



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	Company	Ms
First name	c/o agent	Karen
Last name	c/o agent	Jones
Job title (where relevant)		Senior Director
Organisation (where relevant)	Notting Hill Genesis	RPS
Address		████████████████████
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

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)	186,187,192, 214, 217, 218, 253, 261, 265, 309, 329-330
		Paragraph number(s)	19.3, 19.29
		Policy no./name	4,6,10,11,21,24,25, 39,45
		Place-based strategy	6
		Site Allocation(s) no./ name	
		Maps	LSIS St Clare Business Park
		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 type="checkbox"/>	No <input checked="" 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 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.

See attached letter.

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 attached letter.

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.

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.

Karen Jones on behalf of RPS
Consulting Services Ltd.

Date:

24.07.2023

Our ref: KJSW/26658



Date: 24 July 2023

Spatial Planning and Design
LB Richmond upon Thames
Civic Centre
44 York Street
Twickenham, TW1 3BZ

By Email: LocalPlan@richmond.gov.uk

Dear Sir/Madam,

REPRESENTATION ON BEHALF OF NOTTING HILL GENESIS TO RICHMOND LOCAL PLAN PUBLICATION (REGULATION 19) CONSULTATION JULY 2023

We act on behalf of our client Notting Hill Genesis, owners of the St Clare Business Park, Windmill Road, Hampton.

Notting Hill Genesis is one of London's largest housing associations and registered providers of social housing. Their primary purpose is to provide homes for lower-income households in and around London. More than half of their homes are affordable housing tenure, alongside shared ownership, market sale and market rent, student accommodation, temporary housing, extra care and supported accommodation for the elderly, office space and retail units. Notting Hill Genesis are passionate and experienced at developing successful communities that will thrive for generations to come.

Notting Hill Genesis is committed to deliver high quality mixed-use schemes with the continued provision of employment space and new residential dwellings including affordable housing at St Clare Business Park. A current application is under determination by the Council (ref: 22/2204/FUL) for the redevelopment of this site to provide 100 residential units and 1,885sqm of commercial floorspace in two new buildings of 2 to 5 storeys in height with associated landscaping, access and car parking.

We set out below our comments and recommendations (in bold red text) below against the Richmond Local Plan Publication (Regulation 19) July 2023, in relation to the following policies:

- Policy 4 Minimising Greenhouse gas Emissions and Promoting Energy Efficiency (Strategic Policy)
- Policy 6 Sustainability Construction Standards
- Policy 10 New Housing (Strategic Policy)
- Policy 11 Affordable Housing (Strategic Policy)
- Policy 21 Protecting the Local Economy (Strategic Policy)
- Policy 24 Industrial Land
- Policy 25 Affordable, Flexible and Managed Workspace - subject to viability
- Policy 39 Biodiversity and Geodiversity
- Policy 45 Tall and Mid-Rise Building Zones

Our ref:

Policy 4 Minimising Greenhouse gas Emissions and Promoting Energy Efficiency (Strategic Policy) (p.186-187)

We welcome the Council's aspirations to achieve a borough target of net-zero carbon by 2043 and we support the requirement for development to minimise greenhouse gas emissions. However, we question the onerous policy requirement of Policy 4 which goes beyond the London Plan policy without evidence-based justification. The London Plan (2021) Policy SI 2 provides greenhouse gas emission and energy targets which do not jeopardise the strategic aims for London including housing delivery.

Policy 4 Part D) sets the requirements to achieve a minimum of 60% on-site carbon reduction for any new-build residential scheme (2+ units) and non-residential development of 100sqm or more. This is considerably higher than London Plan 2021 Policy SI 2 requirement, which requires a minimum of 35% on major development (10+ units; over 1,000sqm non-residential floorspace).

The target set by Policy 4 seeks a higher level of on-site reduction in carbon (60%) and an even higher offset rate of £300/t when compared with the London Plan Policy SI2, this could significantly impact viability of residential schemes, thereby jeopardising the Council's aim to meet its housing targets and the delivery of affordable homes.

Richmond's evidence base to the Local Plan, Net Zero Carbon Study (March 2023) prepared by CIS, did not provide any evidence to demonstrate how the £300/t offset rate has been calculated. Moreover, the evidence base report on Local Plan Viability Assessment (April 2023) prepared by BNP Paribas Real Estate did not carry out any viability assessment on how the increased carbon offset rate would impact on development viability.

Policy 4 in its current form is not in general conformity with the London Plan, nor justified. We recommend that it is amended to conform with the London Plan to make it sound.

Recommended Amendment

In the absence of an appropriate evidence base for the £300/t offset rate, it is recommended that the GLA viability tested £95/t figure, and the London Plan Policy SI 2 target of a minimum of 35% on-site carbon reduction be adopted, in accordance with the London Plan 2021.

Policy 4 Part D) *New-build residential ~~development of 1 or more dwellings, and~~ major development of 10 or more dwellings and non-residential development of ~~100sqm-1,000 sqm~~ or more:*

1) to achieve net-zero carbon with a minimum of ~~60%~~ 35% on-site reduction.

Policy 4 Part E) Carbon offset rate to be amended from ~~£300/t~~ to ~~£95/t~~ as at 2021.

Policy 6 Sustainability Construction Standards (p.192)

We welcome the Council's commitment to achieve the highest standards of sustainable design and construction under Policy 6. However the requirement of BREEAM Outstanding is considered onerous and could affect the viability of residential refurbishment schemes and non-residential development of over 100sqm.

Even the evidence base provided by the Net Zero Carbon Study (March 2023) acknowledges that smaller development may struggle to exceed BREEAM Excellent. The BRE defines Outstanding rating as 'exemplary' developments. Currently less than 1% of UK new non-domestic buildings have managed to achieve a BREEAM Outstanding rating, and the uplift in build cost and professional fee significantly increases from Excellent to an Outstanding rating. It is unrealistic to expect almost all of residential and non-residential development in Richmond to achieve an BREEAM Outstanding rating. This requirement could deter any new commercial development in Richmond and therefore be contrary to the Council's Strategic Vision to support growing businesses.

Our ref:

Recommended Amendment

The requirement for BREEAM Outstanding rating should be removed from Policy 6, and replaced with the London Plan 2021 target BREEAM minimum performance for selected key credit criteria, such as energy and water.

Policy 6 Part A) Point 3) *Proposals for conversions or change of use to residential will be required to meet BREEAM Domestic Refurbishment 'Outstanding' 'Excellent' standard or equivalent. If a developer can provide evidence from an accredited BREEAM assessor that achieving 'Outstanding' 'Excellent' is not technically feasible than 'Excellent' 'Very Good' would be acceptable.*

Policy 6 Part A) Point 6) *New non-residential buildings over 500sqm 1,000sqm will be required to meet BREEAM Non-domestic New Construction 'Outstanding' 'Excellent' standard or equivalent. A 'verification stage' certification at post occupancy stage must also be achieved, unless it can be demonstrated that this is not feasible. If a developer can provide evidence from an accredited BREEAM assessor that achieving 'Outstanding' 'Excellent' is not technically feasible than 'Excellent' 'Very Good' would be acceptable.*

Policy 6 Part A) Point 7) *All major non-residential refurbishment of existing buildings and conversions over 500sqm 1,000sqm will be required to achieve a final (post-construction) certified rating of "Outstanding' 'Excellent' under BREEAM Non-domestic Refurbishment and Fit-out "Outstanding' 'Excellent' standard or equivalent. The scope of works of the development must include a full fit-out, unless it can be demonstrated that this is not feasible.*

Policy 10 New Housing (Strategic Policy) (p.213-214)

We support Policy 10's commitment to exceed the borough's ten year London Plan housing target of 4,110 homes, particularly the delivery of 900-1,000 units in the Teddington and the Hampton area. The supporting text in **Paragraph 17.9** states that the housing target delivery against the borough target is capable of being met without the release of employment land, although there may be limited potential for enabling housing gain on employment land if the proposal complies with the requirement of Policies 23 and 24.

However, none of the draft Site Allocations (p.32-179) include indicative housing capacities and as such, it is not clear how the Council is proposing to meet the housing target set in Policy 10.

The proposed development at St Clare Business Park for 100 residential units and replacement commercial floorspace (ref: 22/2204/FUL) in the Hampton Hill would contribute towards the borough's housing target.

Recommended Amendment

The St Clare Business Park site should be identified formerly in Policy 10 and Section 6 Place-Based Strategy for Hampton & Hampton Hill in that it would contribute towards the housing targets in Teddington and the Hampton area.

Policy 11 Affordable Housing (Strategic Policy) (p.217-218)

Policy 11 requires all new housing developments to provide at least 50% affordable housing, and where possible a greater proportion than 50% affordable housing on individual sites should be achieved. This draft policy is in conflict with the London Plan Policy H5 which allows for the 35% fast track threshold approach, or 50% on public sector or industrial land. In order to conform with the London Plan, Policy 11 should allow for a viability tested approach, should the affordable housing thresholds not be met.

To ensure soundness and that the policy is justified through compliance with the requirement of London Plan Policy H5, it is recommended that Policy 11 is revised to clarify the Council's minimum affordable housing target is 35% on major schemes subject to viability, or 50% affordable housing on public land or industrial land subject to viability and identifying the fast track approach without the need for viability analysis if the scheme is providing at least 35% affordable house and tenure compliant.

Recommended Amendment

Policy 11 Part A) *All new housing developments in the borough should provide at least 50% 35% of total number of habitable rooms as affordable housing on site.*

Our ref:

Policy 11 Part B) Point 1) *On all former employment sites at least 50% on-site provision, **subject to viability.***

Policy 11 Part B) Point 2) *On all other sites capable of ten or more units gross ~~50%~~ **35%** on-site provision, **subject to viability.***

Policy 11 Part E) *if the minimum level of affordable housing is not provided in line with Part B (1) and B (2) the application for development will be refused, **subject to site-specific viability testing.***

An additional clause should be added to Policy 11 to include what is required to comply with the fast track approach without the need for viability analysis in line with London Plan Policy H5.

Policy 21 Protecting the Local Economy (Strategic Policy) (p.253-254)

Part A (1) of Policy 21 seeks to protect existing employment floorspace for office use, with a no net loss approach. We consider this policy approach to be inconsistent with NPPF and the London Plan Policy E4. It should be noted that prior to the adoption of the London Plan (2021), the Secretary of State (SoS) required the removal of the '*no net loss of industrial land*' requirement from the 2021 London Plan Policy E4, which now requires a '*sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained.*'

Moreover, a '*no net loss*' approach disregards any site-specific constraints of existing employment sites in Richmond, and the fact that new employment development or mixed-use schemes could have fit-for-purpose new built workspace and the potential to increase employee numbers, and better energy efficiency. This approach is also contrary to the London Plan Policy E4 which encourage the intensification and consolidation of industrial use with other compatible land uses.

Policy 21 should therefore be amended to remove the '*no net loss*' approach to employment floorspace, and adopt the London Plan Policy E4 approach of the retention, enhancement and provision of additional industrial capacity

Recommended Amendment

Policy 21 Part A) Point 1) '*Protect existing employment floorspace for office use, ~~with a no net loss approach.~~ Take an employment-led approach to any redevelopment for industrial use to meet local economic needs through intensification of the existing employment floorspace.*'

Paragraph 19.3) '*This policy seeks to protect **viable** existing employment land within designated employment areas*'. This would better reflect the supporting paragraphs of London Plan Policy E4.

Policy 24 Industrial Land (p.261-262)

Policy 24 Part A) states '*there is a presumption against loss of industrial land in all parts of the borough. Proposals which result in a net loss of industrial land will be refused. Any redevelopment proposals are required to contribute to a net increase in industrial floorspace.*'

As stated above, in 2020 the SoS requested the removal of '*no net loss*' approach of industrial land from the London Plan 2021. The Policy 24 approach of '*no net loss*' is contrary to the London Plan Policy E4 and should be removed. Moreover, the policy wording of Policy 24 in its current form is overly restrictive. The '*no net loss*' requirement should be removed from Policy 24, with the promotion of net increase where feasible.

Policy 24 Part B) refers to the requirement of '*affordable light industrial workspace in all major developments over 1,000sqm of employment floorspace*'. This requirement differs slightly from Policy 25 which requires '*affordable workspace*', rather than '*affordable light industrial workspace*' in Policy 24. This requirement ignores the fact that employment development could offer a flexible form of employment other than light industrial use, and light industrial workspace might not be the most appropriate or compatible land use for a mixed-use development. It is recommended that Policy 24 Part B) should be removed in its entirety and the affordable workspace requirement will be covered under Policy 25.

Paragraph 19.29 defines St Clare Business Park as one of the Locally Significant Industrial Sites (LSIS). Notting Hill Genesis obtained ownership of St Clare Business Park in 2016/2017 and have since then been actively marketing the site for employment use while promoting the redevelopment of the site. Whilst it is existing employment land, St Clare is in an established residential area with a number of constraints including

Our ref:

narrow access through the residential streets of Windmill Road and Holly Road. The buildings on site are in poor condition where the majority of the employment floorspace on site has lain vacant despite an active marketing exercise since 2017.

In October 2019, Notting Hill Genesis submitted a planning application (ref: 19/3201/FUL) for the redevelopment of the site for 112 residential units and 1,494sqm of commercial floorspace. The development received officer level support, but it was refused at committee level. The 2019 scheme (ref: APP/L5810/W/21/3278412) was dismissed at appeal on design grounds. The Inspector concluded that a redevelopment scheme with reduced provision of employment floorspace but in the form of a high quality flexible multi-functional commercial space would be an improvement to what currently exists on site. A current application (ref: 22/2204/FUL) addressing the Inspector's comment is currently being considered by the Council, for a proposed development of 100 residential units and 1,885sqm commercial floorspace.

St Clare Business Park in its current condition has not been actively contributing to the Borough's employment capacity. It is clearly a development site and should therefore be removed from the LSIS designation.

Recommended Amendment

Policy 24 Part A) ~~'there is a presumption against loss of industrial land in all parts of the borough. Proposed which result in a net loss of industrial land will be refused. Any redevelopment proposals should seeks to are required to contribute to a net increase in industrial floorspace where feasible.'~~

Policy 24 Part B) ~~The Council will require the provision of affordable light industrial workspace within all major developments, over 1,000sqm of employment floorspace proposed (gross), in accordance with Policy 25 'Affordable, Flexible and Managed Workspace~~

Paragraph 19.29) remove **'St Clare Business Park, Holly Road, Hampton'** from the list of LSIS.

Policy 25 Affordable, Flexible and Managed Workspace (p.264-267)

Policy 25 Part B) requires the provision of affordable workspace within major developments of over 1000sqm of employment floorspace (gross). Paragraph 19.50 states that off-site provision or financial contributions would be considered where it can be demonstrated robustly that this is not appropriate or feasible to provide affordable workspace on site.

In line with London Plan Policy E3, Policy 25 should also take into account site specific circumstances and viability information. The main policy wording should be drafted so as to be mindful of competing development constraints and acknowledge that the provision of affordable workspace (or offsite contribution) will be subject to viability.

Recommended Amendment

Policy 25 Part B Point 4) *'Requiring the provision of affordable workspace within major developments with over 1000sqm of employment floorspace proposed (gross), to be secured through planning obligations, where viable.'*

Policy 39 Biodiversity and Geodiversity (p.309-310)

Policy 39 Point 5) requires almost all development (householder development and any development resulted in 1 dwelling unit or more, and non-residential development which increases floorspace) in the borough to achieve 20% biodiversity net gain (BNG). The requirement for 20% BNG goes significantly beyond the current Government legislation comprising 2021 Environment Act and the London Plan Policy G6, which requires 10% BNG on major development. Policy 39 is therefore inconsistent with national and regional policy.

Recommended Amendment

Policy 39 Point 5) should be amended to be in line with Environment Act 2021, to require 10% BNG on major development (over 10 units and non-residential development of over 1,000sqm) only.

Our ref:

Policy 45 Tall and Mid-Rise Building Zones (p.328-330)

Policy 45 defines 'mid-rise buildings' that are over 5 storeys or over, or 15 metres or more from the ground level to the top of the building (whichever is lower). Part C) of the policy states that new mid-rise buildings or extensions to existing buildings will usually only be appropriate in the Mid-Rise and Tall Building Zones identified on the Policy Map and in Appendix 3.

Notting Hill Genesis welcome the designation of the middle part of St Clare Business Park (Hampton Hill) as part of the 'Mid-Rise Building Zone' in Appendix 3 and on the Policy Map.

Conclusion and Recommendation

We trust the above representation to the Publication Richmond Local Plan (Regulation 19) July 2023 consultation will be fully taken into consideration by the Inspector, including the Recommended Amendments as set out above.

We wish to be kept informed of the progress of the Local Plan. If you require any further information in the meantime, please do not hesitate to contact me.

Yours faithfully,



Karen Jones
Senior Director
For RPS Consulting Services Ltd.

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