



*BY EMAIL*

Secretary of State for Levelling Up, Housing and  
Communities  
The National Planning Casework Unit  
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4 November 2021

Dear Secretary of State for Levelling Up, Housing and Communities

**THE LONDON BOROUGH OF RICHMOND UPON THAMES (TWICKENHAM RIVERSIDE)  
COMPULSORY PURCHASE ORDER 2021  
APPLICATION FOR CERTIFICATE UNDER SECTION 19 AND PARAGRAPH 6 OF  
SCHEDULE 3 OF THE ACQUISITION OF LAND ACT 1981**

We are instructed by The London Borough of Richmond upon Thames (the “**Acquiring Authority**”) in respect of The London Borough of Richmond Upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021 (the “**Order**”) and in respect of applications under:

- section 19(1)(a) of the Acquisition of Land Act 1981 (the “**1981 Act**”);
- section 19(1)(aa) of the 1981 Act; and
- paragraph 6(1)(a) of Schedule 3 of the 1981 Act.

The Order would authorise the development, redevelopment or improvement of the land by demolition of the buildings on the site of 1 and 1b King Street, and the re-provision of the Diamond Jubilee Gardens which is designated public open space as well as the development of two buildings and other infrastructure and works. The purpose for which the Order is sought is the demolition and other works and the provision of enhanced open space, residential, commercial, retail, restaurant, public house, café, recreational and other complementary uses, as well as new infrastructure, public realm, highway works and access (the “**Scheme**”).

We anticipate submitting the Order to the Secretary of State for Levelling Up, Housing and Communities for confirmation in December 2021.

This letter requests a certificate from the Secretary of State under Section 19 of and paragraph 6 of Schedule 3 to the 1981 Act in connection with certain parcels of land subject to powers of acquisition in the Order.

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### **The existing site**

Located at the centre of Twickenham, the site is bounded by King Street and the back of the King Street Parade to the north-west, Water Lane to the north-east, the river to the south-east and Wharf Lane to the south-west.

The Order Land covers approximately 2.03 hectares and is made up of the land and buildings at Nos. 1 and 1b King Street, (owned by the Acquiring Authority but currently held subject to various leases); Diamond Jubilee Gardens (the “**Gardens**”) which is subject to a 125 year lease granted by the Acquiring Authority to the Twickenham Riverside Trust in 2014 and which is public open space; a car park at the southern end of Water Lane which closed in 2018 and is no longer accessible to the public; and a part of the Embankment which is highway, maintained by the Acquiring Authority and reputedly owned by the Port of London Authority (**PLA**). The Order Land also includes steps leading down from the Embankment promenade to the River, (forming part of the Thames Pathway), which is also highway maintained by the Acquiring Authority, reputedly owned by the PLA), and various other areas surrounding the development site and over which a right to oversail with cranes to construct the Scheme is sought. Full details of the Order Land appear in the Schedule to the Order and it is shown on the Order Map (copies of both are enclosed).

The existing open space is principally located within the south-western area of the development site and comprises the existing Gardens. The Acquiring Authority considers that the part of the Embankment which is promenade is also likely to be open space within the meaning of the 1981 Act.

The existing poor quality public realm is a concern on the site and the lack of accessibility and the poor quality of the open space and its surroundings means that it is often a quiet and dark area attracting anti-social behaviour including arson, fly tipping, substance misuse and squatting in the derelict buildings (located in the fenced off area adjacent to the Gardens).

### **The Scheme**

The Scheme will remove derelict and unused buildings and space, completely re-modelling the site and making much better use of the space. The Scheme opens up and significantly enlarges the public space so that it can be accessed from all sides and opens out onto the Embankment and the River Thames, and achieving a total area of 3,929 sqm of designated public open space, as well as other areas of landscaping and public realm.

The widening of Water Lane means that the river, and footbridge to Eel Pie Island will be seen from the high street (King Street), thereby making more of the river connection. The Scheme provides a town square in the centre of the Embankment which can be used for hosting events such as markets or outdoor cinema.

The cohesive architecture across the Scheme is exemplified in the two buildings which bookend the new public open space. The Water Lane building leads from the high street down to the river and is reflected in the architecture of the Wharf Lane building – both of which are considered to be sympathetic to the local area.

### **Open space land being compulsorily acquired**

The Order includes powers to compulsorily acquire land and new rights over areas of open space, within the meaning of the 1981 Act. The Acquiring Authority is seeking a certificate under three separate exceptions to Special Parliamentary Procedures; details of the separate exceptions and their locations are set out below:

1. Acquisition of part of the Gardens totalling 1,357sqm and an area of flower bed on part of the Embankment Promenade measuring 31sqm, under section 19(1)(a) of the 1981 Act. These areas are shown shaded red and numbered 2, 59, 64, 76, 85 and 86 on the



enclosed Open Space Plan. Whilst plot 85 forms an area of flowerbed separate from other areas of open space, the Acquiring Authority has adopted a precautionary approach and is including this area within the calculation of open space lost to the Scheme;

2. Acquisition of part of the Gardens, a small terrace area and a small sliver of the promenade totalling 2,010sqm, under section 19(1)(aa). These areas are shown shaded orange and numbered 27, 48, 60, 63 and 87 on the Open Space Plan; and
3. Acquisition of rights to oversail cranes over steps leading from the Embankment promenade to the River and a thin section of the promenade, under paragraph 6(1)(a) of the 1981 Act. This area is shown shaded blue and numbered 68, 70 and 71 on the Open Space Plan.

The purpose for which the land and rights are required and the land that will be re-provided, and the basis on which the Certificate is applied for in relation to each area of land, is described below.

Whilst the areas of exchange land and open space to be retained are addressed separately below, they must also be considered together, reflecting the aim of the Scheme to achieve a much larger and improved overall area of open space and public realm on the Order Land, as part of a comprehensive redevelopment- also involving residential, commercial and other appropriate uses. A copy of the Scheme Masterplan is enclosed, illustrating what is to be achieved overall.

#### **Areas of open space to be lost to the Scheme**

The Gardens are on part of the former lido site and are built on what was the swimming pool. The existing Gardens are around 2,513 square metres in area (as noted below the area to be lost is smaller than this) and are designated open space. The Gardens include a children's play area, seating with river views, hard surface for events, areas for petanque and a café.

Adjacent to Wharf Lane and on the south-western side of the current Gardens (plots 64 and 76 shaded red on the Open Space Plan), the Scheme proposes a new building which will house office space, public toilets and a public house/restaurant – this area currently includes a children's play area, surrounding hard standing and an area which is currently inaccessible. The new building presents an oblong form with a tri-part mass rising to five storeys on the western edge and four storeys on the inside eastern edge. To the south-east, the proposed public house/restaurant is set within a single storey. The Wharf Lane building proposes pitched roofs, which matches the roof design of the new buildings proposed on Water Lane (which are located outside the current Gardens). The area of Gardens lost to this element of the Scheme is 1,313 square metres.

In addition to the new Wharf Lane building, a small area of the Gardens to the north-west of the Site will provide a new accessible car parking bay. This area forms part of the Gardens but lies outside the area leased to the Trust. This part of the Gardens is currently part of the north-western boundary tree belt and measures 22 square metres in area and is shown shaded red on the attached Open Space Plan (plot 2 on the Open Space Plan).

A small area of open space to the south of the site and close to the Embankment will be developed as part of the public realm adjacent to the redeveloped Gardens. This area is again shown red on the Open Space Plan and measures 22 square metres (plot 59 on the Open Space Plan).

A small area comprising a flower bed will be developed as part of a vehicular turning circle as part of the Scheme. The Acquiring Authority has adopted a precautionary approach and is including this area within the calculation of open space lost to the Scheme. This area is shown shaded red and numbered [85] on the Open Space Plan and measures 31sqm.

These three parts of the Gardens which are lost to the Scheme measure 1,388 square metres.

#### **Exchange Land**



The exchange land measures 1,919 square metres, and comprises of the following all of which are shaded green on the Open Space Plan:

- (1) As part of the Scheme, part of the Embankment which is used as a highway and parking will be developed to create part of a new town square. The town square is designed with amphitheatre-style terraced seating and will become a new flexible, civic space for the town centre, suitable for a range of uses and pop-up events;
- (2) Immediately to the east of the existing Gardens, a fenced off area of overgrown vegetation will be developed to deliver part of the enhanced children's play area, a new area of lawn adjacent to the children's play area, a terraced lawn adjacent to Water Lane leading down to the Embankment and accessible routes through to the Gardens and the new Town Square and Embankment; and
- (3) The final area of exchange land is located immediately adjacent to Water Lane on the Site's north-eastern boundary. This area currently comprises a disused car park and part of one of the commercial units on King Street. As part of the Scheme this area will be have planted terraces to create attractive and accessible routes to the Gardens, the new terraced lawns, the Town Square and Embankment.

The exchange land is split between Schedules 2 and 3 to the Order – the plots in Schedule 2 (24, 28, 47 and 62) are those which are to be acquired by and vested in the Acquiring Authority, and the plots in Schedule 3 (26, 46, 52, 57, 61 and 82) are those which the Acquiring Authority already owns and which are therefore just to be vested in the Acquiring Authority. Paragraph 3 to the Order provides the relevant drafting which achieves this.

The total provision of exchange land is 1,919 square metres which is 531 square metres greater than the open space land which is lost to the Scheme (1,357 square metres as noted above). The exchange land therefore represents a 38% increase over the open space which is lost, significantly in excess of the requirement in section 19(1)(a) that the exchange land must be "not... less in area".

The second requirement of Section 19(1)(a) is that the exchange land is "equally advantageous to the persons entitled to rights of common or other rights, and to the public". In assessing whether or not the exchange land is "equally advantageous", the Secretary of State will have regard to the functionality, including the quality of the replacement land, its environment, the access to it and its overall size compared to the acquired open space, together with its proximity to that acquired land.

The lack of accessibility and the poor quality of the existing open space and its surroundings means that it is often a quiet and dark area attracting anti-social behaviour including arson, fly tipping, substance misuse and squatting in the derelict buildings (located in the fenced off area adjacent to the Gardens). The existing Gardens is made up of a small raised terraced with some seating, and a small area of planting, none of which are connected. The two main areas both lack direct access to the river despite being a stone's throw away and are bordered to the south by highway (the Embankment) with many parking bays that are in frequent use.

The Scheme will remove derelict and unused buildings and space, completely re-modelling the Site and making much better use of the space. The Scheme opens up and significantly enlarges the public space so that it can be accessed from all sides and opens out onto the Embankment and the River Thames, and achieving a total area of 3,929 sqm of designated public open space, 1,919 sqm of which is exchange land, as well as other areas of landscaping and public realm.

The widening of Water Lane means that the river, and footbridge to Eel Pie Island will be seen from the high street (King Street), thereby making more of the river connection. The Scheme provides a town square in the centre of the Embankment which can be used for hosting events such as markets or outdoor cinema. The land being offered in replacement is adjacent to the open space lost.



There is also further connected open space being added on Water Lane, allowing for a generous pedestrianised area leading from the town centre into the site. Overall an additional 531sqm is being provided. Given its close proximity, the replacement land is clearly equally advantageous in terms of its location.

The new open space offers a number of different uses, appealing to all ages. It will not only replace the existing functions of the open space which include a children's play area (in the new space this will be increased with a larger variety of play equipment), pétanque pitches, planting, seating and hard and soft landscaping, but it will also offer an event space (suitable for events such as markets, concerts and open-air cinema or theatre), tiered seating overlooking the event space, terraced lawns, chess tables, and storage for events. From all parts of the new open space there should be uninterrupted views of the river.

The new open space is also advantageous from an accessibility point of view. The existing Gardens only has one step free access point to the north west of the gardens and the raised terrace seating area can only be accessed by steps. The replacement open space will be accessible from the north east, south east and south west with accessible routes running from the Embankment, Water Lane and Wharf Lane.

Being a riverside location there is the need to consider flooding, and so the new exchange land, (alongside the retained part of the Gardens), provides a large space above the 1 in 100 year (plus 35% for climate change) flood line, which includes the children's play area, pétanque pitches, chess tables and seating areas, as well as ensuring the terraced lawns are above the 1 in 50 years flood plain. This is all at the expense of buildable area, as the Council recognises the importance of open space to the community and has ensured that public realm is at the heart of the design. Further open space is provided at lower levels, but largely all avoids regular flooding.

The existing open space has trees and areas of planting, but due to the fact it is built on the infill of an old swimming pool that closed in 1980 it has not been able to support grass and so artificial grass has had to be used. In the replacement open space there will be a greater amount of trees and planting and the lawned areas will be able to support grass.

Finally, the existing open space has been subject to antisocial behaviour over the years in part because the current site is underused and badly connected. It is expected that through a careful lighting strategy, passive surveillance from the new buildings and greater use of the site for a range of activities that antisocial behaviour will reduce.

The final requirement of Section 19(1)(a) is that land given in exchange "has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased". The Order provides for this in the usual way (see paragraph 3), adopting the standard drafting for the provision of exchange land. In this case the open space which is lost is vested in the Acquiring Authority, and the Order will therefore (as required) vest the exchange land in the Acquiring Authority.

### **The Gardens - area of open space retained to improve its management**

The Order proposes the acquisition of 2,010 square metres of existing open space. Under the Scheme this area will be greatly enhanced and its management significantly improved. The majority of the retained open space is in the centre of the Site, within an area located immediately to the north of the new Wharf Lane building – this area of 1,734 square metres all forms part of the existing Gardens (plots 60 and 63). This area of the Gardens currently comprises the hard surface event areas, the pétanque pitches, a café and a tree belt along the northern boundary of the Gardens.

A separate area of retained open space is located at the end of Water Lane and is a small terrace and seating area. This area measures 125 square metres (plot 48).



A separate area of retained open space is located at the end of Wharf Lane, and is currently part of the promenade. This area measures 3 square metres (plot 27).

The areas of retained open space are shown shaded orange on the Open Space Plan.

Under the Scheme the central area of the Gardens and area immediately north of the new Wharf Lane Building will provide the following enhancements:

- Part of a new children's play area;
- Petanque under London Plane Trees;
- Feature tree with seating;
- Hornbeam trees and planted buffer; and
- A shared surface entrance to the Gardens.

The existing terrace and seating area (Plot 48) will become part of the lawned area and path up to the gardens. These areas of existing open space will be purchased and retained in order to "improve its management" (section 19(1)(aa)). The CPO Guidance notes in relation to this exception that *"In some cases, the acquiring authority may wish to acquire land to which section 19 applies, eg open space, but do not propose to provide exchange land because, after it is vested in them, the land will continue to be used as open space"*. The Scheme (in part) seeks to comprehensively re-design the Order Land and re-provide much improved open space. In relation to the existing open space to be retained, this will improve its management as part of the overall Scheme.

#### **Embankment Promenade (open space over which new right to be acquired)**

The Order Land includes steps leading down from the Embankment Promenade/Thames Pathway to the River and a small sliver of the Promenade. This area measures 58 square metres and is shown numbered 68, 70 and 71 and shaded blue on the Open Space Plan. As noted above the Order seeks the acquisition of rights to oversail cranes over this area, for the purpose of constructing the Scheme.

Paragraph 6(1)(a) of Schedule 3 to the 1981 Act requires that the land "when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before".

The steps from the Embankment promenade will be no less advantageous to those in whom it is vested nor to the public, when burdened with a right to oversail cranes.

The Acquiring Authority is confident that the use of the Embankment Promenade steps and sliver of additional Promenade as open space will be no less advantageous than it currently is.

#### **Notification**

Should the Secretary of State be minded to give the Certificate sought please would you notify us as soon as possible so that we may take steps to publicise the intention to give the Certificate, as required by section 19(2) of the 1981 Act.

To assist you in this respect we have drafted a suggested form of public notice of intention to give the certificate.

It would seem sensible that any resulting objections to or representations on the proposed Certificate are referred to the same public inquiry as may be required in relation to objections to the proposed Order.



If you require any further information, please do not hesitate to contact Nick McDonald at [nick.mcdonald@pinsentmasons.com](mailto:nick.mcdonald@pinsentmasons.com) or on 0113 368 7689.

Yours faithfully

**Pinsent Masons LLP**

Enclosures: Draft of the London Borough of Richmond Upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021

Draft of the Map referred to in the London Borough of Richmond Upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021

Open Space Plan

Scheme Masterplan drawing

Draft notice pursuant to Section 19(2) of the 1981 Act