

The Royal Parks

The Regent's Park Swale Application for Certificate of Lawfulness

Final report

Prepared by LUC

November 2021



The Royal Parks

The Regent's Park Swale

Application for Certificate of Lawfulness

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Chapter 1

Introduction

Purpose of this Application

1.1 This report has been prepared by LUC on behalf of The Royal Parks (TRP). TRP intend to construct a swale near the north-eastern corner of The Regent's Park (hereafter referred to as 'Regent's Park') to provide a low-key solution to the flooding and drainage problem in the area and also to enhance biodiversity and play opportunities. We believe that the construction of the swale falls under Permitted Development Rights and are seeking to agree this with the London Borough of Camden through the issue of a Certificate of Lawful Development application.

Structure of this Document

1.2 Following this introduction this document includes:

- Regent's Park context including its designations, access and management processes;
- An overview of the proposed development;
- A summary of the relevant Permitted Development Rights and why we believe these works fall under these; and
- Conclusions.

Application documents

1.3 As well as this report, the following have been submitted via the Planning Portal:

- A location plan;
- A plan of the proposed swale and attenuation ponds;
- A long section; and
- Short sections.

Chapter 2

The Regent's Park Context

Location

2.1 Regent's Park covers 197 hectares and forms one of the eight Royal Parks of London. It is located in the northern part of central London, split between the Greater London boroughs of Westminster and Camden. The proposed site for the swale falls solely within Camden, at the Gloucester Gate playground near the north eastern corner of the Park.

Designations

2.2 Regent's Park plays a key role as a green open space in a busy Central London location and is designated as Metropolitan Open Land (MOL). Areas of MOL are important open spaces within the built environment of London which are protected from inappropriate development. This is due to a number of factors which include: the preservation of landscapes of historical or biodiversity value, the provision of recreational facilities, and the contribution to the physical structure of London.

2.3 In addition to the above, the significance of Regent's Park within the context of London is reflected in its status as a Site of Importance for Nature Conservation, and with regard to the 102 hectares designated as a Site of Metropolitan Importance (SMI) for Nature Conservation. The Park is hugely important to the biodiversity of London, supporting key habitats and species: the Park is home to ~100 species of wild bird for example and a breeding hedgehog population

2.4 Regent's Park is also an important historic landscape which is evidenced in its Grade I listing on the Historic England Register of Parks and Gardens of Historic Interest. Regent's Parks' listing as Grade I can be attributed largely to the surviving landscape design by John Nash in 1811, notably the use of ornamental water running through the parkland, and also the buildings within the Park designed by Decimus Burton, which include Clarence Terrace (1823) and Cornwall Terrace (1821).

2.5 Regent's Park Conservation Area, which is located approximately 1km north of Oxford Circus and crosses the Westminster/Camden borough boundary within the Park, includes over 300 listed buildings. These include the terraces which encircle the Park, and the Penguin Pool in Regent's Park Zoo.

Access, Amenities and Facilities

2.6 The Park is a valued resource for locals and visitors, with its wide open spaces, formal gardens, children's playgrounds and other attractions. There are a number of public facilities for education which include the Allotment Garden and the woodland which provides an ideal space for use by local schools. The Park is also home to the largest outdoor sport centre in Central London (The Hub), with associated formal sports pitches. The Park also encompasses major tourist attractions such as the Open Air Theatre and London Zoo, as well as facilities including cafes and toilets. Regents University is located in the south west corner of the Park.

2.7 Due to its central location, Regent's Park is very accessible. The nearest tube station is Regents Park, on the Bakerloo Line which is located on the southern edge of the Park. Other nearby tube stations include Baker Street, Great Portland Street, Warren Street and St Johns Wood. Marylebone National Rail Station is also located close by. There are numerous bus stops and routes around the perimeter of the Park as well as Santander cycle hire stations. Pedestrian access is via the outer circle and there are numerous access gates.

Management

2.8 London's Royal Parks are owned by Her Majesty the Queen in right of the Crown. Statutory responsibility for their management rests with Government. TRP is the charity that has been contracted to manage and care for the parks on behalf of the Government. The charity has an independent Board of Trustees who oversee the work of the organisation and set its strategic direction. The Board is legally obliged to act in the interests of the charity in line with its charitable objects.

2.9 Unlike the other Royal Parks, there are large areas of the historic estate which are either in private ownership and/or under the control of other Government executive agencies. These include Winfield House, and the Crown Estates Paving Commission (CE).

Chapter 3

The Proposed Development

3.1 TRP are proposing to construct a swale with a small attenuation pond adjacent to the eastern and southern boundaries of the newly opened Gloucester Gate Playground, which is located towards the north-eastern corner of Regent's Park.

3.2 The topography of the site currently means it collects surface water run-off from Gloucester Green and channels it towards the Outer Circle. When there are high rainfall events flooding can occur. This project provides the opportunity to collect this water into a designed natural sustainable urban drainage feature that allows retention of the water within the park and a slower and natural release. The purpose of the swale will be to reduce the saturation of parkland that occurs in this area. Although drainage works as part of the playground works in 2019 did help to alleviate the problem, the swale and the ephemeral presence of water will create further opportunities to increase biodiversity, diversify habitat and provide informal play opportunities in this area.

3.3 The photos below illustrate the significant amount of surface water that collects across this area of the park, and was apparent during the construction phase of the playground. The last image shows the issue which still exists now construction is complete.

Chapter 3

The Proposed Development

Regent's Park Swales
November 2021



3.4 It is estimated that around 400m³ will be excavated as part of the construction and will be redistributed on site to eliminate any removal off site.

3.5 It is noted that the swale is expected to hold water up to 300mm deep for short periods of time following a storm event. This will mean that vegetation will grow abundantly and water will rarely be seen. The attenuation pond will have a maximum water depth of 400mm before it discharges to the drainage network. In winter this pond may hold water for longer periods but unlikely to the extent that it overflows into the drainage system – this is likely to happen approximately 10 – 15 times per year.

3.6 The site location is included as Appendix A. This is followed by a plan of the swale and attenuation pond (Appendix B), a long section through the swales (Appendix C) and short sections (Appendix D).



Chapter 4

Permitted Development Rights and Associated Legislation

Relevant Permitted Development Rights

- 4.1** Permitted Development Rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.2** With regard to the construction of the swale in Regent's Park, it is considered that the relevant Permitted Development Rights are set out under Schedule 2, Part 13, Class C – development by drainage bodies.
- 4.3** This part of the Permitted Development legislation provides for the *“Development by a drainage body in, on or under any watercourse or land drainage works required in connection with the improvement, maintenance or repair of that watercourse or those works.”*
- 4.4** For the purposes of Class C, 'drainage body' has the same meaning as in section 72(1) of the Land Drainage Act 1991.

Application of the Permitted Development Rights to the Proposed Development

- 4.5** The key elements to consider in whether the proposed development in this instance falls within the limitations of the relevant legislation stated above, is as follows:
- Is the development being undertaken by a 'drainage body'.
 - Do the works comprise land drainage works in connection with the improvement, maintenance or repair of the relevant watercourse.

The Royal Parks as a Drainage Body

- 4.6** A drainage body is defined in the Land Drainage Act (1991) as an internal drainage board or any other body that has power (i.e. landowner, district and borough councils, environmental agency) to make or maintain works for the drainage of the land.
- 4.7** The management of The Royal Parks by the Government Department for Culture, Media and Sport was delegated in 2017 to The Royal Parks Charity as the organisation answerable to parliament with the responsibility to manage the parks.

4.8 Therefore, TRP can be considered to be the drainage body for Regent's Park as they have the responsibility for the long-term management of the Park.

4.9 As the organisation responsible for Royal Park management, TRP produce management plans for each park which evaluate the whole landscape resource of each respective park and define management aims and objectives to produce a framework for long-term management.

4.10 The Regent's Park with Primrose Hill Management Plan (2015 – 2025) details two key policies relating to water management and management of the park drainage systems:

Policy CON5: Sustainability and **Policy PHY3:** Hydrology, Drainage, and Conduits.

4.11 Policy CON5: Sustainability, states that irrigation systems will be improved across the park, whilst Policy PHY3 states that park drainage systems for both hard and soft landscape areas should be managed and improved.

4.12 Given the above, it is considered that TRP is the Drainage Body for Regent's Park as defined in the legislation.

The Nature of the Proposed Works

4.13 The topography of the site currently means it collects surface water run-off from Gloucester Green and channels it towards the Outer Circle. When there are sudden heavy rainfall events flooding occurs. The proposed works include the construction of a swale and small attenuation pond, the purpose of which is to reduce and slow down the discharge of water from the site, improve attenuation, improve drainage of the surrounding parkland and control the flooding that occurs in the area.

4.14 It is therefore considered that the proposed development comprises works which are in connection with the improvement and maintenance of land drainage, in line with the relevant legislation.

Chapter 5

Conclusion

5.1 Regent's Park is an important area of Metropolitan Open Land in central London, providing sporting and play facilities, amenities such as cafes and toilets and containing numerous heritage assets and important habitats and species.

5.2 TRP are proposing to construct a low-key swale in the north east corner of Regent's Park, at the Gloucester Gate playground, in order to provide a discreet solution to the issue of drainage and flooding in the area.

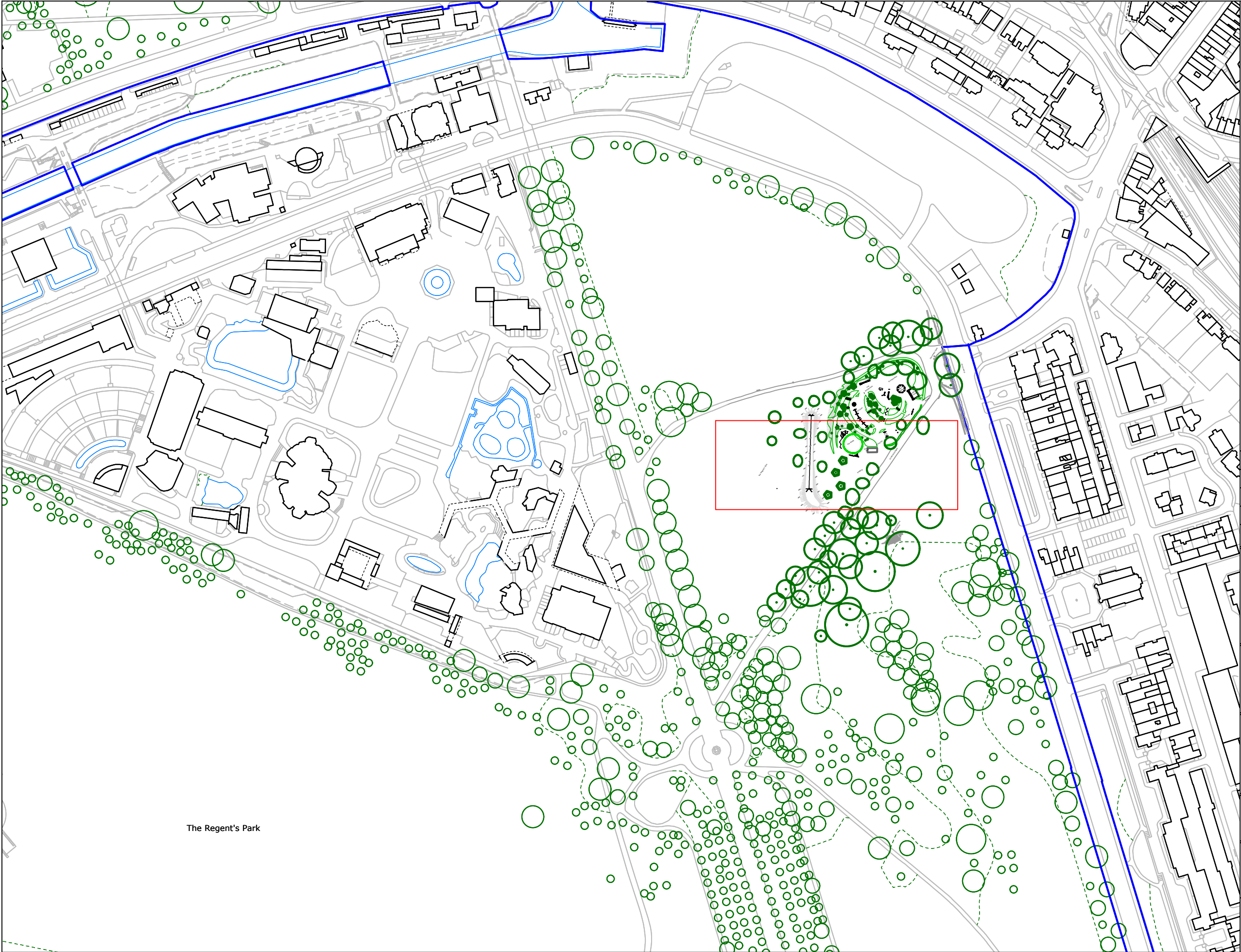
5.3 It is considered that the construction of the swale falls under the Permitted Development Right that is set out under Schedule 2, Part 13, Class C – development by drainage bodies which provides for the *“Development by a drainage body in, on or under any watercourse or land drainage works required in connection with the improvement, maintenance or repair of that watercourse or those works”*, for the following reasons:

- TRP can be considered to be the drainage body under the definition within the Land Drainage Act 1991 as they have the responsibility for the long-term management of the Park.
- The works constitute land drainage works required in connection with the improvement of the watercourse.

5.4 This application has been submitted in order to obtain formal agreement to the above through a Certificate of Lawfulness from the London Borough of Camden for the above described works.

Appendix A

Site Location Plan



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 2. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK.
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A	21.10.21	First Issue	AA	JP
Rev	Date	Description	Drm	Chk



THE
ROYAL
PARKS

PROJECT
REGENTS PARK SWALES

DRAWING TITLE
LOCATION PLAN

STATUS
TENDER

DRAWN	DATE	SCALE	CHK.
AA	21.10.2021	1:2500 @A3	JP
JOB NO.	DRAWING NO.	REV.	
RGT08	RGT08.001	A	

Appendix B

Swale Plan

Client:

The Royal Parks

Drawing Title:

Proposed swale drainage and attenuation pond

Project:

Gloucester Gate Drainage Swale & Pond

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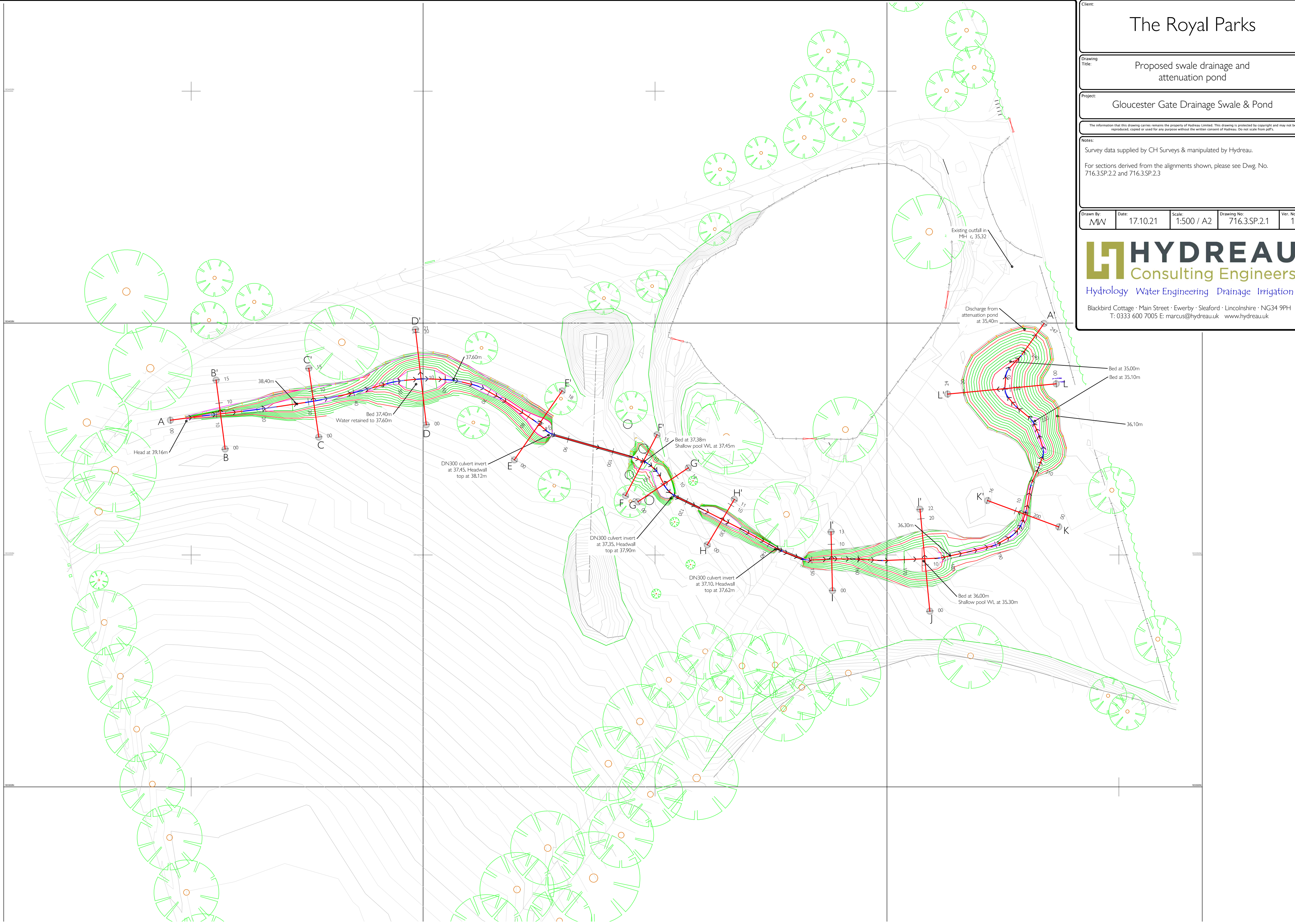
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Appendix C

Long Section

Client:

The Royal Parks

Drawing Title:

Long Section of swale drainage and attenuation pond

Project:

Gloucester Gate Drainage Swale & Pond

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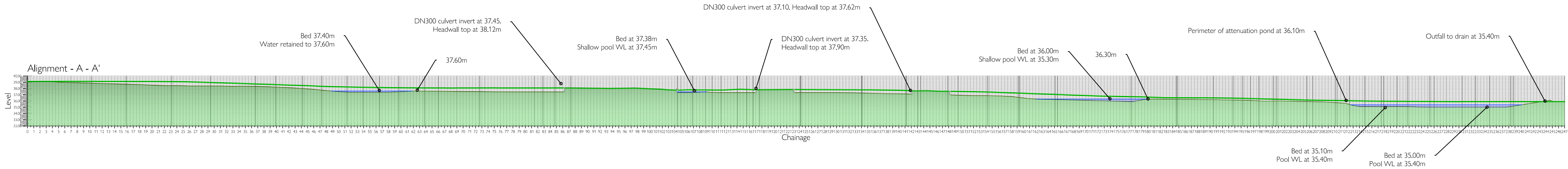
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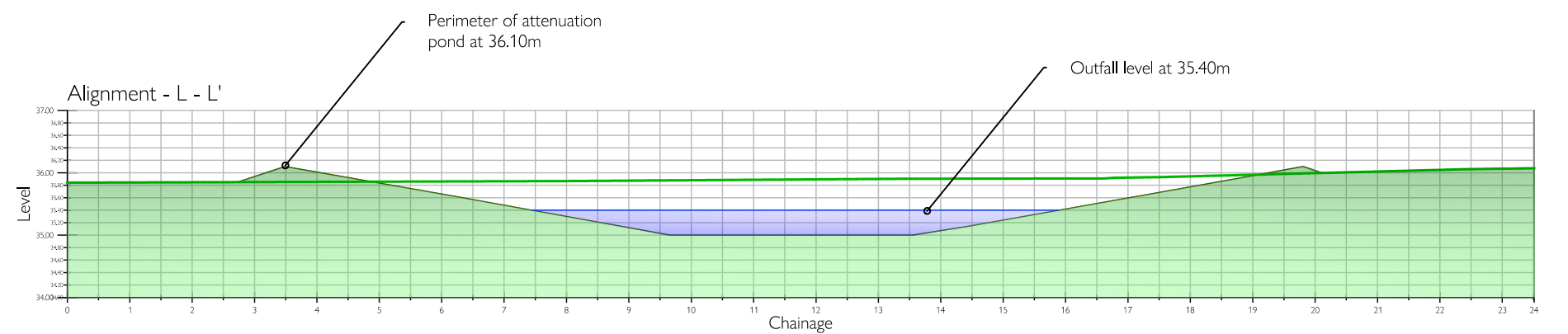
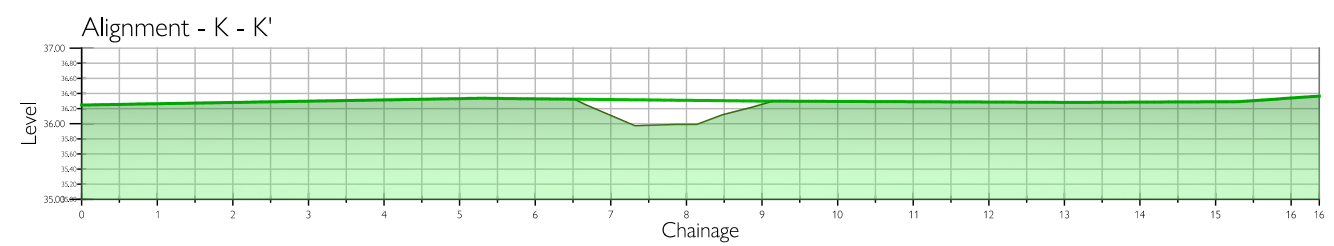
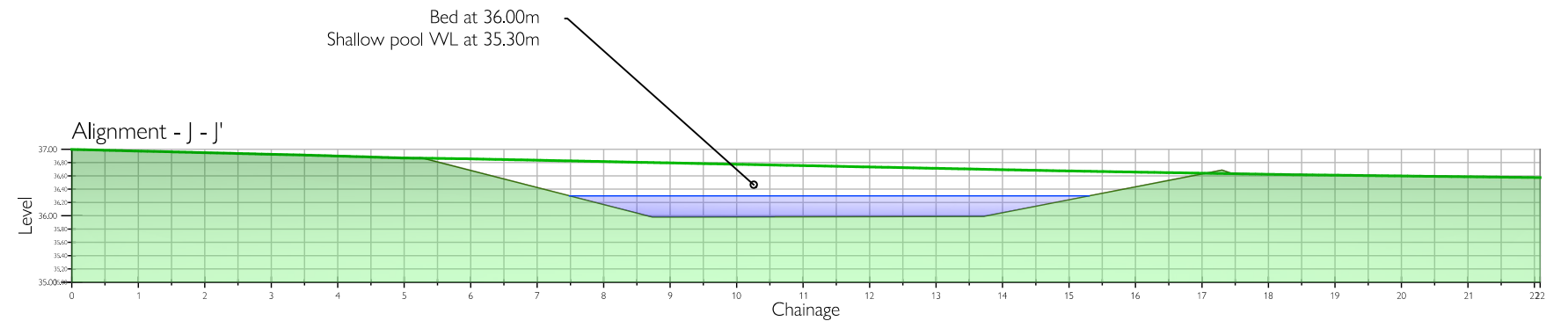
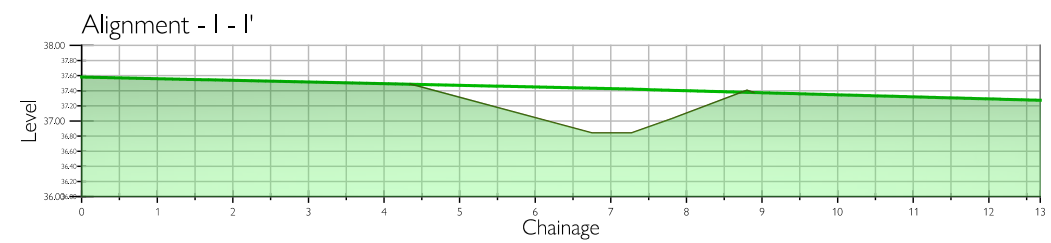
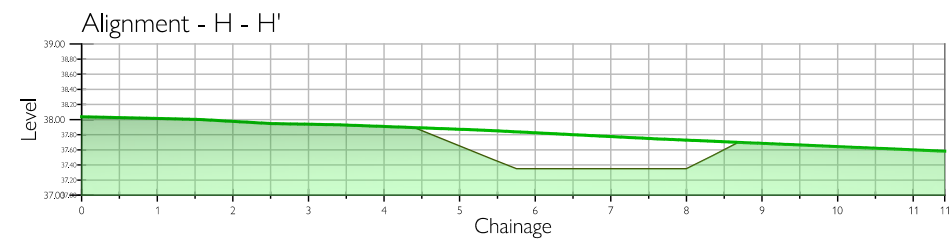
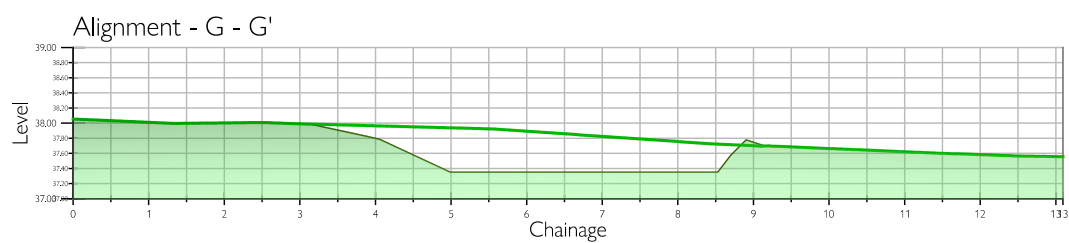
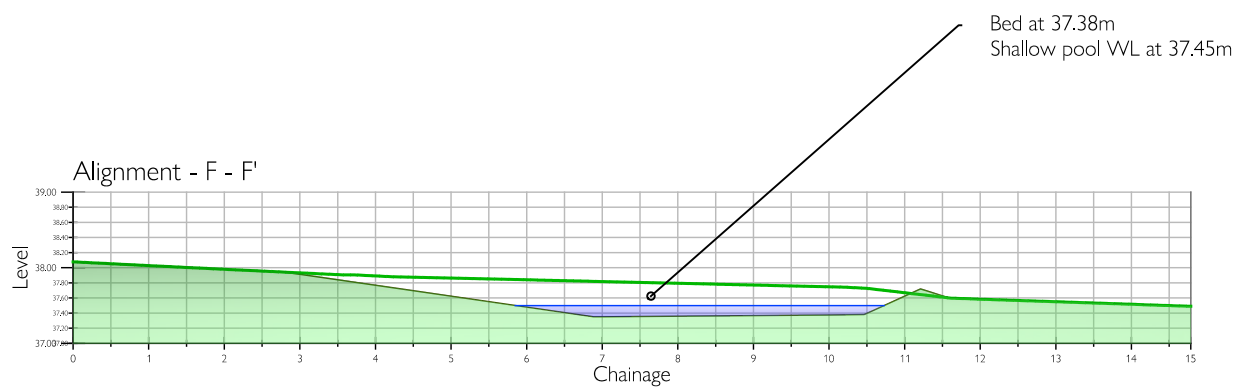
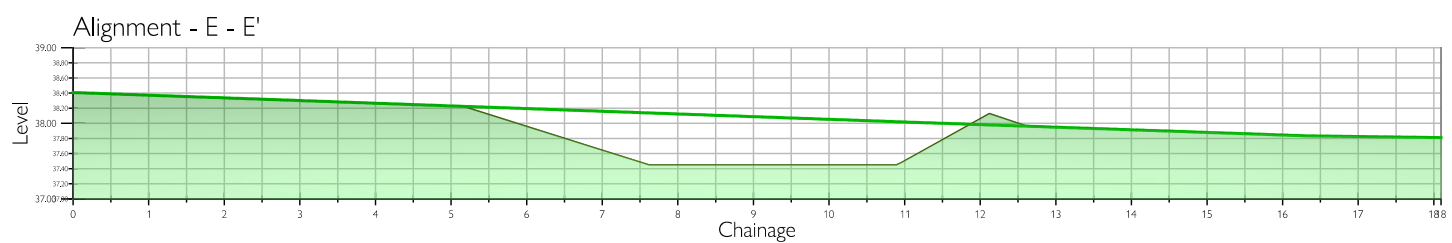
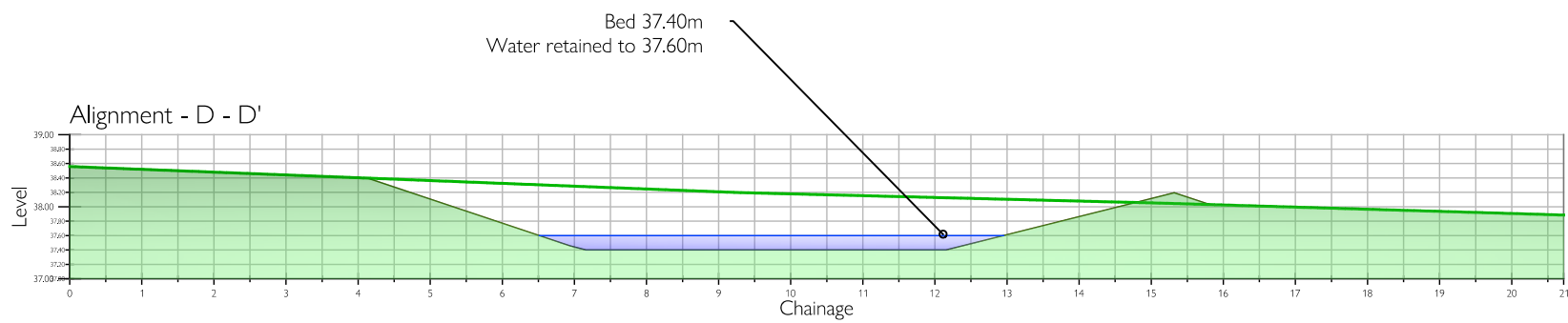
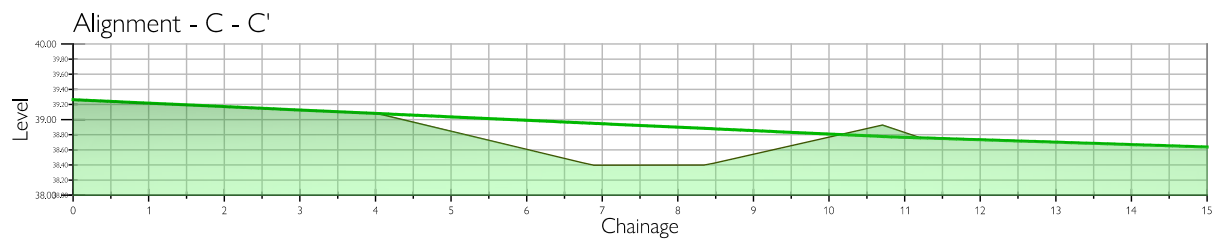
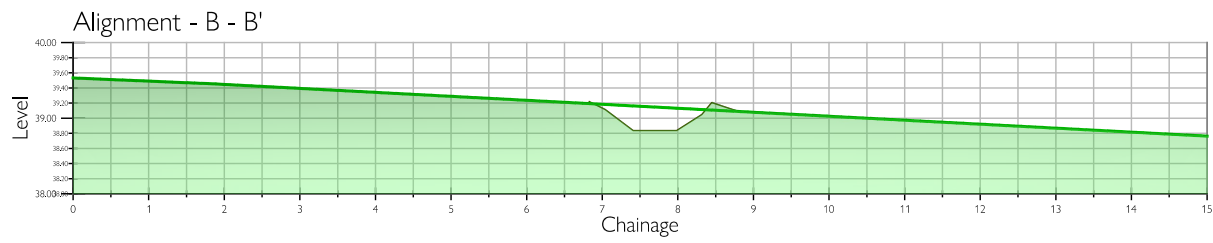
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Appendix D

Short Sections



Client:

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Drawing Title: Sections from alignments - swale drainage and attenuation ponds

Project: Gloucester Gate Drainage Swale & Pond

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