cemetery looking southwards towards the site and illustrates the landscaped nature of the boundary between the garden curtilage serving 56 Heathside and the cemetery.





Finally, a wider view of the site showing the constructed car port serving the dwelling to the rear located on the opposite side of 56 Heathside is provided below.



#### Regulation 19 Local Plan Policy Map

As drafted, the proposed Regulation 19 Local Plan Policy map (underpinned by Policy 35 that references and defines the MOL) proposes the below boundary for the MOL (shown in a light green wash) in this location. The proposed boundary represents a continuation of the MOL's boundary in the current Local Plan. An extract taken from the proposed Policies Map is provided below.



The existing and proposed MOL boundary therefore divides the dwelling of 56 Heathside and its rear garden from its side garden and associated access point (to the east of the dwelling and within the MOL). The current MOL boundary is not defined by any landscaping. It is instead 56 Heathside's curtilage boundary on the site's eastern side (adjacent to the cemetery) that defines a physical and recognisable boundary between the publicly accessible large cemetery and the private garden serving 56 Heathside. This arrangement has existed for a number of decades and represents an anomaly in the definition of the MOL boundary by artificially dividing 56 Heathside's garden area.

#### Planning Policy & Associated Evidence Base Context

The Regulation 19 Local Plan at paragraph 21.2 refers to the Borough being characterised by extensive areas of open land, designated as Green Belt and MOL. It also refers to there being many smaller pieces of open land, including land that is non designated such as residential gardens. Pages 291 and 292 of the Regulation 19 plan refer to an intention to remove the MOL designation from the front gardens of properties forming Hampton Court Road (East) and (West).



Paragraph 21.11 of the Regulation 19 plan then refers to the MOL as playing an important strategic role on a London wide basis:

"MOL is open land or water, either publicly or privately owned, with or without public access. MOL, as shown on the Policies Map, plays an important strategic role as part of the borough and London's multi-functional green infrastructure network and improvements in its overall quality and accessibility are encouraged, including for a range of users. Green corridors, including footpaths and open spaces that they link, are important to London's green infrastructure network, providing opportunities for recreation and biodiversity, and are therefore designated as MOL due to their London-wide strategic importance".

Further, the Council's supporting "Green Belt, MOL, LGS and OOLTI Review" (2021) refers to the London Plan (including Policy G3) and the reasons and purposes behind the designation of the MOL:

"B2.1 London Plan The London Plan (2021) includes Policy G3 on MOL. The policy explicitly states that MOL is 'afforded the same status and level of protection as Green Belt.'"

The policy states that to designate land as MOL it is necessary to demonstrate that the land meets at least one of the following criteria:

1. It contributes to the physical structure of London by being clearly distinguishable from the built-up area
2. It includes open area facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve the whole, or significant parts, of London
3. It contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value
4. It forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.

"Table B2.1 Experience Elsewhere - MOL Reviews" within the document further references a number of examples from other London Boroughs who have reviewed their MOL. The examples of Enfield and Waltham Forest are of particular note hereby through their MOL reviews they identified and addressed past cartographical inconsistencies and made minor boundary adjustments where the existing boundaries did not follow readily recognisable and permanent physical features:

<b>LB Enfield</b>	Metropolitan Open Land & Green Chain Associated Open Space Review	Published 2013	A high-level review of MOL and Green Chain associated Open Space (GCOS). It reviewed the MOL boundaries, using GIS to 'tidy up' boundaries that needed adjustment due to land use changes since the previous iteration or past cartographical inconsistencies (due to the previous study being carried out before the invention of GIS). It was recommended that the borders of sixteen MOL sites should be amended for this reason. Two GCOS sites were recommended to be designated as MOL with a further seven GCOS sites recommended to be designated as MOL with additional boundary changes. One Local Open Space site was recommended to be designated as MOL.
<b>LB Waltham Forest</b>	Focussed Green Belt and Metropolitan Open Land Assessment	Published 2019	This assessment comprised a review of the London Borough of Waltham Forest's Green Belt and Metropolitan Open Land (MOL) in 2014. With regards to MOL, the 2014 study assessed the contribution of the Borough's MOL to the characteristics set out in the London Plan (2011). By drawing out variations in contribution the study provided insight into the Borough's MOL likely to be the most appropriate to accommodate development, if required. It was, however, subsequently established through the findings of other sources of Local Plan evidence that the Borough's growth needs could be sustainably accommodated within the Borough's built-up area outside the MOL. This 2019 report focussed on three locations within the Borough's MOL (and Green Belt) identified by the Council and provided a more detailed assessment of the locations, drawing on the updates to London Plan and included an assessment of the 'harm' to the designations should all or part of the land be developed. In addition, the assessment reviewed the alignment of the Borough's existing MOL (and Green Belt) boundaries. Where the existing boundaries do not follow readily recognisable and permanent physical features, recommendations for minor boundary adjustments were made in line with paragraph 139 of the 2019 NPPF.

Table C1.3 of the document proceeds to define tree belts and hedgerows or existing development with strong established and regular boundaries as a regular and durable boundary to the MOL. Such an approach is also consistent with the NPPF that at paragraph 143, part (f) requires that when defining Green Belt boundaries (that are assessed using the same methodology and afforded the

same planning policy protection), LPA's should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".

Finally, the "MOL Review Annex Report" (2021) assesses each of the MOL designations separately against the London Plan boundary criterion - "Clearly, using physical features that are readily recognisable and likely to be permanent". However, this document and the resulting Policies Map does not propose any amendment to the MOL boundary in this area (considered as parcel no. 45 in the document).

#### Assessment of the Council's Approach

We acknowledge the logic of parcel no. 45 remaining designated MOL in covering the open areas of public or strategic importance forming the playing fields to Turing House school, Heathfield recreation ground and the Borough cemetery.

However, a minor boundary amendment to the MOL boundary is proposed as shown using a bold red line on the below annotated plan so to enable the MOL boundary to follow a more readily recognisable and permanent physical feature distinguishing the change in land use that occurs to the southeast of the red line (namely the Borough cemetery) and northwest (residential garden). The proposed MOL boundary illustrated using a bold red line below is defined by mature landscaping (illustrated in the above photos) that does not exist on the MOL's present alignment.

Accordingly, the proposed amendment to the Policies Map is illustrated using a red line on the below annotated Policies Map.



The proposed amendment would be consistent with NPPF paragraph 143, part (f) in defining the boundary clearly using a physical feature that is readily recognisable and likely to be permanent. With regard to the criteria detailed in support of London Plan Policy G3, the proposed boundary would be clearly distinguishable from the built up area in separating residential curtilage from the cemetery beyond rather than drawing an arbitrary line part way through 56 Heathside's side garden area (thus passing criterion 1). The MOL would focus upon an open area serving a public recreational and cultural activity only (namely the cemetery use) (thus passing criterion 2). The revised MOL boundary would contain the landscape of metropolitan value (namely the cemetery), without including land that is not of national or metropolitan value (such as garden land) (thus passing criterion 3). Finally, the revised boundary would include only strategic corridors of green infrastructure (forming the cemetery) rather than private garden land (thus passing criterion 4). It is noted that a similar anomaly albeit covering a smaller strip of land (now defined by a backland style



residential dwelling and carport) exists on the opposite side of Heathside at No. 65. Logically the same amendment could be made in this location. Accordingly, this is indicated using a bold red line on the above plan as well.

Our concern with the plan as drafted (and its supporting evidence base) is that an appropriately fine grained review allowing for minor boundary adjustments to enable the MOL boundary to follow more readily recognisable and permanent physical features has not been undertaken. Instead, it is only the referenced examples of larger areas of MOL that have been considered on a wider or more strategic basis and an amendment is proposed (such as the Hampton Court Road examples). Conversely, the London Boroughs of Enfield and Waltham Forest undertook a fine grained review of the MOL boundaries and logical minor boundary adjustments accordingly. Such an approach should also be undertaken and followed in the LB of Richmond Local Plan Review.

In the absence of the proposed amendment to the Policies Map, the plan as drafted fails to form the most appropriate strategy taking into account the reasonable alternative of making appropriate minor MOL boundary adjustments such as the one detailed. It is therefore neither justified or effective when considered against the tests of soundness. Further, the approach is inconsistent with national policy, in particular NPPF paragraph 143 that requires plan makers to define boundaries using a physical feature that is readily recognisable and likely to be permanent. On this basis, the proposed amendment to the Policies Map forms a necessary change having regard to the tests of soundness.

Ultimately, this Local Plan Review is to cover the Borough over the next 15 years and appropriate minor boundary amendments to the MOL should be made accordingly through the adoption of this Local Plan Review consistent with NPPF paragraph 140. We would welcome engagement with the Council in advance of submission of the plan to enable this minor adjustment to be made and agreed prior to the examination.

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.***

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)**

<b>No</b> , I do not wish to participate In hearing session(s)	<input type="checkbox"/>	<b>Yes</b> , I wish to participate In hearing session(s)	<input checked="" type="checkbox"/>
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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.*



To further expand upon this representation and respond to any response from the Council. Further it is considered that the Inspector would benefit from viewing the land at some stage during the examination process.

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:

Woolf Bond Planning

Date:

21/07/2023

*For electronic responses a typed signature is acceptable.*