

From: Karen Liddell [REDACTED]
Sent: 25 January 2021 16:50
To: 'Jennifer Margetts' [REDACTED]
Cc: 'Paul Falconer' [REDACTED]; Kim Tagliarini [REDACTED]
[REDACTED] >; 'Karen Randolph' [REDACTED] 'Stuart Selleck'
[REDACTED] 'Councillor Mrs. Shweta Kapadia [REDACTED]
[REDACTED]; 'Councillor Peter M. Harman [REDACTED]
[REDACTED] >; 'Ray Townsend' [REDACTED]; 'Graham-Smith, Simon'
[REDACTED]; 'Margie Hoffnung'
[REDACTED]
Subject: Statutory Consultees on 2018/3810 Jolly Boatman & Hampton Court Station

Dear Jenny

Having seen The Gardens Trusts representation dated 22nd January 2021 attached, which has recently been uploaded to the online register, this has raised a concern that HCRC has had for some time. We are aware that The Garden Trust are a statutory consultee on this major application, as we believe are Richmond upon Thames Council, by virtue of this being a major application on the borough boundary. Both bodies submitted robust objections, dated 11/2/19 and 21/3/19 respectively, in response to the original and we understand only consultation they have received. HCRC would like to receive any evidence you may have to demonstrate that both of these bodies have been reconsulted on the numerous additional or revised drawings and documents submitted since their original representations, and what opportunity the applicants have given these important statutory consultees to discuss their objection with a view to resolving their concerns. HCRC supports the additional points made by the Garden Trust and looks forward to seeing the applicants response.

To demonstrate that the LPA is carrying out its duty with regard to statutory consultees, treating each fairly, and not assigning a weighting to the significance of the objection prior to making a recommendation on this application, could you please answer the following concerns and provide the requested evidence:-

1. From the list of Consultees (not Neighbours) listed on the online register case, can you identify which are statutory consultees and under which national planning regulations or directions?
2. Please provide the dates the consultations were sent and any re-consultation dates for each statutory consultee?
3. Advise why the Rail Network Operators and Rail Infrastructure Managers have not been consulted as this is a major application at a station terminal? Both are listed as consultees in the national guidance in this link <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>;
4. Why the online register does not contain a list of dates that consultation letters have been sent?

HCRC is aware that the Environment Agency (EA), another statutory consultee, has had several re-consultations (dates unrecorded in the online register case), and that the applicant has engaged with the EA in an attempt to resolve their objections. We have seen at least five formal objection letters from the EA dated 15/7/19, 10/1/20, 25/2/20, 15/10/20 & 23/12/20. The EA always state in their letters that if the LPA is

“minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations”.

Can you explain why you have not contacted The Gardens Trust or Richmond upon Thames Council to explain to them what material considerations outweigh their objections? Please advise HCRC where in national guidance it is stated or suggested that an objection from the EA on flood risk grounds can be considered to outweigh an objection from another statutory consultee on any ground, and specifically on the impact to a heritage asset? The NPPG at paras, 193-196 gives clear guidance that the more important the heritage asset the greater the weight that should be given, so of course as this major application will have an impact on the setting of a Grade I listed buildings, Scheduled Ancient Monuments, and a Grade I Registered Park and Garden, the weight given should be the highest, and the statutory consultees that have given you advice on these matters should be given due regard.

We look forward to your full response to our concerns that undue weight appears to have been given to resolving flood risk matters without attempting to address the impact on the setting of heritage assets of national significance, despite receiving a number of responses from statutory consultees containing strong objections. Please log this email as an objection from HCRC.

Kind regards

Karen Liddell for HCRC