

STATEMENT OF REPRESENTATION BY JANE LOVELL

(RESPONDENT NUMBER 73 ON THE MAIN EXAMINATION REPRESENTATIONS DOCUMENT)

This Statement relates to **Main Matter 2 Spatial Strategy (Policies 1 and 2)** in relation to the Examiners' Question:

Is the Spatial Strategy for the London Borough of Richmond justified by appropriate available evidence, having regard to national guidance, and local context, including the London Plan?

The area in question is a garden plot to 52 Orchard Road, St Margarets, Twickenham TW1 1LY. It is also known to LBRut as Land on the North Side of Chertsey Road. It has been designated as MOL for several years.

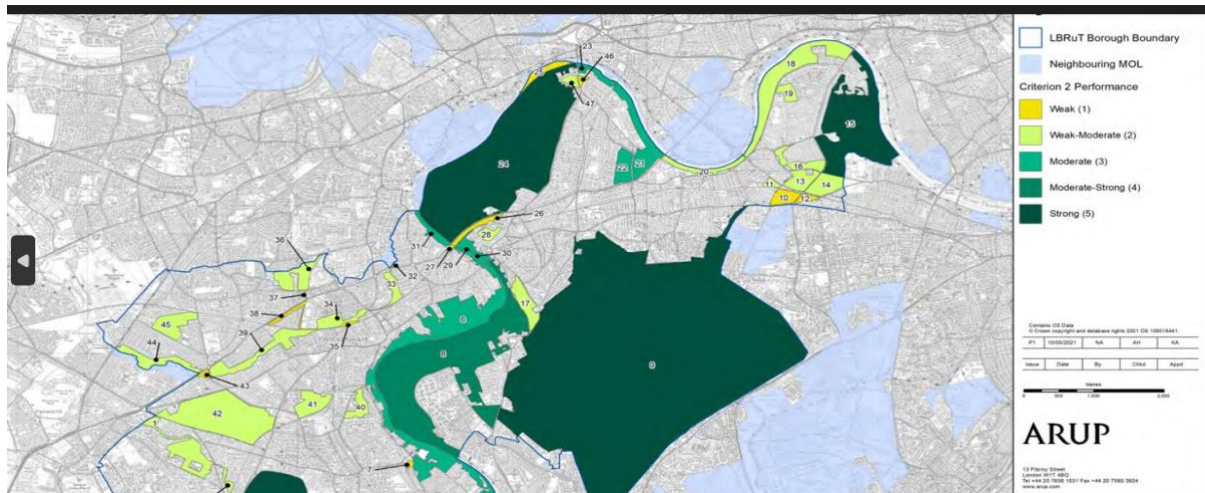
During 2021, LBRut commissioned an open spaces report from Arup to, in their words, provide an evidence-base to inform the local plan. The Arup report introduction states that "Therefore, the overall aim of this Study is to provide LBRuT with an objective and evidence based assessment of how the currently protected areas contribute to the purposes / criteria set out in the relevant national/regional or local policy guidance".

I am a private landowner and a section of my garden was designated by LBRut as MOL a number of years ago, which led to its inclusion in the review. Whilst understanding that in the appropriate circumstances, MOL status can apply to private land, this representation relates to the inaccurate and unjustified evidence of my garden against the London Plan and NPPF policies.

Several critical errors were made in the description and mapping of the land, which I believe resulted in Arup reaching flawed conclusions regarding its performance against criteria and recommendation to conserve the designation. I was unaware that the report was being undertaken until after the report and errata document had been submitted to LBRut. I asked if Arup would be prepared to send an updated errata document, detailing the necessary corrections, but they informed me that they could not submit anything further.

SPECIFIC ISSUES RELATING TO THE JUSTIFIABILITY OF THE EVIDENCE

Page 8 of the Arup review report contains a map (see below) detailing the borough areas designated as MOL highlighted in various shades of green from dark to light in accordance with Arup's analysis of the strength of performance in meeting national and local MOL designation criteria .



My garden is number 32; (section of map magnified below) and it is accurately depicted here as a discrete site at the bottom of Orchard Road, St Margarets. The small green triangle is practically obscured by the head of the map pin but the green area is just about discernible. For clarity please note the pin is not pointing to the River Crane shown in blue. This is demonstrably the smallest area of all of the designated areas, including those Arup recommended for de-designation. This alone contributes to the lack of evidence in designating the area as being of strategic London importance as part of the London Plan designation criteria.



A clearer depiction is shown below from page 104 of Arup's Annexe Report of the triangular plot but their inaccurate title banner states:

"Crane North side of the Chertsey Road. Area (ha): .85"

This is a topographical misrepresentation. Instead of its usual description used by LBRut as land to the North side of Chertsey Road, Arup have instead referred to plot as the River Crane. The plot is demonstrably not .83 hectares.



In contrast to the Map referred to above, the Annexe report map shown below has revised the location showing parcel number 32 at the end of Northcote Road, half a mile north, and erroneously forming part of a .83 hectare site of the River Crane extending towards Hounslow.



As shown correctly in their previous maps, my garden is the triangular plot at the bottom of the red line.

This clear misrepresentation suggests that my garden is a much larger area of significance with an entirely different performance profile. It is being misrepresented as part of a huge area of waterway and not the actual discrete plot.

The MOL designation on the garden took place several years ago prior to it having garden use.

The crucial point is that the River Crane bank on this (east) side of the river is indeed MOL but no other garden leading down to the bank on to the south or north along the whole stretch of the river has been included in the MOL bank designation, except for my own in isolation. The consequence of this error has led to an inaccurate analysis of the performance of the garden and Arup's subsequent conclusion that it met all four London Plan and NPPF designation criteria. Arup 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". That is also incorrect as my house and its immediate garden area are not within the MOL boundary of the main parcel of land. This inconsistent treatment has led to my garden in one area, closest to the river bank, not being designated as MOL, but on an immediate adjacent area it has been designated. I do not believe that Arup understood the nature of the whole plot and importantly, how it formed a separate entity from the River Crane. Had they identified the area correctly there could have been no alternative other than to reach a conclusion that this garden could not be accurately determined as meeting nation or local policy for its designation.

During their review, Arup did not request a visit to inspect the property. Instead, as shown in the photograph (on their report page 25 copied below), they damaged my dense laurel hedge by creating a hole 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.



View facing north from the A316 along the southern boundary, with view of private garden and riverside woodland in the background.

Had they taken the photograph in accordance with Arup's instructions (which were explained to me during a phone call) to stand on the pavement, this photograph would have

accurately shown nothing other than a dense hedge. It has no views, apart from the one they created of an old fence and an unprepossessing area of garden. It is non-compliant with the overarching premise that MOL should have London wide significance. It also calls into question the Borough's assertion that this review was carried out with objectivity.

COMPLIANCE WITH NATIONAL POLICY

It is impossible to view this garden as meeting Policy 3G of the London Plan and their 4 definitions:

Boroughs should designate MOL by establishing 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 air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London**
- 3) it contains features or landscapes (historic, recreational, biodiverse) 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.**

Further-more 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 aspiration would be impossible to be achieved by my garden and further serves to demonstrate the flawed retention of the MOL designation.

This garden does not meet any of the above criteria, let alone two. The land does not contribute to the physical structure of London; it does not signify a change in the character of the area at this point. It does not include any leisure or cultural facilities and would not, by virtue of its size and inaccessibility, be able to serve the whole or significant parts of London. There are no features of landscape or historical or recreational importance on the site and there is no evidence presented of an important habitat. Finally, it has been suggested that the site forms part of a green chain. However, there are no MOL sites adjacent to the land and it is both privately owned and highly inaccessible from other nearby areas of MOL due to the river on one side and Chertsey Road on the other. It is difficult to understand how a chain can be formed if it is not physically linked in some way to other areas of MOL.

Within the fine detail of each of these points, is the central premise that MOL must be land that forms part of the Physical Structure of London and is of Strategic Significance. .

This small area of garden, which provides no physical links to any other areas of open space, simply cannot meet these criteria. This point is central to the legal compliance of the plan and is central to the merits of the issues discussed here.

The NPPF paragraph 138 states the following:

5.1 As MOL is a London designation afforded the same level of protection as Green Belt, in the context of this representation, I would refer to the NPPF paragraph 138, which states that:

138. 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.

Whilst the 4 categories for MOL designation criteria are also laid out, where MOL is in this instance is inaccurately applied it should be argued that the Plan is not in general conformity and not consistent with national policy.

I would reiterate that none of the gardens in my locality, including those leading directly to the river; those whose gardens are on the boundary of the Hounslow allotments or those gardens backing immediately onto the Moormead Park swathe of MOL to the south of my boundary are designated as MOL including those of a similar size. This would appear to negate the evidence used to justify my garden as MOL in isolation to any other property in the borough.

As stated in my consultation response, the correct course of action that is both sound and justifiable, would be to confine the MOL designation to the River Crane bank at the western boundary of my plot, but not encompassing the garden area. This would be consistent with all neighbouring properties and would provide compliance with National Policy thereby making this particular area of LBRut's Local Plan sound and based upon justified evidence.

In conclusion, I respectfully ask for the Examiners consideration in this matter. I am acutely mindful of the magnitude of the borough-wide task in hand, and the comparative small scale of this plot. However, if this flawed evidence remains unaltered, I will singly bear the consequences for years to come of an incorrect and unsound designation.

Signed Electronically

Jane Lovell

Date: 5 June 2024