

THE LONDON BOROUGH OF RICHMOND UPON THAMES

TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 226(1)(a) AND 226(3)(b)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ACQUISITION OF LAND ACT 1981

**THE LONDON BOROUGH OF RICHMOND UPON THAMES (TWICKENHAM RIVERSIDE)
COMPULSORY PURCHASE ORDER 2021**

AND

**APPLICATION FOR A CERTIFICATE PURSUANT TO SECTION 19 AND SCHEDULE 3
OF ACQUISITION OF LAND ACT 1981**

PROOF OF EVIDENCE ON BEHALF OF THE ACQUIRING AUTHORITY

AUTHORITY’S OVERALL CASE

DOCUMENT LBR1A

**Paul Chadwick
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The London Borough of Richmond upon Thames**

9 May 2023

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1. **INTRODUCTION**

- 1.1 This Proof of Evidence has been prepared on behalf of the London Borough of Richmond upon Thames (the 'Council'), the Acquiring Authority, in respect of the London Borough of Richmond upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021 made on 11 October 2021, (the "**Order**") and subject to the Proposed Modifications as detailed in section 5 of the Statement of Case.
- 1.2 My name is Paul Chadwick. I am employed by Richmond and Wandsworth Councils and my role is Director of Environment and Community Services. I am the Senior Responsible Officer for the Scheme.
- 1.3 References to defined terms are to those included in the Statement of Case, unless a footnote has been included confirming that a defined term corresponds to a definition in the Glossary at the end of this Proof of Evidence. As agreed at the Pre-Inquiry Meeting and recorded in the Inspector's Pre-Inquiry Meeting Summary Note, (17 March 2023), the Council and the Trust have worked together to clarify certain of the Statement of Case Glossary terms and to create new defined terms. The Council will continue to work with the Trust to narrow the issues between them prior to the Inquiry.
- 1.4 References to **CD** are to documents in the Core Documents. In addition to the Core Documents listed in section 15 of the Statement of Case, the Council has produced new Core Documents **CD 4.7** (Planning Application Public Realm Strategy (October 2022)) and **CD 4.8** (Planning Application Transport Assessment (October 2022)). The reason for producing these new Core documents is that they have superseded the previous versions of the public realm strategy and transport assessment listed as **CD 3.12** and **CD 3.14**, respectively.
- 1.5 The Council has also produced a new standalone document, "**LBR5**", together with related appendices, which details the engagement between the Council and the Trust from July 2018 to April 2023. This Proof of Evidence relies upon and includes references to LBR5. I have also produced a standalone set of Appendices to support this Proof of Evidence and these are referenced **LBR1B(1)** to **LBR1B(8)**. Four of my appendices, **LBR1B(5)** to **LBR1B(8)**, have been produced at the request of the Trust and to assist in clarifying, inter alia, the following:
- 1.5.1 A map showing the extent of the existing Gardens and for which an update definition has been include in the Glossary at the end of this Proof of Evidence.
- 1.5.2 A map showing the Future Functioning Open Space and identifying each type of open space and Play Areas included within it – updated definitions for Existing Designated Open Space, Existing Functioning Open Space, Future Designated Open Space, Future Functioning Open Space, Exchange Land, Lost Open Space and Retained Open Space are include within the Glossary to this Proof of Evidence and each cross-reference a new definition for Designated Open Space.
- 1.5.3 A map showing the Existing Flood Zones as defined in the Glossary to this Proof of Evidence.

1.5.4 A map showing the Future FloodZones as defined in the Glossary to this Proof of Evidence.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I am a Member of the Royal Institution of Chartered Surveyors and have been so for 34 years. I have over 30 years` experience of operating at a senior level in local government managing functions that have included property related services, procurement teams, parks services, highways services, planning services, regeneration teams, building control teams, parking services and sports teams.
- 2.2 I have been employed at the London Borough of Richmond-upon-Thames Council since 2003, first as an Assistant Director for Property and Procurement with progression through to a wider range of functions at Assistant Director level between 2003 and 2009 and to my being the Director of Environment from 2009. Then to being the Director of Environment & Community Services at Richmond and the London Borough of Wandsworth from 2016 onwards.
- 2.3 I have had wide ranging involvement in several different redevelopment schemes at Richmond and Wandsworth and before that in earlier parts of my career at the London Boroughs of Hammersmith and Fulham and Barnet. It has been a key part of my role over the years to promote and deliver development schemes, and for the past 5 years I have been the Senior Responsible Officer for all of the work required to progress the Scheme to the stage that we are at now. I am also currently the Council's Senior Responsible Officer for two other regeneration based schemes, the delivery of the Ham Close estate regeneration scheme, a partnership arrangement with a local housing provider, as well as the Richmond Education and Enterprise Campus, another partnership based venture that has created a new secondary school alongside a new college at Twickenham.
- 2.4 My first significant involvement with the proposed regeneration of the Scheme Land was as the project manager for a scheme that was promoted by a prior Liberal Democrat Administration from 2007 onwards. Further iterations have followed and in particular a Conservative led scheme that I project managed thereafter and that led to a prior resolution to grant in 2017. In short, I have significant experience of the Scheme Land and its surroundings and of the particular challenges that proposals can bring at this site prior even to the lengthy period spent on overseeing and promoting the Scheme as it stands now.
- 2.5 The evidence which I have prepared and provided in this Proof of Evidence is true and has been prepared, and is given, in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

3. SCOPE OF EVIDENCE

- 3.1 I appear at this Inquiry on behalf of the Council, as the main witness.
- 3.2 My Proof of Evidence is submitted in support of the Modified Order. Details of the Proposed Modifications to the Order and their reasoning are set out in section 5 of the Council's Statement of Case.

3.3 In this Proof of Evidence I will address the overall case in support of the Modified Order. There are three further witnesses that will cover specific topics. Mr Bannister, Director at Hopkins Architects, will address Design and Open Space matters, Ms Johnson, Associate Director at Savills, will address Planning matters and Mr O'Donnell, Assistant Director of Environment and Community Services (Traffic and Engineering) at Richmond and Wandsworth Councils will address Highway and Transport matters. Where appropriate Proofs of Evidence will cross refer to each other and to the Statement of Case to avoid unnecessary repetition.

4. **THE SCHEME LAND**

4.1 The Scheme Land is a unique site within Twickenham, being the only site available for redevelopment which directly connects the town centre and the river in Twickenham. The Planning Application redline boundary, (the "Scheme Land"), (**CD 4.E**) – which is smaller than the Order Land as described in section 8 below – has an area of 1.34 hectares. This area consists of three retail units, with commercial space at first floor (King Street), the associated car park closed to the public, highway (Water Lane, Wharf Lane, service road and the Embankment), the Gardens and a number of derelict buildings. To the east of the Scheme Land there are residential properties on Water Lane, with a largely pedestrianised commercial shopping parade adjacent (Church Street). To the west of the Scheme Land are the Thames Eyot private residential properties, with associated private car park. To the north the Scheme Land is bordered by King Street shopping parade with residential above, the main high street in Twickenham. To the south is the river Thames. The Scheme Land is situated in an area bound by King Street, Water Lane, Wharf Lane and the Embankment.

4.2 Twickenham Riverside runs parallel with the river Thames connecting Richmond through Twickenham and flowing down through Teddington to the south of the borough. Twickenham is well connected by air, rail and road with close proximity to London Heathrow Airport. The Scheme Land has a very high PTAL rating (5) and Twickenham railway station offers quick connections to London Waterloo, Reading, Windsor and Richmond, the latter of which offers regular services on the London Overground towards Stratford and the District Line on the London underground. By road, Twickenham is served by several local bus services and can easily access both the M4 and M25 motorways. The Scheme Land is opposite Eel Pie Island, which is only accessible via a footbridge. Access to the footbridge is via the Scheme Land. The Scheme Land also includes the slipway and steps used for river access. Mr O'Donnell provides further information on the connectivity of the existing Scheme Land in section 5 of his Proof of Evidence (Document **LBR3A**).

4.3 The northeast and east of the Scheme Land comprises the existing retail and commercial units with frontage on King Street and Water Lane as well as the associated car park, closed off to the public in 2018. Only two of the four King Street units are currently leased and the successful negotiations and surrender of leaseholds interests in these properties is detailed in sections 9.3-9.6 of the Statement of Case and 11.3 – 11.6 of this Proof of Evidence.

4.4 To the south and southwest of the car park are a number of old buildings, now derelict and unused, as well as an area of self-seeded trees, hoarded off for reasons of public health and safety and

inaccessible to the public. The area attracts fly tipping, particularly at the rear of the car park and along the service road forming the northern boundary of the Gardens. This area also includes plot 50 (as shown on the Open Space Plan **CD 4.2B**) for which UK Power Networks plc ("UKPN") own an occupational interest. Paragraph 8.1 of the Statement of Case and paragraph 11.8 of this Proof of Evidence detail the consultation response from UKPN noting that the Council does not anticipate acquisition of its interests to represent an impediment to the Scheme.

- 4.5 To the south of the car park and adjacent to one of the derelict buildings is an area of Existing Designated Open Space (126sqm as shown on **CD 4.3A**) which includes a hard standing seating area with several benches looking out to the river. This area is can only be accessed via a number of steps and does not have step free access. This area is disconnected from the wider Existing Designated Open Space, separated by derelict and hoarded off buildings fronting the riverside. The eastern side of the Scheme Land is bordered by Water Lane, public highway.
- 4.6 The western area of the Scheme Land is largely covered by the Gardens¹ which are mostly leased to the Twickenham Riverside Trust ("Trust"). Map M at **Appendix LBR1B(5)** outlines the extent of the Gardens and Map K (**CD 4.3K**) outlines the Existing Trust Lease Area². The Gardens is also the location of the Council run and owned Sunshine Café ("the Café"), which has been included in Map A (**CD 4.3A**), Existing Designated Open Space, Map B (**CD 4.3B**), Existing Functioning Open Space on a highly conservative basis, as it forms part of the Gardens which is leased to the Trust. Although the Café is a building, it has been included as Designated Open Space³ on a conservative basis. Map M (**Appendix LBR1B(5)**) shows that the Café is 85sqm of the Gardens. The Gardens provide an area of hard landscaping for events at the eastern end, two artificial grass lawns bordered by hedges, an enclosed play area, pétanque terrain, a sandpit and planting bed with a border of mature trees. In part due to their location, under-utilisation and lack of connectivity to the wider area, the Gardens and immediate surroundings have been subject to anti-social behaviour. Some instances of antisocial behaviour in the Gardens have also made the local press, including an arson and vandalism episode in 2019. This led to the Council erecting CCTV cameras in the Gardens.
- 4.7 The Gardens have only one accessible entrance from the northern approach and are raised above the Embankment, limiting their connection with the riverside and adding to the seclusion and lack of natural surveillance that leads to anti-social behaviour. There is an area (159sqm) of planting in the Gardens, lower-level area in the southwest corner, that is completely inaccessible being surrounded on four sides by walls or fencing. Like the Café, this area has been conservatively included in calculations for Existing Designated Open Space (Map A (**CD 4.3A**) and Existing Functioning Open Space (Map B (**CD 4.3B**)), notwithstanding its inaccessibility, as it forms part of the Gardens and is leased to the Trust and is therefore also subject to the Trust's Management Agreement. The Trust's

¹ Please see amended definition for "Gardens" in the Glossary at the end of this Proof of Evidence.

² Please see new definition for Existing Trust Lease Area which replaces the previous definition "Existing Trust Management Area".

³ See new definition for "Designated Open Space" in the Glossary at the end of this Proof of Evidence.

Management Agreement is included **Appendix LBR1B(2)** of my Appendices. Forming the western boundary of the Scheme Land is Wharf Lane which is public highway.

- 4.8 The south of the Scheme Land comprises the Embankment which borders the river Thames. The Embankment, which is public highway, is maintained by the Council but is partly owned by the Port of London Authority (hereafter PLA). The PLA owned southern part of the Embankment is not proposed for freehold acquisition within the Modified Order as it is designated highway and will remain so, however in any event the Council's negotiations with the PLA are at an advanced stage and are detailed within section 9.34 to 9.38 of the Statement of Case and paragraphs 11.69 to 11.73 of this Proof of Evidence. The northern part of the Embankment was unregistered at the time the Order was made. Whilst the Council has been successful in registering most of this land within its title, an area of unregistered land remains within the Modified Order to ensure that any third party interests are removed.
- 4.9 Excluded from the Scheme Land to the northern boundary is King Street, the main retail high street in Twickenham. Save for the commercial units in the Council's ownership (see 4.3 of this Proof of Evidence), the remaining commercial units on King Street are under the ownership of one freeholder, Eric Twickenham Limited, and are not required to deliver the Scheme. There is a small parcel of land to the rear of King Street, owned by Eric Twickenham Limited, which is required for servicing access and foundations of the Water Lane building. Agreement has now been reached, in principle, and the Council has instructed its solicitors to put the necessary formalities in hand to complete the agreement. The basis of the agreement is for the Council to undertake any necessary works pursuant to a licence agreement with Eric Twickenham Ltd dedicating the subject land to the Council to maintain as part of the highway. This sliver of land remains within the Modified Order as the agreement is yet to be completed. Regardless, it is proposed that access to this property will be maintained at all times and will not be impaired.
- 4.10 Excluded from the Scheme Land to the south-west border there is a dilapidated Victorian boathouse within the Thames Eyot freehold which the charity Habitats and Heritage intends to bring back into use. The Council are working with Habitats and Heritage to incorporate the boathouse into the wider vision for the riverside area.
- 4.11 In summary, the Scheme Land is 1.34 hectares and comprises 3 retail units and commercial space fronting on to Twickenham's main high street, the associated car park, a number of derelict buildings hoarded off for health and safety reasons, the Gardens and a separate, disconnected area of Designated Public Open Space, the Embankment and slipway and the bordering public highway. Please see Map E (**CD 4.3E**) to see the extent of the Scheme Land.

5. **THE HISTORY OF THE SCHEME LAND AND IMMEDIATE AREA**

- 5.1 The history of the Embankment area of Twickenham dates back to the 1650s when Richmond House was built. The villa occupied a four-acre piece of land along the River Thames between King Street, Water Lane and Wharf Lane. Richmond House was brought by the Twickenham Urban District

Council and demolished in the 1920s and part of the site was sold for the development of commercial buildings. In 1935 Twickenham Lido opened on the remaining land where Richmond House once stood, and this opening coincided with the Silver Jubilee of George V.

- 5.2 The open-air swimming pool (south of the King Street properties, between Water and Wharf Lanes) was closed for refurbishment in 1980 but never reopened. The area remained largely derelict until 2005 when part of the Scheme Land was developed by the Council (playground and café area). This developed area was later extended by the Council in 2012 to create what is now the current Gardens. As noted in section 4.2 of the Planning Committee Report (**CD3.37**), the play area, gardens and associated café (secured through various consents) were intended to be temporary only. Conditions were secured on the relevant permissions for the use and works to be carried out under those consents to be removed. The temporary consents were granted as a measure to secure short term use, to ensure that the future development of the site was not prejudiced, and to enable a more comprehensive permanent scheme to be designed, approved and commenced in the intervening period. Despite the temporary intention of the Gardens a lease was granted to the Twickenham Riverside Trust in 2012, (see Map K (**CD 4.3K**) for the Existing Trust Lease Area and Map M (**LBR1B(5)**) for the full extent of the Gardens).
- 5.3 In 2014 the Council bought three retail units and one office unit (1, 1A, 1B and 1C King Street) and the private car park (2/4 Water Lane) to the rear of the units which adjoin the former swimming pool site. These units were intentionally purchased to increase the opportunity for regeneration.
- 5.4 It has long been a desire of the Council to redevelop Twickenham Riverside following the closure of the swimming pool some forty years ago and the resulting derelict buildings. A number of attempts to fully redevelop the area have come forward in the past for several different parcels of land, both by the Council and private developers. None of these previous applications have included an area as large as the Scheme Land and they have all failed for several different reasons. Previous applications were covered in the Planning Committee Report (4.2 – 4.3), as noted there, the most pertinent is the previous application as detailed below.

2015-2018 Application

- 5.5 A planning application was submitted in November 2017, under reference number 17/4213/FUL, for full planning application for the demolition and removal of all existing buildings and structures and redevelopment with a mixed-use development of the site at 1, 1A, 1B and 1C King Street and 2/4 Water Lane; the site of the remaining former swimming pool buildings at the corner of Water Lane and The Embankment; and the river facing parcel of land on The Embankment in front of the Gardens.
- 5.6 This application was submitted following the purchase of the King Street units and car park in 2014 and started with a design competition (certain firms were invited) carried out in 2015 where Quinlan and Francis Terry Architects were appointed to develop their concept design. The

application area for this redevelopment was smaller than the current proposal and did not include the Gardens.

- 5.7 The concept design received negative feedback from the local community, particularly concerning the scheme not opening up to the riverside, not meeting people's needs and the architectural style and features, notably an amphitheatre. Given the negative feedback and following a split in the architectural practice, a new design was developed by Francis Terry and Associates in 2016. This scheme went through several iterations from 2016 to 2017, with several periods of engagement. A planning application was submitted in November 2017, with support from architects Carey Jones Chapman Tolcher (CJCT). A consultation was carried out in October 2017 in respect of the scheme. The results demonstrated that support for the site layout plan and building appearances was low and people wanted parking removed from the Embankment.
- 5.8 The planning application achieved a 'minded to grant' resolution by the Council's Planning Committee in 2018. There was, however, an outstanding objection to the application from the Environment Agency, a statutory consultee, relating to the location of the flood defence wall. The application was therefore referred to the National Planning Casework Unit for consideration. However, the application was withdrawn by the Council in June 2018 before a final decision was made. The Environment Agency were not supportive of the flood defence wall, which comprised the rear wall of an Embankment level covered car park in the scheme design. The Environment Agency were also not supportive of the location of a building in front of the flood defence wall, albeit at a higher level (above the car park).

Current scheme background

- 5.9 In 2018 the Council made the decision that the previous scheme was not ambitious enough and that a better solution to Twickenham Riverside could be achieved. It was felt that to achieve this the development area needed to be larger and include the Gardens and Embankment. As the Trust held a 125-year lease over a large area within the Gardens, as shown on Map K (**CD 4.3K**), (the "Existing Trust Lease Area"), the Council sought to gain agreement in principle from the Trust at the earliest point. Councillors and Council officers met with the Trust in July and September 2018. Subsequently Councillor Gareth Roberts (Leader of the London Borough of Richmond upon Thames) received the Trust's "in principle" approval to include the Gardens within the Scheme set out in a letter dated 15 October 2018 (See **LBR5 Appendix 1**).
- 5.10 In 2019 a Royal Institute for British Architects ("RIBA") Design Competition was launched by the Council to find an architect led team and a concept design for this larger site. The Council received a letter on the 6 February 2019 from the Trust which stated that "Twickenham Riverside Trust (the Trust) wholeheartedly supports the RIBA Competitions run process that has been initiated by the Council with respect to development proposals in centre and riverside Twickenham" (See **LBR5 Appendix 6**).

- 5.11 In order to ensure that local stakeholder groups with an interest in the riverside felt part of the process a Stakeholder Reference Group was formed, which included the Twickenham Riverside Trust and Eel Pie Island Association. The group helped shape the brief and design development as well as helping the Council to ensure that as wide a population as possible was engaged with the design. The group also elected one of its members to sit on the Design Panel, the group that oversaw the Design Competition, signed off the RIBA Full Design Brief shortlisted expressions of interests from architect led firms and evaluated the submissions of the five shortlisted teams.
- 5.12 The RIBA Full Design Brief sought a design solution that would "allow the public to enjoy the full beauty and utility of the riverside, improving the physical link between the river and the town, to define Twickenham as a distinctive destination with a rich cultural history, and an exciting location to live, work and visit". Aspirations and objectives for the Scheme Land are detailed in the RIBA Full Design Brief (**CD 3.1**).
- 5.13 A team led by Hopkins Architects won the competition from a shortlist of five teams. Not only were Hopkins deemed to best meet the evaluation criteria by the Design Panel, but their concept design also received positive feedback from the public. 73% of respondents agreed that the proposed development achieved the ambition of high-quality open space and pedestrianised priority on the river frontage and when asked about what aspects of the design they liked, respondents mentioned the car-free riverside, open space and greener, views of the river and opening up the town centre to the river. The feedback report can be seen in my **Appendix LBR1B(1)**. The Council also received several letters of support for the Hopkins led design, including from the Twickenham Riverside Trust who wrote to the Council on the 29 September 2019 stating that: "The Trustees are unanimous in their decision that scheme number 1 [the Hopkins scheme] should be the preferred scheme among those that have been shortlisted" (See **LBR5 Appendix 15**).

6. **THE SCHEME AND ITS EVOLUTION**

The Scheme

- 6.1 Following their appointment, the Hopkins led team developed their design, responding to feedback from residents, stakeholder groups, and statutory consultees. The Planning Application was submitted in August 2021. The Planning Application was approved at Committee in November 2022 and a Decision Notice was issued in December 2022 (**CD3.40**), granting planning permission for the Scheme. Further details on the Scheme and how it developed are set out in Mr Bannister's Proof of Evidence. In summary the Scheme would deliver:-
- 6.1.1 A replacement open space, including a children's play area, sensory play elements, pétanque terrain, terraced lawns, seating, areas of soft landscaping and a town square/events space;
- 6.1.2 A pedestrianised riverfront;
- 6.1.3 A widened Water Lane for pedestrians;

- 6.1.4 45 residential homes in total;
 - 6.1.5 21 affordable homes with an 81% affordable rent tenure and 19% shared ownership;
 - 6.1.6 Commercial/Retail/Food and Beverage units at ground floor;
 - 6.1.7 River activity zone including boat storage, changing space and pontoon;
 - 6.1.8 A designated servicing and loading area for Eel Pie Island;
 - 6.1.9 Floating ecology for wildlife in the river; and
 - 6.1.10 Public Toilets at ground floor.
- 6.2 The Council considers that the Scheme delivers against the key objectives set out in the RIBA Full Design brief (**CD 3.1**), which can be summarised as:-
- 6.2.1 An exemplar in high quality design, delivering a compelling contribution to the architectural heritage of Twickenham. Whilst not prescriptive on design, the brief required proposals to take account of the Scheme Land's surrounding buildings and environment, reflecting the riverside location, enhancing the character of the area and offering a distinctive design solution. Any proposals must create a cohesive townscape and public realm that recognises the importance of the river and seeks to provide activities that draw people to the Scheme Land from surrounding areas.
 - 6.2.2 Strengthen the green character of Richmond upon Thames by enhancing the public realm through careful design. Public open spaces should be improved, offering hard and soft landscaping that is accessible to all and takes full advantage of the river views. The design should create a focal point for the town that accommodates activities and events. Open spaces should provide continuity of access between the town and the river and create attractive and lively public spaces.
 - 6.2.3 Provide a creative solution and riverfront experience which prioritises people over cars. This includes taking parking away from the riverside part of the Embankment to create a shared use environment for pedestrians and cyclists. Carefully consider vehicular circulation and servicing retaining access and serviced requirements of Eel Pie Island.
 - 6.2.4 Create an exciting destination for residents and visitors that champions the river and makes a significant contribution to the town by providing a mixed use scheme which draws people of all ages from the town towards the river. The designs must optimise the river setting and provide a focal area (town square or similar) for Twickenham that can facilitate outside events and promote river related activities.

- 6.2.5 Provide residential uses, achieving a minimum of 50% affordable housing, taking into account existing site uses and relevant planning policy. Designs should also consider other uses, making the most of the riverside location.
- 6.3 The Scheme would involve the demolition of existing buildings and structures on the Scheme Land and the erection of a mixed-use development. The development consists of two buildings, the Water Lane Building and the Wharf Lane Building. Maps C (**CD 4.3C**) and D (**CD 4.3D**) show the location of the two buildings and the centralised new open space.
- 6.4 The Water Lane building would be located towards the eastern end of the Scheme Land with a frontage on King Street and Water Lane. The building is an inverted L shape and has four storeys with the fourth floor accommodated in the long-pitched roof. Above the ground floor would be 21 affordable housing units which represents 50% affordable housing on the site by habitable room. These units have a planning policy compliant tenure mix (81% socially rented and 19% intermediate) and include four accessible units.
- 6.5 The ground floor of the Water Lane building would comprise five small retail units and a kiosk, which would be seen as a continuation of the smaller retailers found on pedestrianised Church Street on the edge of the Scheme Land. Along the southern ground floor elevation is a café with views over the open space towards the river with an outdoor seating area.
- 6.6 The Wharf Lane building is located at the western end of the Scheme Land. This would be presented in an oblong form, with five storeys adjacent to Wharf Lane reducing to four storeys adjacent to the newly formed public open space. A public house / restaurant is proposed at the southern end of ground level, with an outdoor terrace that overlooks the river. At the north end of the ground floor would be flexible office space. The toilets for the public house / restaurant would also be in use as public toilets for those using the public open space. A basement accommodates bike storage and plant. The upper floors accommodate 24 private tenure apartments.
- 6.7 Central to the Scheme Land and towards the river would be a significant area of Future Designated Open Space, (Map C (**CD 4.3C**)) and Future Functioning Open Space, (Map D (**CD4.3D**)). At the upper level there would be a new children's Play Space⁴, (which includes a tree house with slide, climbing net, roundabout, tipping crane, sand tipper, spinner, climbing wall and sensory play), seating, hard standing, terraced lawns and pétanque terrain, all of which would be accessible from both Wharf and Water Lanes and the Embankment. The extent of Play Space within the Scheme is shown on Map N in **Appendix LBR1B(6)**.
- 6.8 A diagonal path rises from the east corner of the Site to provide an accessible route up into the gardens for people walking along the Thames River Walk. There would also be accessible routes from Water and Wharf Lanes. Below this, at the Embankment level, would be a new event space able to accommodate a number of different events, such as markets, outdoor cinema and concerts.

⁴ Please see new definition of "Play Space" in the Glossary at the end of this Proof of Evidence.

The space is surrounded on two sides by large, terraced steps that provide a great opportunity for people to sit and observe activities and the river itself. Further information on the new open space is provided in the Landscape and Public Realm Strategy (**CD 4.7**) and Mr Bannister's Proof of Evidence details the new open space.

- 6.9 At the eastern end of the Embankment there would be a dedicated service area for deliveries to Eel Pie Island and access to the existing slipway which will be repaired. At the western end of the Embankment would be an area that is proposed to be used for river-based activities, with the space underneath the pub/restaurant terrace designed as a storage area for kayaks and paddleboards for use by local clubs and user groups. This is fully detachable from the flood defence wall to allow for inspections as required. A new pontoon in the river would provide access to the water in this area.

The Scheme's evolution

- 6.10 As set out in paragraph 6.2 above, the RIBA Full Design Brief set out a number of key objectives for the design to meet including a high-quality design, creating a cohesive townscape and public realm and providing a mixed use scheme including residential uses, to achieve a minimum of 50% affordable housing. See the RIBA Full Design Brief (**CD 3.1**) for further information.
- 6.11 All five of the design concepts submitted during the RIBA Design Competition included multiple buildings across the Scheme Land in order to best deliver against the objectives. Four of the five concept designs included buildings on the western side of the Scheme Land.
- 6.12 Mr Bannister explains in detail how the Scheme has evolved since the concept design in 2019 at in section 7 of his Proof of Evidence. It was the Hopkins scheme that the Trust "unanimously" agreed was their preferred choice (see letter **LBR5 Appendix 15**) and by doing so fully acknowledged that the Gardens would be built upon, and their new open space would be provided in a different position and layout.
- 6.13 The Scheme layout is substantially the same as it was during the Design Competition stage. However, following in depth discussions with the Environment Agency, the amount of building footprint had to reduce by approximately 33% as the Environment Agency did not consider that the Hopkins concept design in its then form was acceptable in terms of flood management. This had to be carefully balanced with the Trust's requirement that the Scheme provide as much of the Future Designated Open Space as possible above the 1 in 100 year flood zone, with increases for climate change. This limited alternative site layouts unless more of the open space could be delivered at a lower level, which went against the Trust's requirements. Hopkins carefully considered options and came to the conclusion that the layout originally adopted was the most appropriate for the Scheme Land. Further details of the discussions with the Environment Agency and resulting changes can be seen in section 7 of Mr Bannister's Proof of Evidence (**Document LBR2A**).
- 6.14 Throughout the design development phase, the Council engaged key stakeholders, including the Eel Pie Island Association and the Trust. The latter formed a 'design' subgroup of Trustees who had

meetings with the architects and Council to discuss the design and their feedback was incorporated wherever possible. This is further explained in section 11 of this Proof of Evidence and detailed in the documents and correspondence in LBR5. The final Scheme design is in part a reflection of the Trust's requirements and feedback. Some of the features of the design that respond to the Trust's requirements are the following:

- 6.14.1 the maximal amount of public space above the 1 in 100 year flood level with increases for climate change.
 - 6.14.2 the inclusion of pétanque terrain and chess table.
 - 6.14.3 the provision of a storage unit in the gardens, and the provision of space for events at the upper level of the Future Designated Open Space (Map C **CD 4.3C**).
- 6.15 The list of the Trust's minimum requirements as provided to the Design Team, can be seen in **LBR5 Appendix 27**. The dropped height of the eastern side of the Wharf Lane building tapered to the western side was also a decision made, having the impact on the new open space in mind.
- 6.16 The Council also held a period of engagement on the developed design prior to submission of the Planning Application with all residents, the results of which were very positive. 84% of respondents said they would be more likely or just as likely to visit the riverside after the redevelopment (54% more likely, 30% as likely), compared with 12% who said they would be less likely. 73% agreed or strongly agreed that the proposed development achieves the ambitions of a high-quality open space and pedestrianised priority on the river frontage. The full feedback report can be seen in Statement of Community Involvement (**CD 3.13**). Further information on consultation and engagement is set out in section 7 below.

7. **CONSULTATION AND ENGAGEMENT**

- 7.1 The Council puts an emphasis on ensuring residents have a real say over issues that affect them which is true of the future of the Scheme Land.
- 7.2 There has been extensive historic consultation related to the regeneration of Twickenham Riverside; in 2010 there was a 'Barefoot' Consultation followed by a 'Twickenham Conference', 'All in One Survey' and several consultations leading to the adoption of the Twickenham Area Action Plan ("TAAP") in 2013 (**CD 2.5**), which highlighted local desire for the riverfront to be improved. There were also several periods of engagement on the previous designs for the riverside, as referred to in paragraph 5.7 of this Proof of Evidence.
- 7.3 Therefore, when considering how to appoint a design team to develop a scheme for the Scheme Land, the Council chose to undertake a public design competition overseen by the RIBA. The Design Competition was launched in March 2019, receiving 54 initial statements of interest. From these submissions 5 were shortlisted, and the RIBA Full Design Brief was issued to those practices in June 2019 (**CD 3.1**).

- 7.4 In respect of the Scheme, two separate four-week periods of public consultation were held. The first period of consultation took place between 4 September and 2 October 2019 as part of the RIBA Design Competition, where the five shortlisted concept designs were presented. This consultation received 455 responses, of which 93% were local residents. The feedback report from this period of engagement can be seen in **Appendix LBR1B(1)** of this Proof of Evidence.
- 7.5 Residents were asked about positive and negative elements in each of the shortlisted designs. Architect 1 (Hopkins proposal) received the most positive responses at 398, with the key themes being:-
- 7.5.1 *"Ample open/public space"* (118 likes).
 - 7.5.2 *"Design/buildings are sympathetic to the surrounding area"* (101 responses).
 - 7.5.3 *"General comments about design/architecture including visually appealing"* (74 responses).
 - 7.5.4 *"Access to the river/connection/views"* (68 responses).
 - 7.5.5 *"Ample green space/nature"* (65 responses).
 - 7.5.6 *"Buildings not too prominent/overpowering, including too tall/too big/too many"* (58 responses).
- 7.6 During this period a further 300 children and young people were separately consulted providing 1,344 comments. The children came from 4 schools and one youth centre and were aged between 7-15. Again, Hopkins Architects' concept design received the most positive comments at 238 with the key themes being:-
- 7.6.1 *"there are lots of activities for people to do"*.
 - 7.6.2 *"the market"*.
 - 7.6.3 *"the trees/plants/green space"*.
- 7.7 The second period of consultation and engagement was held between 6 January and 3 February 2021 focussing on the design developed by Hopkins prior to submission of the Planning Application. This consultation received 829 responses with over nine in ten respondents identifying themselves as local residents and a good spread of responses from the Twickenham area

and across the Borough. Further details of this engagement period and the outcomes can be found in the Statement of Community Involvement ("SCI") (**CD 3.13**). Highlights include:-

- 7.7.1 73% of the consultation respondents agreed that the Hopkins design achieves the ambition of high-quality open space and pedestrianised priority on the river frontage.
- 7.7.2 84% of respondents said they would be more likely, or just as likely, to visit the riverside after the development.
- 7.7.3 68% of respondents with a disability said they would be more likely or as likely to visit than they do now.
- 7.7.4 Only 21% of respondents confirmed that they used the river for water-based sports or activities monthly.
- 7.7.5 47% said they would be more likely to use the new proposed boat storage and river access.
- 7.8 When asked which aspects of the design they particularly liked, respondents most commonly mentioned the car-free riverside, open space and greenery, views of the river and opening up of the town centre to the river.
- 7.9 A further 310 children and young people were separately consulted as part of this second period of consultation, 142 of which were via responses to a questionnaire and 168 were via live online sessions delivered by Council officers and a ward councillor. Further details of this can be found in the SCI (**CD 3.13**). The Respondents, who were aged between 9 and 18 were asked what they liked and disliked about the Hopkins design, with the most common themes of what they liked being:-
 - 7.9.1 *"events/events area/activities"* (51 responses).
 - 7.9.2 *"design/buildings/looks good/ modern/ modern design"* (32 responses).
 - 7.9.3 *"more open space/ improvements to the open space/ open feel/ Gardens"* (31 responses).
- 7.10 The most common themes of what the children/young people disliked were *"Don't dislike anything/ nothing"* (31 responses) as the most common, followed by *"less parking"* (13 responses) and *"design"* (8 responses).
- 7.11 In addition to the public consultation exercises, the Council established a Local Stakeholder Reference Group as detailed in 5.11 of this Proof of Evidence.
- 7.12 Alongside the Stakeholder Reference Group, the consultation strategy sought to engage adults, children and young people and disability groups.
- 7.13 Throughout the Scheme's design, the Council, its architects and design team engaged with a number of local stakeholders in individual meetings, such as the Trust who were engaged in specific design meetings over the course of design development. The Eel Pie Island Association were also

consulted with and met with the Design Team and transport consultants on a number of occasions regarding the access and servicing arrangements for the island. The following groups were also part of the design development either through individual meetings or presentations and feedback sessions:-

- 7.13.1 Twickenham Riverside Park Team
- 7.13.2 Twickenham Business Improvement District
- 7.13.3 Church Street Traders
- 7.13.4 Owners of the King Street Parade – Eric Twickenham Ltd
- 7.13.5 Organisers of Holly Road Farmers Market – London Farmers Markets
- 7.13.6 Ruils – Have Your Say group – adults with disabilities
- 7.13.7 Habitats and Heritage – regarding the adjacent Victorian Boat House
- 7.13.8 Local Clubs – regarding the new boat storage and pontoon
- 7.13.9 Owners of the Ice Cream van on the Scheme Land

- 7.14 Sections 3.24 to 3.33 of the SCI (**CD 3.13**), submitted with the Planning Application, gives some further information on these discussions. Where possible, design amendments were incorporated into the Scheme as a direct result of community feedback and engagement.
- 7.15 The Scheme has been thoroughly consulted upon, offering residents and stakeholders several opportunities to influence the design.

8. THE MODIFIED ORDER LAND

- 8.1 The Modified Order Land comprises approximately 1.72ha and is made up of a number of land parcels. These include:-
 - 8.1.1 3 retail units and 1 office unit with communal space at first floor, at the northern end of Water Lane and eastern end of King Street (owned by the Council but currently held subject to leases).
 - 8.1.2 A car park associated with the King Street units, closed to the public in 2018 and owned by the Council.
 - 8.1.3 An area of derelict and disused land and buildings to the east of the Gardens (formerly part of the Lido, owned by the Council and not publicly accessible)
 - 8.1.4 An open air substation (held subject to a lease with UKPN)

- 8.1.5 Parts of the Embankment, all of which were unregistered at the time the Order was made.
- 8.1.6 Part of the Gardens designated as public open space (subject to a 125 year lease granted by the Council to the Trust in 2014)
- 8.1.7 Surrounding properties on Water Lane, Wharf Lane and King Street (rights to oversail cranes for the purpose of constructing the Scheme).
- 8.2 The existing retail units (the freehold of which is owned by the Council but currently held subject to leases) are two storeys in height, brick built and date from the 1950s and 1960s and are considered to be of limited architectural merit. Two of the units are occupied under short flexible leases negotiated by the Council, and two remain vacant with the ground floor unit having been vacated by the tenant in January 2022. The car park to the rear of the retail buildings has been closed to the public since 2018 after the ground was broken, and is largely fenced off due to vegetation growth and health and safety concerns.
- 8.3 To the west and southwest of the car park is an area of derelict and disused land housing buildings formerly part of the Lido. This is described in detail in paragraph 4.4 of this Proof of Evidence. The land and buildings are owned by the Council, hoarded off and not publicly accessible. Adjacent to the car park and Derelict Areas⁵ is an open-air substation, on land owned by the Council but leased to UKPN.
- 8.4 On the southern border is the Embankment, parts of which (plots 58, 62 and 69 shown on **CD 4.2A** the Proposed Modifications CPO Plan) are included within the Modified Order as the northern part of the Embankment was unregistered at the time the Order was made. Whilst the Council has been successful in registering most of this land within its title, an area of unregistered land remains within the Order to ensure that any third interests are removed. The Embankment is designated highway accommodating numerous parking spaces, maintained and used by the Council. This land needs to be brought within the Council's ownership to ensure that a comprehensive regeneration can be delivered and to consolidate the title to the Scheme Land needed for the Scheme.
- 8.5 Bringing the unregistered land into the Council's ownership is essential for ensuring that the Events Space can form part of both the Future Designated Open Space and the Future Functioning Open Space, which will in turn ensure that the associated public benefits of the space are delivered. It also allows the Council to deliver the Wharf Lane building, which contains the following uses: restaurant, office/commercial, residential, public toilets and the associated boat house and flood defence wall which is critical to the flood protection for the area. The further need for the redevelopment of the Modified Order Land is set out in section 9 of this Proof of Evidence.

⁵ New definition for Derelict Areas included in the Glossary at the end of this Proof of Evidence.

- 8.6 The surrounding properties on Water Lane, Wharf Lane and King Street are included as rights to oversail cranes for the purposes of constructing the Scheme are sought. These properties are shown as blue on **CD 4.2A** the Proposed Modifications CPO Plan.
- 8.7 The Order Land includes open space within the meaning of section 19(4) of the Acquisition of Land Act 1981 ("1981 Act"). The areas of open space over which powers of compulsory acquisition are included in the Modified Order are identified on the Revised Open Space Plan (**CD 4.2B**) and comprise of acquisition of part of the Gardens totalling 1335.6sqm under section 19(1)(a) of the 1981 Act. This area is shown shaded red and numbered 76, 86 and 2 on the Revised Open Space Plan (**CD 4.2B**).
- 8.8 Acquisition of part of the pedestrian walkway and associated planting under section 19(1)(a). This area is shown shaded red and numbered 64 on the Revised Open Space Plan.
- 8.9 Acquisition of part of the Gardens totalling 1428.17sqm under section 19(1)(aa). This area is shown shaded orange and numbered 63 on the Revised Open Space Plan.

The Gardens

- 8.10 The western area of the Modified Order Land is largely covered by the Existing Designated Open Space, in part leased to the Trust. The Gardens are described in section 4 of this Proof of Evidence and shown on Map M (**Appendix LBR1B(5)**).
- 8.11 In 2014, the Council's Cabinet approved the designation of the Gardens as public open space under section 122 of the Local Government Act 1972 and the Council granted a lease to the Trust for the term of 125 years in May 2014. This land is therefore included in the Modified Order Land to acquire the interest of the Trust, following extensive unsuccessful attempts to agree the Future Trust Lease/Licence Area⁶.
- 8.12 In summary, the Council considers that the redevelopment of the Scheme Land and the surrounding area requires all of the plots identified within the Modified Order Land to be acquired in order to achieve the comprehensive and cohesive development envisaged.

9. THE NEED FOR REDEVELOPMENT AND PUBLIC BENEFIT

- 9.1 The purpose of seeking to acquire the land and rights compulsorily is to facilitate the comprehensive redevelopment of the Modified Order Land, and to enable the Scheme to go ahead and deliver a wide range of benefits. This section provides an overview of the need for redevelopment then considers the economic, social and environmental benefits of the Scheme and the Social and Additional Value Assessment commissioned by the Council (**CD 4.5**). This section also highlights the need and benefit of the Wharf Lane building.

⁶ Please see new definition for "Future Trust Licence/Lease Area" at the Glossary at the end of this Proof of Evidence. The new definition replaces the definition "Future Trust Management Area".

Overview

- 9.2 Regenerating Twickenham Riverside is a priority for the Council. The Scheme Land should be a flourishing centre for Twickenham and the local area but instead the riverside area has been subject to a long and contentious history. Over the nearly 40-year history since the closure of the public swimming pool, there have been a number of proposals brought forward, but none have fully matched the ambitions of the Council and desires of the local community, encompassing the whole of the riverside for a comprehensive regeneration. The Council considers that the Scheme would fulfil those ambitions and deliver improvements to this area and the wider Borough with the potential to create a destination for all to enjoy.
- 9.3 I consider there to be a compelling case in the public interest for the making of the Modified Order. The Council has a clear vision and plan for the use of the Modified Order Land and the principle of the Scheme is supported by planning policy at both a national and local level. It is not considered that there are any planning or other impediments (see section 14 of this Proof of Evidence) to the implementation of the Scheme, as Planning Permission was granted in December 2022 (**CD 3.40**) and the capital budget required to deliver the Scheme was approved by the Council's Finance, Policy and Resources Committee in January 2023 (**CD 1.11**). The Council considers that the Scheme will make a significant contribution to the promotion and achievement of the economic, social and environmental wellbeing of the area.

Economic benefits

Attract investment

- 9.4 Providing additional housing in the area with a range of tenures as well as increased retail and commercial space for offices, will widen the economic base of the area and potentially attract inward investment and enhanced spending in the local economy. Furthermore, delivering a high-quality, well-designed scheme with large amounts of public open space and an active river frontage will increase footfall to the area. This is supported by the feedback received during the second consultation that confirmed that 84% of people who responded said they would be more likely or as likely to visit the riverside after the development has taken place, with a further 68% of respondents with a disability more likely or as likely to visit than they do now.

Delivery of modern retail accommodation and increased number of commercial units

- 9.5 Twickenham is a main district centre in the Borough and the delivery of modern retail accommodation and commercial space delivers against the Council's policy LP 25 'Development in Centres' and LP 26 – retail frontage. The TAAP notes that key issues for retail in Twickenham include, extending the successful Church Street format (small scale, specialist shops) and providing a more attractive and varied retail offer including permanent or temporary markets. The Scheme aims to deliver upon both these objectives providing small scale (although also flexible) retail units from the main high street leading down to the river (Water Lane), as well as delivering an Events Space and widening

of Water Lane to allow frequent market events to take place. There would be additional new retail units, a new pub/restaurant, replacement café and office space.

Maintenance of existing local employment through the re-provision of retail uses

- 9.6 The Scheme would re-provide the existing retail and office space. As part of the Scheme there would be one commercial unit, and five retail units and a kiosk as well as a café and pub/restaurant which will provide employment opportunities for local people. There would also be employment opportunities to be explored as part of the construction process through apprenticeships and delivery of social value, including full time employment, work placements, apprenticeships, general training and employment of individuals not engaged in education, employment or training/rehabilitating or ex-offenders. The value of these employment opportunities to be secured as part of the construction contract are set out in the Social and Additional Value Report (**CD 4.5**).

Social benefits

Bringing additional, good quality housing to the area

- 9.7 The TAAP notes that key issues for residential uses in Twickenham include new residential development contributing to the regeneration of the centre and a need for family housing on suitable sites in the centre. The Scheme Land sits just south of the town centre and so the residential development within the Scheme Land would contribute to housing required in the Borough by policies LP34 of the Council's Local Plan and the London Plan. Policy LP34 commits the Council to provide at least 3,150 net additional homes for the period 2015-2025 and identifies the development of sites such as Twickenham Riverside as being one of the opportunity sites where some of the required units could be delivered. Twickenham itself must deliver 1000-1050 net additional homes with limited sites within which to deliver these.
- 9.8 The Scheme would deliver 45 additional housing units within Twickenham and within the Borough delivering over 50% affordable housing when using a habitable room basis, with 81% affordable rent and 19% intermediate. Therefore, a number of homes would be allocated to under-occupying social tenants in order to release larger homes, a number would be allocated to those who are in temporary accommodation and a number allocated to those who are in the rough sleeping queue.

The provision of good quality housing on land that is partly derelict and unused, and in any event without detriment to open space

- 9.9 The eastern area of the Scheme would focus on the replacement of the existing two storey retail frontage as well as a number of derelict pool buildings which sit within fenced compounds and lack any legible relationship to their surroundings. The replacement building would include an increased amount of retail frontage at the ground floor, with a further three storeys of high-quality apartments reinforcing the quality of the existing street frontages onto King Street whilst extending these frontages down Water Lane, where currently there is a brick wall leading to a car park. This would create an important link between the high street and the river, drawing people down and into the

Scheme Land. The Scheme Land would also incorporate private balconies and a significant amount of public open space. Increased play space would also be provided as part of the Scheme in line with the Greater London Authority ('GLA') requirements as specified in Local Plan policy LP 31.

Improvements to the public realm

- 9.10 The TAAP notes key issues for the environment in Twickenham which include; the need to make more of the river, which is currently quite hidden, poor quality in some of the public areas and the lack of an events space, the need for a cohesive street scene that connected different features and key sites of the town, more attractive shop fronts and consistent design and the need for landscaping improvements to take opportunity to provide green infrastructure and soft landscaping where possible. It specifically notes Twickenham Riverside as one of five opportunity areas identified in the vision, with the aim to enhance the public park and public spaces on the Embankment, making the most of the unique waterfront and strengthening the retail offer on the corner of King Street.
- 9.11 The lack of accessibility and the poor-quality of the existing open space/public realm means that it is often a quiet and dark area attracting anti-social behaviour, criminal damage, drug related issues and there have been break ins in the derelict buildings which are fenced off. The Scheme would open up the public space so that it can be accessed from all sides and opens out onto the Embankment and the river. The widening of Water Lane would mean that the river, and footbridge to Eel Pie Island would be seen from the high street, thereby making more of the river connection. The Scheme would provide the Events Space in the centre of the Embankment which would be set up for hosting events such as markets, outdoor cinemas amongst others. The cohesive architecture across the Scheme is exemplified in the two buildings which bookend the 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 deemed to be sympathetic to the local area. The landscaping improvements are the most dramatic contribution to the Scheme. The proposal would provide 4,387sqm of Future Designated Open Space, as part of the wider improvements to public realm, redeveloping existing Derelict Areas⁷. See Map D (**CD 4.3D**).
- 9.12 Furthermore, the Gardens would be re-provided within the Scheme as central public open space for the public to enjoy. These new gardens would have views out over the river and provide terracing, events space, an improved and larger children's play area, as well as pétanque terrain and terraced seating. The development of the Scheme Land as a whole, the layout of the buildings but also an increase in lighting in the area, would help address existing concerns about antisocial behaviour. This would also benefit some of the existing members of the local sports clubs, including children and young people, who have noted concerns about the lack of lighting and perceived lack of safety

⁷ See new definition for "Derelict Areas" in the Glossary at the end of this Proof of Evidence.

of the existing open space along the riverside after dark. This should in turn create more activity in the area which will help with natural surveillance and reduce the risk of antisocial behaviour.

The provision of a café and restaurant/pub

- 9.13 A further objective of the Scheme is to take advantage of the unique riverside setting and provide employment opportunities. The delivery of a pub/restaurant in the south west corner of the Scheme Land would meet these objectives whilst providing a destination for those walking/cycling along the Thames Path as well as much needed accessible public toilets on the ground floor of the Wharf Lane building. A café would also be provided on the ground floor of the southern section of the Water Lane building overlooking the gardens and river providing refreshments for all using the open space.

Reducing the impact of motorised vehicles on the Embankment

- 9.14 The TAAP lists a key priority as the reduction of the impact of motorised traffic, improvement of parking and public transport arrangements including the use of the river and the pedestrian environment. A key output for the Scheme is to reduce motorised traffic from the Embankment and prioritise people over cars. This has been balanced with the reprioritisation of the remaining and existing car parking spaces to the east of the Scheme Land, so as not to disadvantage the residents of Eel Pie Island, as well as providing adequate servicing and loading space, to ensure that the island continues to thrive as a place of employment and not affect the historic boat yard.
- 9.15 Removing parking from the Embankment would allow the Scheme to provide high quality public open space, creating pedestrian priority areas and introducing soft and hard landscaping to enable the Embankment to be a place of relaxation whilst also providing the Events Space.
- 9.16 Cycling would be encouraged for all through the inclusion of accessible, secure and covered storage for residents and commercial users. Cycle users who live within the development would have dedicated cycle stores. The Scheme Land would act as a destination point for pedestrians and cyclists using the Thames Tow Path and cycle routes along the riverfront.

Improve access and opportunity for activities

- 9.17 The Scheme would repair the existing slipway and provide a new pontoon, both of which would allow greater access to the river for river-based activities. There would also be storage for river craft such as paddleboats and kayaks.
- 9.18 The Scheme would also re-provide the pétanque terrain, provides a chess table and the open space in general provides the opportunity for a number of outdoor classes and personal fitness.
- 9.19 Giving priority to pedestrians and cyclists through part closure of the Embankment and increased cycle parking encourages greater physical activity and promotes more sustainable modes of transport to the Scheme Land. This would all help create activity around the riverside which would

have a number of benefits, including health and mental health, education, employment, and creating a sense of place and community.

- 9.20 This is supported by feedback from the second consultation which shows that 21% of respondents who currently use the river for water-based sports increases to 47% who would be likely to use the additional boat storage and river access in the proposed scheme. This is further supported by engagement undertaken with 310 children and young people who listed events/events area/activities as the thing they liked most about the scheme, followed by 'design/buildings/modern architecture'.

Provision of public toilets

- 9.21 The Scheme Land currently has restricted access to two public toilets as part of the Café building and so improved access to a greater number of high-quality public toilets would help make the space more accessible and inclusive. It is particularly important for older people who may otherwise be reluctant to use the space and therefore helps avoid problems arising from isolation.

Environmental benefits

Removing aged and poorly designed existing buildings and replacing them with new dwellings and buildings that meet modern standards:-

- 9.22 The Scheme Land is home to Derelict Areas including a building which was previously the public toilets. These buildings are no longer accessible and have been hoarded off due to anti-social behaviour. The new residential accommodation is designed in line with the London Plan Housing SPG standards, for example, private amenity space is proposed for apartments in the form of balconies or roof terraces. The new retail units and commercial units would be designed to a high standard and the overall Scheme will achieve BREEAM rating Excellent, which is the policy requirement in the London Borough of Richmond upon Thames. The Scheme has been designed to minimise energy use and reduce local pollution by using air source heat pumps to provide heat and photovoltaic panels to provide some of the electrical power to the development.

Enhancing local biodiversity

- 9.23 There is currently a real lack of accessible green spaces on the Scheme Land, with the most biodiverse area being an area of self-seeded trees hidden behind hoarding, inaccessible and unsuitable for growing to full maturity. The landscape is being designed to enhance local biodiversity as well as provide an attractive place for people to relax and enjoy the riverside location. The Scheme aims to increase biodiversity through extending existing green corridors following the river, by creating continuity for species that rely on vegetation and tree canopies. New street trees would be planted along the access laneways, establishing continuous green chains for pollinators and birds. The biodiverse planting palette seeks to provide invertebrate and bird species with opportunities which would include, nesting opportunities, foraging and cover (particularly when mature), with herbaceous and perennial borders that attract pollinators and aquatic plants within raingardens. Berry producing trees are proposed where appropriate to encourage bats and support birds. Bats

would also benefit with the increased invertebrates using the area along the river and on site, with bird and bat boxes and invertebrate hotels also provided.

- 9.24 The lighting plan would aim to limit the light spill, particularly onto the river Thames but also other boundary features, so as not to deter nocturnal species, for example bats, utilising the Scheme Land and the stretch of River Thames along the Scheme Land for both foraging and commuting to further local areas.

Provide new high-quality housing in a sustainable town centre location and on a brownfield site

- 9.25 The National Planning Policy Framework ("NPPF") requires substantial weight to be given to the value of using suitable brownfield sites for homes and other identified needs, and states that Local Planning Authorities should take a proactive role in helping to bring forward land that may be suitable for meeting development needs, including suitable sites on the Brownfield Land Register or held in public ownership, using the full range of powers available to them. At the point of submitting the Planning Application in August 2021, the entirety of the Scheme Land was included on the Brownfield Land Register, as allocated in the Local Plan. This included the whole of the Twickenham Riverside (Former Pool Site) and south of King Street Site TW7 in the adopted TAAP as well as the Gardens.
- 9.26 However, subject to further scrutiny and objections from the Trust made against the Planning Application, the Local Planning Authority ("LPA") have re-considered the extent of land defined as brownfield and reduced the area. The LPA concludes in the Planning Committee Report on the Planning Application that *"there is no doubt the Scheme Land, as a swimming pool with associated buildings and 1, 1a and 1b King Street (with associated car park) was a brownfield site."* However, following later consents for the provision of hard and soft landscaping at the Gardens, there has been a change in circumstance and the Gardens themselves should not be designated as brownfield land. The LPA identifies a large part of the Scheme Land which officers determined should still be defined as brownfield land, which includes the three existing retail units on King Street and associated car park, as well as the derelict buildings which are hoarded off and no longer used but previously formed part of the swimming pool complex.
- 9.27 Despite the de-registration of part of the Scheme Land as brownfield land, by removing the existing open space from the register, the Scheme Land still includes strategic brownfield land within the Borough and the London Plan seeks to optimise development on brownfield sites to meet housing targets. The Water Lane building would deliver 21 affordable units to be built on brownfield land, whereas the Wharf Lane building would deliver 24 private units on the open space. The utilisation of both brownfield and non-brownfield land parcels within the Scheme Land ensures that the design is highly sustainable by providing open space of improved quality and size, as well as meeting the Borough's housing needs in a location identified for the delivery a mixed use scheme. The Scheme was previously awarded approximately £600,000 from the Brownfield Site Release Fund to enable the delivery of housing however, given the change in brownfield status of part of the Scheme Land, the final amount of funding is the subject of ongoing discussions with the funders. If the amount of

funding is reduced or lost altogether, the Council resolved at its meeting in January 2023 that it would meet any related shortfall.

Addressing current and future flood risks

- 9.28 The Scheme has been designed in line with the fluvial 100 year + 35% climate change level and the TE 2100 tidal flood level and improves on the current flood storage and rainwater management capacity within the Scheme Land boundary whilst also achieving a strengthened connection between the Scheme Land and river.
- 9.29 As noted in paragraphs 8.40 and 9.13 of the Statement of Case, the Existing Designated Open Space provides 2,652sqm within flood zone 1, (less than 1 in 100 annual probability of flooding), compared to the Future Designated Open Space which provides 3,107sqm. This is an increase of 455sqm. The Existing Designated Open Space provides 466sqm within flood zone 2, (between a 1 in 100 and 1 in 1000 annual probability of flooding), compared to the Future Designated Open Space which provides 584sqm, this is an increase of 118sqm. The Existing Designated Open Space provides 1,327sqm within flood zone 3 (1 in 100 or greater annual probability of flooding) compared to the Future Designated Open Space which provides 2,314sqm, this is an increase of 987sqm. Please also refer to section 10 in Mr Bannister's Proof of Evidence which addresses flooding.

Reduction in car parking

- 9.30 As envisioned within the TAAP (**CD 2.5**), the Scheme proposes to remove the dominance of car parking on the riverside. This, alongside increased cycle provision, would encourage sustainable means of transport to the Scheme Land. A reduction in vehicle movements would help improve air quality.

Social and Additional Value Assessment

- 9.31 The Council also commissioned a Social and Additional Value Assessment (**CD 4.5**) to look at the benefits delivered by the scheme over a 30-year period. Picking up a number of the points above the assessment looked at the below themes and explained a number of the benefits under these.
 - 9.31.1 Economic
 - 9.31.2 Financial
 - 9.31.3 Housing
 - 9.31.4 Social
 - 9.31.5 Environmental
 - 9.31.6 Health and wellbeing
 - 9.31.7 Consequential outcomes

9.32 The assessment used government approved and nationally recognised frameworks. It was estimated that over 30 years, the regeneration of the Scheme Land would generate over £20m in measurable local impacts. There are also a number of benefits that could not be quantified, for example the increase in footfall the regeneration will bring. Whilst 30 years was chosen for the purposes of this assessments the benefits of the Scheme would not end after a 30-year period and it is expected that social value would be felt long after that. Please see **CD 4.5** for further information.

Need for the Wharf Lane Building

9.33 Given comments made about the Wharf Lane building by the Trust it is important to highlight its importance for the Scheme and the benefit it brings. The Wharf Lane building is located at the western end of the Scheme Land and is explained in paragraph 6.6 of my Proof of Evidence. It is also addressed in section 7 of Mr Bannister's Proof of Evidence. The Wharf Lane building itself would deliver a number of benefits:-

- 9.33.1 It would provide 24 residential units to deliver against the Council's housing targets as set out in the Local Plan (LP34) (**CD 2.4**). The Council has a target of delivering 1000-1050 homes in Twickenham over the Local Plan period 2015-2025. As set out in the Planning Committee Report (**CD 3.37**), the introduction of 45 residential units on the highly accessible town centre location is welcomed, which will contribute to the vitality of the centre, assist the Borough in meeting housing need, making more intensive use of the Scheme Land, as sought by policy. The Council also faces significant challenges in delivering housing in the Borough with more than two thirds of the Borough being protected by Open Land of Conservation designations. Land availability for residential development is further restricted by high existing land use values. As Council owned land suitable for housing, and one of only a few sites within the Borough which is, the Council considers it has a responsibility to deliver an appropriate amount of housing on the Scheme Land;
- 9.33.2 Flexible office units on the ground floor would replace and improve the existing commercial use, required by planning policy, the Twickenham Area Action Plan ("**TAAP**") (**CD 2.5**) and the RIBA Full Design Brief for the Scheme (**CD 3.1**). The proposed office provision which results in a net uplift on site meets the objectives of policy LP41 which seeks to retain existing office floorspace and promote new floorspace in the Borough's town centres. This commercial space together with the retail and housing offering, could not all be accommodated within the Water Lane building area as the footprint is too small.
- 9.33.3 The building would also provide a food and beverage use acting as a destination point for people walking along the river Thames Path instead of the existing blank wall at the end of the path. The commercial appeal and requirement for these uses in Twickenham is supported by an independent report completed by Avison Young – commercial property agents, (see **CD 4.4**).

- 9.33.4 The existing open space is not well located and suffers from a lack of natural surveillance. In the new proposals the buildings activate the open space by placing it centrally to the surrounding activity. This gives more natural surveillance from the surrounding buildings, meaning it should be and feel safer, and there would also be far greater passing footfall.
- 9.33.5 The design principle to have a building on the western side of the Scheme Land is also important architecturally and remains in line with the Hopkins concept design. Of the five shortlisted concept designs within the design competition, four showed a built footprint on the western side of the Scheme Land, as this location is the most appropriate for creating a destination building, given the existing blank brick wall and sizeable distance between Thames Eyot and the existing Gardens.
- 9.33.6 The built footprint on the western side of the Scheme Land also allows for the provision of the kayak/paddle board storage and changing space close to the water opposite the new pontoon, activating the river front.

Conclusion

- 9.34 I consider that this Scheme would uniquely deliver a wide range of economic, social and environmental benefits to the public which fully justify the need for the redevelopment. The Wharf Lane building plays an important part of delivering benefits. The purpose therefore of seeking to acquire the land and rights compulsorily is to facilitate the comprehensive redevelopment of the Scheme Land, and to enable the Scheme to go ahead and deliver a wide range of benefits.

10. SPECIAL CONSIDERATIONS AND SPECIAL CATEGORY LAND

- 10.1 The Order Land includes land interests owned by statutory undertakers, as described in the Schedule to the Order. Only UKPN owns an occupational interest within the parts of the Order Land on which the Scheme will be built – the sub-station within Plot 50, and which is to be re-located as part of the Scheme. On 6 February 2023 UKPN submitted a consultation response to the new proposed Stopping Up Order, (as detailed in section 7 above), confirming: *"We do have cables in the area to be stopped up, but providing my company's usual statutory rights of protection are incorporated within the order, then there are no objections to the proposal."* UKPN's most recent response to the new Stopping Up Order confirms the Council's view that acquisition of its interest does not present any impediment to the Scheme.
- 10.2 Other occupational interests of statutory undertakers are within the land over which crane oversail rights are sought, the implementation of which will not affect the statutory undertaker's operations. Separately, various utility assets have been identified that are within and may be impacted by the Scheme, and which will as necessary be retained, diverted or replaced as part of the Scheme.
- 10.3 There are no listed buildings or consecrated land within the Modified Order Land.
- 10.4 The Modified Order Land includes open space within the meaning of section 19(4) of the 1981 Act.

Open space maps

- 10.5 As part of this proof of evidence and in direct response to interested parties' requests for clarity on the terms used to describe the open space, (as it currently exists and how it would appear in the Scheme), the Council has prepared the following plans:-
- 10.5.1 **Map A Existing Designated Open Space (CD 4.3A)** - this shows the existing Scheme Land that is used for public recreation, within the meaning of section 19(4) of the Acquisition of Land Act 1981, as shown coloured green and measuring 3,370sqm. On a precautionary basis this includes the Sunshine Café and its associated outdoor seating space, which is shown outline in red on Map A.
- 10.5.2 **Map B Existing Functioning Open Space (CD 4.3B)** – this shows the Existing Designated Open Space together with existing highway within the existing Scheme Land which functions as open space but does not fall within the definition of section 19(4) Acquisition of Land Act 1981, as shown on coloured green and light green (respectively) and measuring 4,445 sqm.
- 10.5.3 **Map C Future Designated Open Space (CD 4.3C)** – this shows the future designated open space within the Scheme, within the meaning of section (19)(4) of the Acquisition of Land Act 1981 as shown coloured green and measuring 4,387 sqm.
- 10.5.4 **Map D Future Functioning Open Space (CD 4.3D)** – this shows the Future Designated Open Space together with the highway proposed within the Scheme which will function as open space but does not fall within the definition of section 19(4) Acquisition of Land Act 1981, as shown coloured green and light green (respectively) and measuring 6,005 sqm.
- 10.5.5 **Map E (CD 4.3E)** shows the Scheme Land.
- 10.5.6 **Map F (CD 4.3F)** shows the Lost Open Space, the Exchange Land and the Retained Open Space as they appear on the Modified Order Land.
- 10.5.7 **Map G (CD 4.3G)** shows the flooding contours for the Existing Functioning Open Space as shown on Map B.
- 10.5.8 **Map H (CD 4.3H)** shows the flooding contours for the Future Functioning Open Space as shown on Map D.
- 10.5.9 **Map I (CD 4.3I)** shows the existing adopted highway.
- 10.5.10 **Map J (CD 4.3J)** shows the revised adopted highway as proposed in the Stopping Up Order.

- 10.5.11 **Map K (CD 4.3K)** shows the Trust's Existing Lease Area overlaid on the Existing Functioning Open Space (Map B).
 - 10.5.12 **Map L (CD 4.3L)** shows the Future Trust Lease/Licence Area overlaid on the Future Functioning Open Space (Map D).
 - 10.5.13 **Map M (Appendix LBR1B(5))** shows the Existing Diamond Jubilee Gardens area and footprint of the sunshine café (Map M).
 - 10.5.14 **Map N (Appendix LBR1B(6))** shows the Future Functioning Open Space broken down into areas (Map N).
 - 10.5.15 **Map O (Appendix LBR1B(7))** shows the existing flood zones on the Scheme Land (Map O).
 - 10.5.16 **Map P (Appendix LBR1B(8))** shows the Future Flood Zones⁸ on the Scheme Land (Map P).
- 10.6 These plans are also used as an aide to understand the wider context of the Exchange Land and the assessment of *"equal advantage"* in accordance with section 19(1)(a) of the ALA 1981.

Description of the Existing Designated Open Space

- 10.7 There are two areas of Existing Designated Open Space as shown on Map A (**CD 4.3A**). The first, and larger area of the two is the Gardens, with a second smaller and disconnected area to the east. The Gardens were opened on 24 June 2012, after being enhanced over a series of years by filling in the old lido pool structure that previously occupied part of the Modified Order Land and replacing the demolished buildings with hard and soft landscaping. The Gardens contain two artificial grass areas at their centre, located between two parallel hedges of approximately 2 metres in height. At one end of the Gardens is a fenced play area containing a number of pieces of play equipment surrounded by an area of hardstanding and circulation space, and at the other end is a large, paved area used for events. Adjacent to this there is a gravelled area for playing pétanque and a small café to the south, with a sandpit to the north.
- 10.8 On the northern side of the Gardens there are a series of large trees that, along with a metal fence, form the boundary with the service road to the rear of the King Street properties. To the southwest the Gardens are separated from Wharf Lane by an unattractive retaining wall consisting of concrete blocks alternating with string courses of brickwork and topped by a metal fence. The brick retaining wall runs along the full length of the southern boundary of the Gardens, separating the Gardens from the Embankment, and forms part of the flood defence and along with areas of soft landscaping.

⁸ See new definition for "Future Flood Zones" in the Glossary at the end of this Proof of Evidence

- 10.9 On the eastern boundary the Gardens is painted timber hoarding separating the Gardens from an area of scrub land with self-seeded trees, a number of redundant structures and a vacant car park that backs onto Water Lane.
- 10.10 The main entrance to the Gardens is located in the north-western corner at the junction between Wharf Lane and the service road that runs behind the King Street Buildings. This entrance is gated allowing the Gardens to be closed off out of hours. There is another entrance from the Embankment but this requires two flights of stairs to be negotiated so is not suitable for people arriving with a buggy or wheelchair, or with any sort of mobility concern. A vehicular service gate that is normally locked is located at the end of the service road. Anybody approaching the Gardens from the Water Lane end of the Scheme Land currently has to travel the length of the Embankment and negotiate the steps or walk up Wharf Lane and go in through the main entrance.
- 10.11 Whilst the Gardens do currently look out over the river and the Embankment, they are separated from it by a significant change in level created by the large retaining wall with railings and a long linear stretch of car parking that sits at Embankment level. Whilst there are some small gaps between the cars to allow people to access the Embankment, these are not wide enough to interrupt the view of a continuous line of cars when looking along the river, creating a visual, safety and a psychological barrier between the river and the Gardens.
- 10.12 In addition to the Gardens, a second additional area of 126sqm of Existing Designated Open Space is located to the east of the Gardens as shown on Map A (**CD 4.3A**). This is an area of hardstanding with benches for looking out to river, backed onto an unused building and is completely disconnected from the Gardens and is only accessible via a number of steps.

Open space and the requirements of the ALA 1981

- 10.13 Section 19 of the ALA 1981 requires that where an Order includes open space it must be subject to Special Parliamentary Procedures ("SPP") unless a certificate is obtained from the Secretary of State. Section 28 and paragraph 6 of Schedule 3 of the ALA 1981 also requires the compulsory acquisition of any new rights over open space to be subject to SPP unless a certificate is obtained from the Secretary of State. The Council has through the Section 19 Application sought a certificate under section 19(1)(a), 19(1)(aa) and paragraph 6(1)(a) of Schedule 3 to the 1981 Act, from the Secretary of State, in respect of the existing open space within the Order.

Areas of open space within the Unmodified Order Land

- 10.14 Following submission of the Unmodified Order and original section 19 Application and in accordance with good practice, the Council has continued to review the areas of land required to deliver the Scheme and made efforts to minimise the land proposed for compulsory acquisition.
- 10.15 The Council's review has resulted in the open space plots listed below being proposed to be removed from the Order. All of the requested exclusions below are shown hatched on the Revised Open Space Plan which is included as **CD 4.2B**.

Descriptions of open space within the Modified Order Land

Lost Open Space (Section 19(1)(a)) (shown shaded red and hatched on the Revised Open Space Plan and Map F)

- 10.15.1 Plot 59 (21.89sqm) is identified as Lost Open Space however, this area is both owned by the Council and will remain as open space in the Scheme. As such, compulsory acquisition powers over this plot are not required.
- 10.15.2 Plot 85 (30.94sqm) was previously identified as Lost Open Space but is currently existing highway and will remain as such in the Scheme. As explained in further detail below, the Council accepts that any land which functions as highway land is not consistent with use as open space and that principle therefore applies to Plot 85, hence its proposed removal from the Lost Open Space calculations.
- 10.15.3 As a result of the proposed changes, the amount of Lost Open Space reduces from 1,357sqm to 1,336sqm. The reason that the reduction is not the total of the combined plot areas for Plots 59 and 85, (i.e. circa 52sqm) is because it appears that Plot 85, although listed as Lost Open Space in the original section 19 Application, was not included in the calculation of the lost space area – hence in real terms the reduction is limited to the plot area of Plot 59.

Retained Open Space section 19(1)(aa) (shown shaded orange and hatched on the Revised Open Space Plan and Map F)

- 10.15.4 As detailed in section 5 of the Statement of Case, Plots 48 (125.23sqm), 60 (306,25sqm) and 87 (150.82sqm) were identified in the Unmodified Order as Retained Open Space which required acquisition by the Acquiring Authority. It has since been established that each of these plots were owned prior to the making of the Unmodified Order and will be Retained Open Space within the Scheme. On this basis, these plots are proposed for exclusion from the Modified Order.
- 10.15.5 As a result of the proposed changes, the amount of Retained Open Space included in the Modified Order would reduce from 2,010 sqm to 1,428sqm and involve the compulsory acquisition of Plot 63 only. However, the Scheme will still ultimately deliver 2,010sqm of retained open space it is simply that compulsory purchase powers over Plot 63 are not required as it is already owned by the Council.

Exchange Land (shown shaded green and hatched on the Revised Open Space Plan and Map F)

- 10.15.6 The Proposed Modifications mean that Plots 62a and 26 would be excluded. The reasoning for excluding these plots is identical, in that both are existing highway and will remain as such in the Scheme. A number of objections to the Unmodified Order and the

original section 19 Application have highlighted that it is not appropriate to include within the Exchange Land calculations, areas which will also function as highway. The Council accepts this position and is requesting modifications to exclude the relevant plots from the proposed Exchange Land. As a result of the proposed changes, the Exchange Land would reduce from 1,919sqm to 1,815sqm.

10.15.7 The Council has also identified that Plot 24 (2.50sqm) and Plot 47 (122.77sqm) were at the time the Unmodified Order was made, already within its ownership. On this basis, Plot 24 and Plot 47 should be deleted from Tables 1 and 2 in Schedule 2 (Exchange Land to be Purchased and Vested) and instead listed in Table 1 in Schedule 3 (Exchange Land to be Vested).

Effect of the Proposed Modifications on the section 19 Application

10.15.8 The Proposed Modifications have the following effects:-

- (a) The amount of Lost Open Space reduces from 1,388sqm to 1,336sqm.
- (b) The amount of Retained Open Space that requires acquisition under the Order reduces from 2,010 sqm to 1,428sqm – noting that the Scheme will still deliver 2,010sqm of retained open space.
- (c) The amount of Exchange Land reduces from 1,919sqm to 1,815sqm, but still amounts to a 36% increase in area compared to the open space lost to the Scheme.

10.15.9 In all other respects the Council's case in support of the grant of the section 19 Certificate remains as set out in the original submission made on 4 November 2021. In other words, despite the Proposed Modifications, the Exchange Land is more than equal in area to the Lost Open Space and is also more than equally advantageous to the Existing Designated Open Space.

10.16 The Proposed Modifications and the Revised Open Space Plan were issued to all interested parties on 10 March 2023. Since issuing the Proposed Modifications and the Revised Open Space Plan, some of the responses to those have resulted in the need to make the following clarifications:-

10.16.1 On page 2 of the 10 March 2023 covering letter to the Proposed Modifications, reference is made to lost open space plots being shown "shaded orange" and "cross hatched" on the Revised Open Space Plan. This should instead have stated that the lost open space plots (proposed for exclusion) were shaded "red" and "hatched" on the Revised Open Space Plan.

10.16.2 All plots shown as excluded from the Unmodified Order Land are "hatched" on the Proposed Modifications CPO Plan and the Revised Open Space Plan and not "cross-hatched" as referred to in the covering letter.

10.16.3 Whilst the letter correctly identified that the Proposed Modifications would result in a reduction in the area of open space that needed to be acquired and maintained as open space within the Scheme, from 2,010sqm to 1,428sqm, it may not have been clear from the letter that even though the amount of land that needed to be acquired under the CPO was reduced, the retained open space within the Scheme would still remain at 2,010sqm.

10.16.4 The total area of Future Designated Open Space is larger than previously stated. The Future Designated Open Space measures 4,387sqm as shown on Map C (**CD 4.3C**).

10.17 The purpose for which the land and rights are required and the land that will be re-provided is described below. Please note that the descriptions below relate to the Modified Order Land and as shown on the Revised Open Space Plan (**CD 4.2B**).

Areas of open space to be lost to the Scheme

10.18 The Gardens are on part of the former lido site built on what was the swimming pool and are designated open space. The Existing Trust Lease Area is within the Gardens and measures 2,510sqm as shown on Map K (**CD 4.3K**) – this excludes the tree beds and those areas of open space which are already owned by the Council and will remain as open space within the Scheme.

10.19 Adjacent to Wharf Lane and on the western side of the current Gardens (plots 64, 76 and 86) shaded red on the Revised Open Space Plan and Map F (**CD 4.3F**), the Scheme proposes a new building which would house office space, public toilets, a public house/restaurant and 24 residential units – this area currently includes a children's play area, surrounding hard standing and circulation space, part of the café building, part of an artificial grass lawn and an area of soft landscaping which is inaccessible to the public. 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, with the top storey on each building fully accommodated within the pitched roofs to reduce the impact of the building. 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).

10.20 In addition to the new Wharf Lane building, a small area of the Gardens to the north-west of the Scheme Land would provide a new accessible car parking bay. This area forms part of the Gardens but lies outside the Existing Trust Management Area (**CD 4.3K**). 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 Revised Open Space Plan (plot 2 on the Revised Open Space Plan).

10.21 These two areas of open space which are lost to the Scheme measure 1,336 square metres in total.

- 10.22 Whilst the areas of Exchange Land and Retained Open Space are each addressed in turn in this section, they must also be considered in the context of the Scheme's objective to achieve a much larger and improved overall area of open space and public realm on the Modified Order Land, as part of a comprehensive redevelopment, also involving residential, commercial and other appropriate uses. Maps A to F illustrate what is to be achieved overall in terms of open space and wider public realm and how that compares to the Existing Designated Open Space (**CD 4.3A**) and the Existing Functioning Open Space (**CD 4.3B**).

Application under section 19(1)(a) of the ALA 1981

- 10.23 Section 19(1)(a) provides:-

19 Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied-

(a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the 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.

- 10.24 Section 19(1)(a) of the ALA 1981 requires three matters to be met in respect of any open space exchange land:-

- 10.24.1 it must be of an area that is not less than the open space land to be acquired;
- 10.24.2 it must be equally advantageous to the persons with a right to use the existing open space land and the public; and
- 10.24.3 it must vest in the persons to whom the acquired open space land was vested.

Exchange Land

- 10.25 As detailed at paragraphs 10.15 to 10.16 of my Proof of Evidence, the Council has undertaken a detailed review of the Unmodified Order Land and as a result has identified a number of plots which are proposed to be removed from the Order. The Exchange Land described in this section is based on the Proposed Modifications.
- 10.26 The Exchange Land measures 1,815 square metres, and comprises the following, all of which are shaded green on the Revised Open Space Plan (**CD 4.2B**) and on Map F (**CD 4.3F**).

- 10.27 Immediately to the east of the existing Gardens, a fenced off area of overgrown vegetation and vacant buildings would be developed to deliver part of the enhanced children's play area, a new area of lawn adjacent to the children's play area and above the floodplain further terraced lawns adjacent to Water Lane and new café leading down to the Embankment and accessible routes through to the Gardens and the new Events Space and Embankment.
- 10.28 The final area of Exchange Land would be located immediately adjacent to Water Lane on the Scheme Land's north-eastern boundary. This area currently comprises a disused car park and part of the King Street building in the Council's ownership. As part of the Scheme this area would be a much-widened pedestrian walkway and open space suitable to accommodate market stalls, with planted terraces and informal seating to create attractive and accessible routes to the Gardens, the new terraced lawns, the Events Space and Embankment.
- 10.29 The Exchange Land is split between Schedules 2 and 3 to the Order – the plots in Schedule 2 (28 and 62) are those which are to be acquired by and vested in the Council, and the plots in Schedule 3 (24, 46, 47, 52, 57, 61 and 82) are those which the Council already owns and which are therefore just to be vested in the Council. paragraph 3 to the Order provides the relevant drafting which achieves this.
- 10.30 In respect of the first test, the Existing Designated Open Space to be acquired (and which will be Lost Open Space), is 1,336sqm and the Exchange Land is 1,815sqm, 480sqm in excess of the Lost Open Space. The Exchange Land therefore represents a 36% increase over the Lost Open Space, significantly in excess of the requirements of the first test in section 19(1)(a) of the ALA 1981.
- 10.31 In respect of the second test, the Council must demonstrate that the Exchange Land is equally advantageous to the public to the Lost Open Space. 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.
- 10.32 As detailed in paragraphs 10.7 to 10.12 the lack of accessibility and the poor quality of the Existing Designated Open Space and its surroundings means that it is often a quiet and overlooked area which has previously attracted anti-social behaviour, arson, criminal damage, littering, drug related issues and squatting in the derelict buildings, (located in the fenced off area adjacent to the Gardens). From data gathered by the Council's Park Patrol Service the existing Gardens have been subject to antisocial behaviour, criminal damage, drug related instances, health and safety concerns, nuisance instances (including littering, by-law infringements, fly tipping and others) and further instances over the years. This is in part because the Gardens are underused, next to vacant buildings and badly connected to its surroundings which does not allow for natural surveillance. It is expected that through a careful lighting strategy, increased usage, passive surveillance from the new buildings and greater use of the Exchange Land (and Future Functioning Open Space) for a range of activities, that antisocial behaviour and other incidences would reduce. For further detail on the comparison of

the Lost Open Space to the Exchange Land, please see section 10 of Mr Bannister's Proof of Evidence (**Document LBR2A**).

- 10.33 The Existing Designated Open Space (**Map A CD 4.3A**) is made up of a secure children's play area with 4 pieces of play equipment for a maximum use of 15 children at one time, two pétanque terrain, two areas of artificial grass, one flexible event space with hardstanding, a number of mature trees and the Council owned and run café and seating. However, as a function of being outside the flood zone entirely, the majority of the Existing Designated Open Space is raised up on top of a flood defence wall secured by railings, with only one accessible route from the north and one stepped access to the riverside.
- 10.34 Whilst the Existing Designated Open Space does look out over the river and the Embankment it is separated from it by a significant change in level created by the large retaining wall with railings and a long linear stretch of car parking spaces that sit at Embankment level. Whilst there are some small gaps between the cars to allow people to access the Embankment these are not wide enough to interrupt the view of a continuous line of cars when looking along the river creating a visual, safety and a psychological barrier between the river and the Gardens. One of the central aims of the Future Designated Open Space (**Map C CD 4.3C**) within the Scheme is to make the Gardens more accessible to the residents of Twickenham, especially people approaching along the riverside walkway and from Water Lane. The two main areas of the Existing Designated Open Space both lack direct step free access to the river despite being a stone's throw away.
- 10.35 The Future Designated Open Space would remove derelict and unused buildings and space, completely re-modelling the Scheme Land and making much better use of the area. The Scheme would open up and significantly enlarge the public space so that it can be accessed from all sides and opens out onto the Embankment and the River Thames, achieving a total area of 4,387 sqm of Future Designated Open Space (**Map C CD 4.3C**), 1,815 sqm of which is Exchange Land, as well as other areas of landscaping and public realm.
- 10.36 The widening of Water Lane would mean that the riverside, and footbridge to Eel Pie Island would be seen from the high street (King Street) and would create a direct route from the main train station, thereby making more of the town to river connection. The Exchange Land is immediately adjacent to the Lost Open Space.
- 10.37 The Scheme provides an Events Space in the centre of the Embankment which can be used for hosting events such as markets or outdoor cinema. As can be seen on Map D, (Future Functioning Open Space), (**CD 4.3D**), part of the Events Space forms part of the existing highway but will facilitate events by the introduction of necessary traffic management orders. This area is not part of the proposed Exchange Land but is considered to be part of the Future Functioning Open Space and as such contributes to the overall improvement as compared to the Existing Functioning Open Space. The Restricted Vehicular Across Route across the Embankment is shown stippled on Map D. This area would have restricted use for vehicles between the hours of 07:00 and 10:00 other than in case

of emergency. There would also be the opportunity to hold smaller events at the upper levels of the open space.

- 10.38 Part of the Future Designated Open Space is also on Water Lane, allowing for a generous pedestrianised area leading from the town centre into the Scheme Land. This space would allow for additional events and market stalls to encourage increased footfall to the area and to further improve the connection between the high street and riverside. This proposed Future Designated Open Space would link with the pedestrianised adjacent Church Street which is very popular with Twickenham residents and visitors, in particular for alfresco dining at lunch times and in the evenings. The widening of Water Lane would allow the provision of a footpath that follows the slope on the southwest side of Water Lane down to the river level, as well as a level access route that connects from King Street into the upper level of the new Gardens given its close proximity, the Future Designated Open Space would be clearly equally advantageous in terms of its location, improved by the clear connection made between the High Street and Scheme Land.
- 10.39 The Future Designated Open Space also offers a number of different uses, appealing to all ages. It would 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 including sensory play elements), pétanque terrain, planting, seating and hard and soft landscaping, but it would also offer an Events Space suitable for events such as markets, concerts and open-air cinema or theatre), tiered seating overlooking the Events Space, terraced lawns for natural play opportunities, chess table, and storage for events. From all parts of the Future Designated Open Space there would be uninterrupted views of the river.
- 10.40 The Future Designated Open Space would also be advantageous from an accessibility point of view. The Existing Designated Open Space only has one step free access point to the northwest of the Gardens, and the raised terrace seating area overlooking the river can only be accessed by steps. The Future Designated Open Space can be accessed step free from the northeast, southeast and northwest with accessible routes running from the Embankment, Water Lane and Wharf Lane.
- 10.41 Being a riverside location there is the need to consider flooding, and so the Future Designated Open Space provides 3,107sqm above the highest flood zone having less than a 1 in 1,000 annual probability of flooding, which includes the children's play area, pétanque terrain, chess tables and seating areas, as well as the top terraced lawn and space around the Wharf Lane building including the terrace outside the public house/restaurant and the second terraced lawn. Three layers of tiered seating (584sqm) are within flood zone 2 having between a 1 in 100 and 1 in 1,000 annual probability of flooding and the lowest terraced lawn. The Embankment, (including the Events Space) and River Thames Path (2,314sqm) are within Flood Zone 3 having a 1 in 100 or greater annual probability of flooding. Providing open space within and above Flood Zone 1 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. The reduction in built form and extent of open space proposed above the floodplain was also agreed as part of discussions with the Trust and its

agreement to consider the management of land above and within the floodplain. Further open space is provided at lower levels. Maps G and H (**CD 4.3G** and **CD 4.3H**) show how the flood levels compare in relation to the Existing Functioning Open Space and the Future Functioning Open Space.

- 10.42 The Existing Designated Open Space has trees and areas of planting, but due to the fact it is built on the infill of an old swimming pool it has not been able to support natural grass and so artificial grass has had to be used. There are few opportunities to increase biodiversity on the Existing Designated Open Space given its shallow planting depths and large proportion of hardstanding. In the Future Designated Open Space there would be a substantial number of trees and increased biodiverse planting to provide a wide variety of habitat opportunities. The three terraced lawned areas would be able to support grass and the space includes well-considered tree pits and deeper depths of soil. Berry producing trees are proposed where appropriate to encourage bats and support birds. The widened Future Functioning Open Space on Water Lane would retain the existing mature oak tree as well as introducing new raised planting beds and seating with perennial and herbaceous flowering.
- 10.43 The date for assessing equality of advantage is the date of exchange i.e. the date on which the Existing Designated Open Space is to be acquired under a CPO, being the same date that the open space Exchange Land must vest in the persons in whom the existing open space is vested.
- 10.44 On the date that the exchange is made, the Exchange Land will not have been subject to the improvements identified above, (these can only be delivered once the Council has acquired the interests in the Scheme Land pursuant to the Order or by agreement, and then implemented the Scheme). These improvements will be delivered as part of the Scheme, the Planning Permission for which includes condition NS64 "Open Space Delivery", which requires the submission and approval of a phasing plan, prior to commencement of development which must provide that all areas of open space, landscaping and play provision must be provided as early as practicable as part of the development.
- 10.45 The open space provision is anticipated to be completed within 24 months of commencement of development of the Scheme. **Appendix LBR1B(3)** includes an indicative programme for the delivery of the Future Designated Open Space. Whilst the indicative programme identifies an acquisition period commencing 12 months in advance of commencement of development, early acquisition of parts of the Scheme Land would be limited to areas required for site surveys, access and site set up and would exclude the Existing Designated Open Space. Further details on the construction programme are set out in paragraph 14.24 of this Proof of Evidence.
- 10.46 Regard may be had to improvements to the open space Exchange Land that are committed (i.e. for which there are committed proposals), as part of the assessment of equality of advantage at the exchange date. The Inspector can therefore take into account the improvements to the Exchange Land proposed within the Scheme which are to take place after the date of the exchange. Indeed, in this case the improvements to the Exchange Land are part of the very purpose of the Scheme and seeking compulsory acquisition of the Modified Order Land.

- 10.47 On the basis of the detail set out in paragraphs 10.26 to 10.46 above, I consider that the Exchange Land is not only equally advantageous but is in fact more advantageous to the public, taking into account the improvements to be delivered as part of the Scheme, when compared directly with the Lost Open Space. These qualitative and quantitative advantages materially outweigh the practical limitation on the use of the Exchange Land pending the Scheme improvements.
- 10.48 In respect of the third test, once the Lost Open Space is acquired by the Council the Exchange Land will simultaneously vest in the Council. The Existing Designated Open Space (which includes the Lost Open Space) is currently vested in the Council as freehold owner and on this basis the requirements of the third test are also met.
- 10.49 The Secretary of State has previously issued a notice of intent to issue a certificate under section 19(1)(a) in respect of the Scheme. The proposals contained in the section 19 Application (and/or the proposals subject to the Proposed Modifications) will not, in the Council's opinion, detrimentally affect the public in any way as the amount of public open space will not decrease; indeed the open space Exchange Land will provide significant improvements to the quantity, quality and amenity of the space available compared to that which is currently provided at the Gardens.

Area of open space retained to improve its management

Application under section 19(1)(aa) of the ALA 1981

- 10.50 Section 19(1)(aa) provides:-

19 Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied-

(aa) that the land is being purchased in order to secure its preservation or improve its management.

- 10.51 In addition to the Exchange Land, 2,010sqm of existing open space will be retained (Retained Open Space) for the purposes of improving its management however, only 1,428sqm of this Retained Open Space is included within the Modified Order for the purposes of the application under section 19(1)(aa), as the Council already owns 582sqm of the existing open space which will be retained as such within the Scheme. The Retained Open Space is shaded orange on the Revised Open Space Plan (**CD 4.2B**) and on Map F (**CD 4.3F**).
- 10.52 The CPO Guidance (**CD 4.1**) notes in relation to this exception at paragraph 242 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 Modified Order

Land and re-provide much improved open space. In relation to the Retained Open Space, this will improve its management as part of the overall Scheme.

- 10.53 Under the Scheme (and included in the Modified Order) this area will be greatly enhanced and its management significantly improved. The majority of the Retained Open Space is in the centre of the Scheme Land, within an area located immediately to the north of the new Wharf Lane building – the Retained Open Space included in the Order measures 1,428sqm square metres and all forms part of the existing Gardens (Plot 63) but as noted previously, the Scheme will in fact retain a larger area of Existing Designated Open Space. This area of the Existing Designated Open Space currently comprises the hard surface event areas, part of the artificial grass pitches, the pétanque terrain, part of the café and a tree belt along the northern boundary of the Gardens. **Appendix LBR1B(4): Open Space Management Strategy** sets out a framework for how the Council would manage the Future Functioning Open Space.
- 10.54 As a matter of fact the Scheme and its benefits cannot be delivered without acquiring part of the Existing Designated Open Space which would be Retained Open Space within the Scheme – the reconfiguration of the Future Designated Open Space requires the retention and reconfiguration of part of the Existing Designated Open Space. The acquisition is needed to facilitate the whole site solution and is an integral part of the compelling need for the Modified Order.
- 10.55 As detailed in paragraphs 10.26 to 10.46 of this proof, the Existing Functioning Open Space, by virtue of its configuration, lack of connection to the riverside and town centre and lack of overlooking lends itself to regular instances of anti-social behaviour, substance abuse and criminal behaviour. The configuration of the Future Designated Open Space (and ultimately the Future Functioning Open Space) will mean that the management of the space will be greatly improved.
- 10.56 Additionally, if the Council was not to acquire that part of the Existing Designated Open Space which is to be retained by relying on section 19(1)(aa), the Future Functioning Open Space would be part owned and managed by the Trust and part owned and managed by the Council, which would militate against coherent management.
- 10.57 Under the Scheme the central area of Retained Open Space would provide the following enhancements:-
- 10.57.1 A large part of a new children's play area with increased area, play equipment and tree house.
 - 10.57.2 Pétanque terrain under a new tree canopy with additional chess table.
 - 10.57.3 Feature tree with seating and sensory play equipment.
 - 10.57.4 Fixed seating and benches with uninterrupted river views.
 - 10.57.5 Raised planter beds with perennial and herbaceous flowering.

10.57.6 The top tier of terraced seating leading down to the Events Space.

10.57.7 Replacement mature trees, an existing Hornbeam and planted buffer with improved soil quality and depth.

10.57.8 A shared surface entrance and new signage to the Gardens.

10.58 Map N at **Appendix LBR1B(6)** identifies the types and areas of open space included in the Future Functioning Open Space. Areas K and L as shown on Map N, (which together form the Play Space⁹), are as described in paragraphs 10.57.1 and 10.57.3 (respectively) in the paragraph above.

10.59 The Secretary of State has previously issued a notice of intent to issue a certificate under section 19(1)(aa) in respect of the Scheme. The proposals contained in the section 19 Application (subject to the Proposed Modifications) would provide significant improvements to the quality and amenity of the Retained Open which will clearly improve its management.

Embankment Promenade (open space over which new rights to be acquired)

Application under paragraph 6(1)(a) of Schedule 3 to the ALA 1981

10.60 Paragraph 6(1)(a) of Schedule 3 provides:-

Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) 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.

10.61 The Order Land includes steps leading down from the Embankment Promenade/Thames Pathway to the River. This area measures 12.60 sqm (plot 70) and is shaded blue on the Revised 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.

10.62 Paragraph 6(1)(a) of Schedule 3 to the ALA 1981 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*".

10.63 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.

⁹ New definition for Play Space included in the Glossary at the end of this Proof of Evidence.

- 10.64 I am confident that the use of the Embankment promenade steps as open space can continue throughout the construction of the Scheme and will be no less advantageous than it currently is.
- 10.65 The Secretary of State has previously issued a notice of intent to issue a certificate under paragraph 6 of Schedule 3 in respect of the Scheme. The proposals contained in the section 19 Application (subject to the Proposed Modifications) would be no less advantageous to those that are entitled to rights over Plot 70.

11. **NEGOTIATIONS WITH INTERESTED PARTIES**

- 11.1 Despite efforts and progress made by the Council in seeking to acquire all interests by agreement, it is clear that in order to deliver the Scheme, compulsory purchase powers must be used. Given the third party interests within the Modified Order, it is unlikely that the Council will be able to acquire all of the necessary interests by agreement within a reasonable timeframe.
- 11.2 The Council has been negotiating with the holders of the retail/commercial and open space interests for their acquisition by agreement but has been unable to reach an agreement with all parties within the required timeframe.

(1) King Street properties

- 11.3 In July 2020 the Council appointed specialist surveyors AspireCP to advise on the land acquisition strategy, specifically in relation to two commercial leasehold premises, the freehold of which are held by the Council. One of the premises is occupied by Santander (whose lease expired on 31 December 2020), the other by Superdrug (whose lease expired on 3 September 2021). The Council brought these tenancies to an end in accordance with the relevant statutory provisions in the Landlord and Tenant Act 1954 ("LTA"), pursuant to which notices on both leaseholders were served on 22 January 2021 bringing the leases to an end on 19 January 2022.
- 11.4 The Council successfully negotiated and accepted the surrender of Santander's leasehold interest in 1 King Street on 26 January 2022. The property is now vacant pending redevelopment.
- 11.5 The Council entered into an Agreement for Surrender with Superdrug on 24 December 2021 and the agreement completed on 19 January 2022. The Council negotiated occupation for Superdrug under a short term 'contracted out' lease from 20 January 2023 to 28 September 2023 with a mutual break option at any time on at least 3 months prior notice.
- 11.6 A third property is occupied by The Works, under a contracted out of Landlord and Tenant Act protection from 20 January 2023 to 28 September 2023 with a mutual break option at any time on at least 10 weeks prior notice.

(2) Eric Twickenham Ltd – Plot 49

- 11.7 Negotiations have been successful with **Eric Twickenham Limited**, in respect of a of the small parcel of land to the rear of King Street, required for servicing access and foundations to the new

Water Lane building. Agreement has now been reached, in principle, and the Council has instructed its solicitors to put the necessary formalities in hand to complete the agreement. The basis of agreement is for the Council to undertake any necessary works pursuant to a licence agreement with Eric Twickenham Ltd dedicating the subject land to the Council to maintain as part of the highway. This sliver of land remains within the Order as the agreement is yet to be completed. Regardless, it is proposed that access to their property will be maintained at all times and will not be impaired.

(3) Plot 50 – electricity substation

- 11.8 Plot 50 on the Order plan is an area of 20.4sqm freehold owned by Richmond Council, on which an electricity substation sits which is leased to UKPN. UKPN has been contacted about the Scheme and a quote, phasing plan and drawings for the works to be carried out has been issued by UKPN. Lease negotiations will be determined by this programme and will commence when the quotation is formally accepted. All discussions to date between the Council and UKPN indicate that an agreement by private treaty can be achieved.

(4) The Trust

- 11.9 The Trust holds a 125-year lease (from 2014) over the Existing Trust Lease Area¹⁰ which measures 2,510sqm and is shown on Map K (**CD 4.3K**). There has been a significant amount of engagement with the Trust at each and every stage of the design development process, following their approval to include the Gardens within the Scheme Land. **LBR5** and its appendices set out the full negotiations and correspondence between the Council and Trust from July 2018 to April 2023. The factual background key themes are summarised in the following sections.

(a) Involvement with Stakeholder Reference Group

- 11.10 The Council set out to get agreement in principle from the Trust at the earliest point, to define the scope of the Scheme Land. Councillors and officers met with the Trust in July and September 2018, and the Leader of the Council, Gareth Roberts, received a letter from the Trust 15 October 2018 stating that '*The Trustees will consider any proposal the Council decides to put to the Trust*' (**LBR5 Appendix 1**).
- 11.11 Following this, and prior to the launch of the Design Competition, the Council established a Stakeholder Reference Group, consisting of up to 2 representatives from local stakeholder groups with an interest in the riverside regeneration, including two Twickenham Riverside Trustees. The purpose of the Stakeholder Reference Group was to formalise the Council's ongoing engagement with the various community groups in Twickenham with an interest in the future of the Twickenham Riverside. The Group would help shape the brief and design development as well as helping the Council to ensure that as wide a population as possible was engaged with the design. The meetings of the Group were chaired by the Leader of the Council and the Group would also be asked to appoint

¹⁰ A new definition of this term appears in the Glossary at the end of this Proof of Evidence and replaces the previous definition "Existing Trust Management Area".

a representative to sit on the Twickenham Riverside Design Group, which would be responsible for overseeing the evaluation of the Design Competition to appoint the successful team. This was proposed and approved at the 15 November 2018 Cabinet (see **CD 1.1**).

- 11.12 At the first Stakeholder Reference Group meeting on 6 December 2018, the members (including Trustees) of all groups represented were asked to provide 'Principles for Development', which the Trust did on 17 December (**LBR5 Appendix 3**). The Trust's 'Principles for Development' were directly incorporated into the RIBA Full Design Brief (**CD 3.1**).
- 11.13 At the second Group meeting on 18 December 2018, members including Trustees voted to elect a Representative and Deputy for the group. The Representative then took a position on the Design Panel overseeing the design competition and final evaluation of the concept designs and design teams. The Trust was present at this meeting and participated in the voting.
- 11.14 The third Group meeting on 24 January 2019 was a workshop to create the brief for the Twickenham Riverside Design Competition. It produced four key themes which were design/architecture, open space/environment, uses and access/connectivity/circulation.
- 11.15 The Stakeholder Reference Group met on several occasions between December 2018 and December 2020 with further updates and information sent via email between meetings. The group and its participants were integral to the creation of the RIBA Design Brief, and the Stakeholder Reference Group representative sat on the Design Panel which deemed Hopkins Architect's concept design and design team to be the best in the competition.

(b) The Trust's involvement in the design development

- 11.16 As well as being part of the Stakeholder Reference Group and attending the Group meetings, the Council sought to directly engagement and consult with the Trust on the design of the scheme even before the Design Competition was launched. The first example of this from December 2018 is the incorporation of the Trust's 'Principles for Development' into the RIBA Design Brief.
- 11.17 On 6 February 2019 the Trust wrote a '*Statement to Richmond Council concerning RIBA Competitions and the development site on Twickenham Riverside.*' The letter stated that the Trust '*wholeheartedly supports the RIBA Competitions run process that has been initiated by the Council with respect to development proposals in central and riverside Twickenham*' (**LBR5 Appendix 6**). The Trust reiterated two of its guiding principles which relate to the Trust's charitable objectives:-
 - 11.17.1 Dimensions of any newly configured Diamond Jubilee Gardens: of proportions that can support community events and be enjoyed by a wide range of groups of communities.
 - 11.17.2 Be complementary to the Diamond Jubilee Gardens in such a way as to enhance them and promote the public's enjoyment thereof but certainly not reduce their enjoyment and use thereof.

- 11.18 These two guiding principles have been central to the design development process. In March 2019 the Design Competition was launched when the Royal Institute for British Architects published the Memorandum of Information to invite expressions of interest. In total 54 expressions of interest from architect led groups were received. These were shortlisted by the Design Panel, including the Stakeholder Group Representative, to five designs and teams.
- 11.19 In June 2019 the RIBA published the RIBA Full Design Brief (**CD 3.1**) which dedicated a page (section 2.3) to the Gardens and the principles set out by the Trust. The Council was therefore transparent within the design brief that the Gardens, and the provision of replacement open space, was of key importance. The key requirements set out in the design brief included:-
- 11.19.1 **Footprint:** maintain/extend existing surface area for the benefit of the public, in a single form.
- 11.19.2 **Dimensions:** of proportions that can support events and be enjoyed by a wide range of groups, ages and communities.
- 11.19.3 **Location:** that the minimum surface area of the Gardens that needs to be re-provided is positioned so as not to be affected by flooding.
- 11.20 The Council saw the direct inclusion of the Trust's requirements within the Design Brief as the best way to ensure that the Scheme met the Trust's requirements from initiation and as it progressed through the design development process. The Council gave the Trust a preview of the five competitions designs and consultation materials on 4 September 2019, with the engagement launching later that day.
- 11.21 On 29 September 2019, the Council received an email from Secretary of the Trust stating "*Trustees are unanimous in their decision that scheme number 1 should be the preferred scheme among those that have been shortlisted*" (**LBR5 Appendix 15**). This was one of several letters of support for the Hopkins Scheme sent by local interest groups and received by the Council. In November 2019 it was announced that Hopkins Architects were the winning team as determined unanimously by the Design Panel.
- 11.22 Shortly afterwards on the 3rd December 2019 the Council received a letter from the Trust, requesting a plan which would give the precise layout of the extent and location of the Future Designated Open Space. The Council then issued the first indicative plan to the Trust in December 2019, showing the proposed area and flood defence line, it was noted that a process of design development would need to take place and that there would be further iterations of the design. The Council requested feedback from the Trust on the plan provided.
- 11.23 On 31 January 2020 a meeting was held between the Council and Trust to discuss the indicative plan. Minutes of the meeting contained in **LBR5 Appendix 21** note that at the meeting the Trust stated that they were in support of the Scheme going ahead, and that "*it could be argued that the Hopkins design meets the redlines in terms of sqm provided and the requirements put forward by*

the brief." However, the Trust questioned whether the space included a large enough events space on the upper Gardens. **The Trust confirmed at this meeting that they were willing to consider the provision of the Future Designated Open Space above and below flood zone 1.** The Trust went on to present three proposed lease footprints for the Council to consider;

11.23.1 To remove a community building and replace this with grass – the community building provided a café at ground floor and community space above

11.23.2 To keep the existing built footprint but increase the Trust's lease area to include the Embankment as an events space

11.23.3 To remove the community building and extend the Trust's lease area to include the events space on the Embankment

11.24 Officers believed, that given the Trust was proposing the extent of the management area that it wished to take on, this implied that it found the principles of the design itself acceptable, acknowledging that there was a further detailed design process to go through.

11.25 On 7 February 2020, the Council responded to the proposal, agreeing that it would increase the area offered to the Trust to include the events space on the Embankment, stating that *'the Council is broadly supportive of the Trust's proposal which includes the Embankment, leaving the [community] building within the design'* (**LBR5 Appendix 22**). Later that month, on 27 February 2020, a plan was sent to the Trust, setting out the new management area for the Trust (**LBR5 Appendix 23**). This was followed by a request from the Council that the Trust provide a developer's specification for the future open space, so that the Council could gain some certainty in progressing the design with the Trust's approval.

11.26 Shortly afterwards a list of 'Minimum Requirements' was produced by the Trust on 16 April 2020, (**LBR5 Appendix 27**), which was reviewed by the Design Team. Following the Design Team's review and queries raised by them, the Trust produced a revised version of the requirements which was sent to the Council on 3 June 2020 (**LBR5 Appendix 30**) and which included the following:-

11.26.1 Minimum accessible seating for 75 people (static across the Scheme Land - wooden)

11.26.2 Pétanque pitches – to try and incorporate existing trees into the design

11.26.3 Secure storage area adjacent to the Gardens (shared with others)

11.26.4 Full accessible enclosed children's playground with a minimum of 15 play stations (Council's Park's team to advise on the age range)

11.26.5 Bird proof bins suited for use of the Site

11.26.6 3 phase electric supply at both ends of the land

11.26.7 Drinking water supply to the Site subject to Council's Parks department advice

11.26.8 Flat level area making up 60% of the area (this can be a combination of the upper Gardens and Embankment area, hard and soft landscaping)

In addition the following two aspirations were identified by the Trust:

11.26.9 Outdoor climbing facility

11.26.10 3rd pétanque pitch – international sized

- 11.27 On 12 June 2020, despite the Council approving the Trust's proposal to include the events space and design work undertaken to meet the minimum requirements, the Trust contacted the Council to state that they did not feel the Scheme was compliant with their requirements, but that regardless of this, the Trust could not agree a plan prior to the Council obtaining planning permission, (**LBR5 Appendix 34**). Whilst the Council understood this to mean that the Trust would not agree to a layout or plan prior to achieving planning approval, this would have left the Council with a significant risk that even if planning approval was secured, the Trust would not agree to the surrender of its Existing Trust Lease Area. The Council worked with the Design Team to try to meet the Trust's requirements and to further explore these through a series of meetings between the Trustees and the Design Team.
- 11.28 In July and August 2020, following design meetings with the Environment Agency on the flood defence and flood storage requirements of the Scheme, the Design Team had to review the basic site strategy, building layout, and brief requirements to locate as much as possible of the Future Designated Open Space above the 1 in 100 flood zone (in line with Trust requirements) and pull the development back from the river edge. Mr Bannister explores this further in his Proof of Evidence in section 7 (**Document LBR2A**). In upholding the Trust's requirements to maintain an area of the Future Designated Open Space above the highest floodplain in the centre of the Scheme and address the flood storage capacity required at the lower levels, the Council and Design Team explored how the brief requirements and principles for the design could best be delivered. The result was that the Wharf Lane building footprint was reduced. The Water Lane public realm became wider, creating a stronger connection between the high street and river.
- 11.29 On 28 September 2020 the Design Team met with the Trust to discuss the challenges being faced by the Design Team with regards to providing the amount of flood storage and flood rainwater capacity within the Scheme (**LBR5 Appendix 38**). The Design Team also set out that they were maintaining the maximum amount of open space above flood zone 1m and meeting the Trust's requirements to provide at least the existing amount of dedicated open space within the new scheme both above and below the flood zone. It was explained that in order to deliver this there was a reduction in the build footprint of the Scheme. This is set out in further detail in Mr Bannister's Proof of Evidence in section 7. At this time, 8 new Trustees were appointed to the Trust.

- 11.30 Members of the Trust met with the Design Team on at least 10 occasions between June 2020 and May 2021. Mr Bannister's Proof of Evidence sets out in further detail how the Design Team continued to review the scheme to meet the Trust requirements. Of the 10 meetings with the Trust, at least 4 of them were with a specifically appointed selection of Trustees who formed a 'Trust Design Subgroup' in November 2020, set up at the request of the Council by the then Chair of the Trust in order to more efficiently progress design conversations. The Trust Design Subgroup included two Trustees who are architects by profession who later resigned from the Trust.
- 11.31 Notes of the first meeting between the Council, the Trust Design Subgroup and the Design Team in December 2020 can be found in **LBR5 Appendix 46**, showing that the meeting covered a wide range of issues from boathouses to pétanque and play strategies. An email following the meeting questioned the height of the Wharf Lane building, and also asked about any improvements which could be made to the northwest entrance to the Gardens and proposed loading bay in this area. As a result of this, the Design Team changed the landscape strategy in this corner to create a wider entrance, removing the loading bay and replacing it with a far smaller disabled car parking bay. The Design Team also introduced a raised pedestrian crossing to formalise the entrance to the Gardens from the northwest approach.
- 11.32 Following a later Trust Design Subgroup meeting in March 2021, the Trust sent through a revised set of requirements as a base design, superseding those set out at paragraph of this Proof of Evidence 11.26 which included:-
- 11.32.1 Preferred age range 7-13 for the play area. Considering that younger groups are well catered for locally elsewhere.
 - 11.32.2 Play area to include basketball hoops, interactive play with 5G facilities, splash pads, climbing frame and may pole.
 - 11.32.3 Pétanque areas on the upper gardens with no separating hedges – 2 courts
 - 11.32.4 Chess table and chairs
 - 11.32.5 A 40-foot storage container
 - 11.32.6 Would welcome the wooden steps, considered separate from the benches
 - 11.32.7 Sufficient benches on the promenade
 - 11.32.8 Entrance at the northwest corner – important to the Gardens
 - 11.32.9 Provision of bins
 - 11.32.10 Utilities – water and electricity servicing points
 - 11.32.11 Toilets to be provided outside of the Gardens

11.32.12 Edging of the terraced lawns

11.32.13 Planting in the southwest corner to accommodate good visibility.

11.33 The Design Team made amendments to the Scheme to ensure that as many requirements as possible were accommodated. Of the requirements listed in paragraph 11.32 above, if delivered the Scheme would deliver against the following:-

11.33.1 Range of play equipment for the play area.

11.33.2 Play area to include climbing frame, sand pit and tree house amongst other play stations – Trust were unable to articulate what 5G facilities meant so this could not be accommodated, and the Council were not supportive of the splash pad due to the infrastructure and maintenance requirements for installing this.

11.33.3 Pétanque areas on the upper gardens with no separating hedges – 2 courts

11.33.4 Chess table and chairs

11.33.5 A storage container

11.33.6 Sufficient benches on the promenade

11.33.7 Entrance at the northwest corner improved by exchanging the originally proposed 15m vehicle loading bay for a single accessible parking space.

11.33.8 Provision of bins

11.33.9 Water and electricity servicing points

11.33.10 Toilets to be provided in the adjacent public house/restaurant

11.33.11 Edging of the terraced lawns raised to include seating at the lower level

11.33.12 Planting in the southwest corner which would accommodate good visibility.

11.34 Between June 2020 and up until the submission of the Planning Application in August 2021, Hopkins responded to and provided information for the Trust to assist them with understanding the design and refining elements to meet requirements. Information produced for the Trust included:-

11.34.1 Multiple presentations showing the landscape layout of the Gardens

11.34.2 Capacity studies for the upper and lower Gardens

11.34.3 Discussions on materials to be used within the Gardens

11.34.4 3D views from a number of specific perspective points within the Scheme

- 11.34.5 A flythrough of the 3D model to show the Trust what the space would feel like and to give further context to how the built footprint corresponds with the open space
- 11.34.6 Comments on the inaccuracy of multiple mocked up drawings circulated to and by the Trust from an anonymous architect, regarding the building heights and context in the local area.
- 11.34.7 A specifically produced sun/shadow study of the Gardens (February 2021)
- 11.35 In May 2021 the Trust instructed a surveyor (Carter Jonas) to provide a valuation report, stating that it was required by the Charity Commission. The Trust have never shared this report with the Council, although it has been requested.
- 11.36 At the end of July 2021, the Design Team held a final meeting with all Trustees prior to the submission of the Planning Application. At the meeting, the Design Team went through the public realm and landscape strategy, including specific comparative information about the height and scale of buildings and sunlight/shadow study. As well this the Design Team detailed the improvements made to the north-west entrance to the Gardens, including reducing the planter size and amending the shape to create a wider entrance, and types of materials used for paving the pedestrian crossover. At the meeting one Trustee commented that for *some* Trustees there were still concerns about the impact of Wharf Lane building, however it was clear to the Council that this was not an issue for all Trustees as only 2 Trustees made comments on this subject out of the 8 Trustees in attendance at the meeting. The Council set out its position that the building was a key aspect of delivering the regeneration benefits of the Scheme, as well as being part of the original design strategy¹¹. Similarly, when discussing shadowing and sunlight for the open space, there were conflicting opinions from different Trustees as to whether the level of shadow was acceptable or not. It should be noted that four of the Trustees in attendance, including the Chair of the Trust, are no longer Twickenham Riverside Trustees.
- 11.37 The Planning Application for the Scheme was submitted and validated in August 2021. At this point, the statutory planning consultation period commenced and no further meetings regarding the design of the Scheme were held with the Trust as the statutory planning process includes its own process for engagement. However, further meetings were held with the Trust regarding the Order (subject now to the Proposed Modifications) and associated objections and evidence up until April 2023.

(c) Negotiations on the surrender of the lease and new management area

- 11.38 Following the release of the RIBA Full Design Brief in June 2019 (**CD 3.1**), the Council first approached the Trust in July 2019 offering to pay its reasonable legal fees for negotiating with the Council and entering into an Option Agreement subject to gaining planning permission for the Scheme. The Trust replied that they would prefer to wait to see the design competition concepts before meeting with the Council or offering any feedback, (**LBR5 Appendix 12**). As the design

¹¹ Whilst not contemporaneous to the discussions held in July 2021, LBR5 Appendix 85 includes a detailed justification for the "need" for the Wharf Lane building as part of the agreed meeting minutes from March 2023.

concepts were part of the Design Competition, and therefore the procurement of the Design Team, they could not be shared prior to launching the public engagement in September 2019. Following this, in October 2019 the Council again confirmed it would pay the Trust's reasonable legal fees for entering into an Option Agreement and the Trust agreed to keep the Council updated every two weeks (**LBR5 Appendix 16**). In December 2019 the Trust sought advice from their appointed solicitors (BDB Pitmans) for the negotiation of the surrender of, or amendment to, the Trust's Lease Agreement. BDB Pitmans explained that the Trust must get approval from the Charity Commission to dispose of its interests, and that this process could take up to one month from the submission of information. It was agreed between the Trust and the Council that both parties could move forward with agreeing a Memorandum of Understanding.

11.39 The Trust requested a plan from the Council, giving a precise indication of the extent and location of their Future Trust Lease/Licence Area. The first plan showing the Future Trust Lease/Licence Area was sent. As noted in **LBR5 Appendix 21**, at a meeting on 31 January 2020 the Trust proposed as an option that the events space on the Embankment was included within the Future Trust Lease/Licence Area to ensure that Trustees had improved space to run events. Furthermore, the Trust agreed that it would consider the reprovion of open space above and below (or within) flood zone 1. The Trust also presented a number of requirements regarding the future management of the space, including but not limited to:-

11.39.1 Terminating the existing Management Agreement and obligations it placed upon the Trust from 2024 (**Appendix LBR1B(2)** Trust Management Agreement)

11.39.2 The Council being responsible for all maintenance of the open space in perpetuity

11.39.3 The Trust to be allowed to keep any revenue generated from events held on the public spaces, to help them to achieve their charitable aims.

11.39.4 That the Trust have no obligations to hold any events

11.39.5 That the Trust have discretion from the Council's set pricing structure and be allowed to charge their own rates.

11.40 The Trust did not want to capture the above requirements within a Memorandum of Understanding and instead requested that all requirements were drafted into Heads of Terms for a new Lease. The Council challenged the Trust's existing capacity to deliver a wide-ranging events programme given the financial support which the Council currently provides to the Trust in order for the minimum requirement of 6 events per year (required by the Management Agreement) to be delivered. At the conclusion of the meeting, the parties agreed to aim for a full agreement to be drafted within six weeks. The Trust's agreement with this indicated to the Council that they did not have any strong

objections to the Scheme, and a week later the Council accepted the Trust's proposal to include the events space within their Future Management Area.

- 11.41 In February 2020 the Council's Finance, Policy and Resources Committee approved the appointment of the Design Team and capital budget required to deliver the design development up to Stage 4 and including a planning submission. The same Committee approved the Council's intention to dispose of the Gardens under s123 of the Local Government Act 1972. There were no representations from the Trust made at the Committee meeting.
- 11.42 From March 2020 until September 2020, several months of correspondence and negotiations between the Trust, the Council and their legal parties took place regarding the developing Heads of Terms. A key conference call between all parties and legal representatives took place on 8 April 2020 (**LBR5 Appendix 26**) where the Council requested that an indicative plan be agreed, to be appended to the Heads of Terms, showing a larger management area above and within the floodplain. This would be combined with the Trust's specification requirements to ensure that the Scheme was delivering against their requirements and to give the Council some certainty on progressing with design development, without the risk of developing a design that Trust would reject at an advanced stage.
- 11.43 As part of the negotiations, in April 2020 the Council offered to guarantee a £10,000 grant to the Trust, per year for the first 4 years following the completion of the Future Functioning Open Space, or the long stop date, whichever was to come first. This offer was made to enable the Trust to “*get up and running*” with delivering their charitable objectives within the new and improved gardens – (**LBR5 Appendix 28**).
- 11.44 The Council again requested that an indicative plan, and process for agreeing changes, was agreed and appended to the draft Heads of Terms. The Council continued to ask at regular intervals for the Trust to clearly set out the reasons why the proposed space was considered unacceptable by the Trust so that the Design Team could make any amendments required.
- 11.45 In June 2020 the Council received an email from the Trust stating that Trustees could not agree a plan that does not have planning approval (**LBR5 Appendix 34**). This led the Council to believe that it would need to secure planning permission for the Scheme before the Trust would agree to a plan of the Future Trust Management Area and therefore securing the agreement to surrender the lease. This created a significant risk for the Council that the Trust could reject the design even once a planning approval had been secured.
- 11.46 In October 2020 the Council was made aware that the Trust had appointed eight new Trustees. Later that month, the Trust contacted the Council in response to the revised design (**LBR5 Appendix 40**) setting out the following;

11.46.1 The area of Gardens in the new scheme must be 2600sqm, all above the floodplain

- 11.46.2 The Trust believe the revised design has moved 'so far' from the original design that urgent dialogue is required
 - 11.46.3 Requesting detailed section information regarding the measurements and levels across the Site
 - 11.46.4 Requesting copies of correspondence between the Design Team and the Environmental Agency
 - 11.46.5 Noting that "*The world around us has changed significantly since the original design was drawn up....we believe the re-development could better consider how the project can reflect the evolution of how and when people are using the riverside.*"
- 11.47 In response to this the Council contacted the Chair of the Trust noting that while progress was being made on the Heads of Terms, the Trust's refusal to agree a plan of its future lease/licence area posed a significant risk to the Council, and could require a complete redesign at a late stage if the Trust did not agree an indicative plan, which would have had both cost and programme implications (**LBR5 Appendix 42**). In light of the Trust's comments, this presented a very real risk to the Council despite its ongoing detailed engagement with the Trust. Therefore, the Council noted it would have to reluctantly consider the use of CPO powers to acquire all outstanding third party interests and rights required in the Scheme Land. At this point in negotiations the Council had offered the Trust the following;
- 11.47.1 An increase in the amount of land to be given to the Trust
 - 11.47.2 The removal of the existing Management Agreement and obligations falling to the Trust in 2024
 - 11.47.3 The Council to pay for maintenance of the Gardens in perpetuity
 - 11.47.4 A new 125-year lease
 - 11.47.5 The Trust to run its own events, according to its own pricing structures and to be able to keep the revenue
 - 11.47.6 A grant to be paid to the Trust of £10,000 per year for the first four years to help with the set up costs
 - 11.47.7 Use of alternative riverside space for events during construction and while the replacement open space was being laid out
- 11.48 On 16 November 2020 the Council took a report to the Finance, Policy and Resources Committee (**CD 1.4**) requesting in principle approval of the use of compulsory acquisition powers, to acquire a number of land parcels including the leasehold interest of the Trust. Following a representation from the Chair of the Trust where he stated that a more constructive process for negotiations could be

found if the Gardens were not included within the land interests to be acquired, the Committee agreed to postpone a decision on the acquisition of the Gardens until the January 2021 Finance, Policy and Resources Committee. The Committee requested that further progress was made between officers and the Trust during this period.

- 11.49 Following the Committee meeting, design and legal subgroups were established to have regular meetings with the Council to progress negotiations, and the Director of Environment and Community Services, and Programme Manager for the Scheme also established weekly meetings with the Chair of the Trust to progress the draft Heads of Term for the surrender of the Trust's lease.
- 11.50 The progression of the design development and engagement with the Trust Design Subgroup is set out in paragraphs 11.30 to 11.33 above.
- 11.51 As a result of increased efforts to reach agreement including weekly legal meetings between the Trust and Council, the Council made a further number of concessions on the draft Heads of Terms including shortening the call option period from ten years to six and the addition of the Riverside Activity Space in the south-west corner of the Scheme Land.
- 11.52 The Council confirmed to the Chair of the Trust in January 2021 that 'it's our understanding that we have come to a mutual agreement on all the key considerations.' The Trust responded that the Chair would 'speak positively about negotiations at the upcoming Committee meeting' and would get a quote for a surveyor as per the Charity Commission guidelines (**LBR5 Appendix 50**). This suggested to the Council that progress was being made with regards to agreeing the design, as well as the outline Heads of Terms and as a result officers reported back to the January Finance, Policy and Resources Committee that they believed that including the Gardens within the proposed Order was not considered necessary at this point in time and the Council continued to negotiate on that basis.
- 11.53 The Council continued to be in weekly communication with the Chair of the Trust either by way of meeting or email correspondence throughout January to March 2021, as set out in **LBR5**. In March 2021, as part of a meeting with legal advisors, the Trust agree to set out a base design that the Council could move forward to a planning submission with. The base design was sent 29 March 2021 and is set out in paragraph 11.32 above. The base design made no comment on the height of buildings, or the size or shape of the land proposed to be managed by the Trust.
- 11.54 In April 2021, what the Council believed to be the final amendments to the Heads of Terms were sent to the Trust and agreed in a meeting with the Chair of the Trust. It was acknowledged that the Heads of Terms needed to be shared with the wider set of Trustees and that there would be a discussion on the final terms at a full Trust meeting. The Council were advised to await the outcome of the meeting. In May 2021 the Trust appointed a surveyor and advised the Council that the surveyors report was essential in determining the Trust's position. Therefore, the Council should wait for the report to be produced before further discussions could take place.

- 11.55 On 28 June 2021, given the elongated negotiations, lack of a completed surveyors report and lack of certainty on the Trust's position, the Council resolved to make a CPO including the Gardens (and the Existing Trust Lease Area).
- 11.56 In September 2021 the Chair of the Trust stepped down and was replaced by a new Chair. Following the appointment of the new Chair the Council has not received any further correspondence from the Trust's appointed solicitors regarding the Heads of Terms, as the Trust consciously suspended negotiations on the written Heads of Terms, as explained to the Council in a meeting in February 2023 as documented in **LBR5 Appendix 84**
- 11.57 On 20 September 2021 the Finance, Policy and Resources Committee approved an update on the ongoing CPO and the inclusion of additional interests reflecting the inclusion of the Gardens (**CD 1.10**).
- 11.58 On 29 November 2021 the new Chair of the Trust emailed the Council setting out that the Trust's contention that the Exchange Land was not of equal advantage to the public, and on the 30 November 2021 the Trust made its objections to the Order and contacted the Council to request a discussion on the points raised in their objections. The Council subsequently requested to view the surveyor's report undertaken by the Trust to assess the value of the existing land and Exchange Land in order to understand the origin of the concerns which were being raised. The Council has not received the surveyor's report to date.
- 11.59 The Council felt that the appointment of a new Chair marked a change in the relationship with the Trust, with the Trust showing no further interest in negotiating with the Council from this point, unless a significant redesign was considered, focusing its correspondence on objections to the CPO and a rejection of the proposed Scheme.
- 11.60 On 25 January 2022, the Trust set out the changes they wished to see made to the Scheme, these included three key themes including a failure to compensate for the loss of safe and optimal space, the removal of the Wharf Lane building and removal of a café which the Trust perceived to be a future revenue stream for themselves should the Council cease to operate it. On 17 March 2022, two Trustees wrote a resignation letter to the Trust (**LBR5 Appendix 75**) and the Council. The two Trustees were both professional architects, who had been working with the Council as part of the Trust Design Subgroup established to assist with negotiations. The letter noted that:-
- 11.60.1 *'It is with regret that we must submit our resignation as Trustees of the Twickenham Riverside Trust following the stated intentions of the Trust to actively campaign against the several elements of the development including the Wharf Lane building which would essentially require a redesign. This campaign is contrary to our understanding, and the stated intention on the website, that the TRT intended to negotiate with the Council.'*

- 11.61 There are several other points of note within the resignation letter, which indicated to the Council that the Trust was no longer seriously considering a negotiation. These points include:-
- 11.61.1 *'We believe there are conflicts of loyalty within the Trust and these conflicts from the most outspoken trustees are instrumental in influencing the group to reject the proposal on disingenuous grounds.'*
- 11.61.2 *'Our vote to continue negotiations with the council is negated by the last minute rejection of the scheme; the two positions are mutually exclusive.'*
- 11.61.3 *'The disregard and distortion of the legal and surveyor advice we have received as Trustees, and at the public's expense, has been frustrating.'*
- 11.61.4 *'It should be noted that four Trustees in support of the proposal have now stepped down in the space of a few months; three over perceived conflicts of loyalty.'*
- 11.62 The full letter can be seen in **LBR5 Appendix 75**. The Council was disappointed to receive this letter, as it was felt that the professional expertise of the two architects had been helpful in constructively shaping the design to reach an agreement. The Council also noted that at this point several of the Trustees who had provided consistency in negotiations had either resigned or left the Trust – these included the previous Chair, two members of the Trust Design Subgroup, and 2 Trustees who were part of the initial discussions and agreements who have written letters of support for the CPO.
- 11.63 In April 2022 the Council met with the Trust and its new Chair. Minutes of the meeting can be found in **LBR5 Appendix 76**. Topics covered at the meeting included the following:-
- 11.63.1 The Council set out that the CPO was a protective position and that the Council still wished to pursue a negotiated position.
- 11.63.2 However the council was not willing to consider a significant redesign to the Scheme, or the removal of the Wharf Lane building due to the significant benefits that it would deliver.
- 11.63.3 To mitigate the objection raised by the Trust concerning the perceived removal of a future revenue stream by removing a café from the Future Trust Lease/Licence Area, the Council offered the Trust a grant of £175,000 over the first 10 years of the Trust managing the new space. This was to be given in instalments with the Trust receiving £25,000 per year for the first five years and then £10,000 a year for the remaining 5 years.
- 11.63.4 The Trust set out that it did not feel the Future Designated Open Space met its requirements, and that Trustees had voted to reject the proposal.
- 11.63.5 The Trust also outright rejected the Council's grant offer.

- 11.63.6 The Trust raised concerns about the perceived lack of amenity value of the Wharf Lane building, and degree and quality of open space.
- 11.63.7 The Trustees were also very cautious about any provision of open space on the Embankment level.
- 11.63.8 The Trust suggested that the Council work with the Trust to create improvements to the derelict buildings on site but excluding the current Diamond Jubilee Gardens from the scheme.
- 11.64 In June 2022 the Trust appointed a second new Chair, with the previous Chair having served 9 months.
- 11.65 The Council and the Trust continued to exchange correspondence up until the 24 November 2022 Planning Committee meeting, with the Trust requesting that the Council provide a full and detailed response to its objections, alongside requesting fundamental changes to the Scheme and disputing the extent of negotiations carried out to date. As set out above the Council had gone to great lengths to include the Trust in the design development of the Scheme, repeatedly asking for a design specification and 'base design' to be agreed so that the Council could gain certainty as to the design being delivered. The Council stated that the Trust would receive a full response to its objections within the Statement of Case which would be released in due course.
- 11.66 Following the Planning Committee, on 29 November 2022 the Council requested a meeting with the Trust to discuss a negotiated route forward, noting that the Planning Committee Report had covered a number of the Trust's objections in great detail such as the designation of brownfield land and the appropriate scale and massing of the Wharf Lane building. The Trust and Council held two further meetings in February 2023 and March 2023 where the Council set out its proposed responses to the Trust's CPO and s19 objections as requested. Minutes of these meetings can be found (respectively) in **LBR5 Appendix 84** and **LBR5 Appendix 85** but the headlines for the meetings included:-
 - 11.66.1 The Council's proposal for Modified Order Land and how this responded to one of the Trust's objections regarding the highway land within the Events Space.
 - 11.66.2 Confirmation of the areas regarding the open space plan, Retained Land and Exchange Land.
 - 11.66.3 The Council's January 2023 finance decision to approve capital funds required for the delivery of the Scheme.
 - 11.66.4 How the design dealt with flooding, the events space, the play area and vehicular access
 - 11.66.5 The Trust raised concerns about the Wharf Lane building and questioned the justification for its inclusion within the Scheme.
 - 11.66.6 The Council set out its justification for the inclusion of the Wharf Lane building.

11.66.7 Cohesion of the Future Designated Open Space

11.66.8 Justification of the use of section 19 (1) (aa)

11.66.9 Brownfield site allocation.

11.66.10 Shadowing and sunlight within the Scheme

11.66.11 The loss of a café from the Future Trust Lease/Licence Area

- 11.67 The first meeting ended with the Trust confirming that they had suspended negotiations on the draft Heads of Terms in April 2021 and that the Trustees had voted to reject the Council's proposal for the Future Trust Lease/Licence Area.
- 11.68 The Council and Trust met once more on 19 April 2023 with the Council's legal advisor and a representative of the Trust's from Montague Evans also in attendance. The meeting focussed on glossary terms and the Maps submitted with the Council's Statement of Case and contained in **CD 4.3**. The Council agreed a number of points and since then has made revisions and added new definitions to the Glossary. The changes and additions to the Glossary have been included in the Glossary at the end of this Proof and where relevant, also included in separate Glossaries to the Proofs of other Council witnesses. In addition, at the request of the Trust the Council has also produced a series of additional detailed plans, including Maps M to P which are found at Appendix **LBR1B(5)** to **LBR1B(8)**. A copy of the minutes of the meeting are at **LBR5 Appendix 86**.

(5) PLA Land

- 11.69 Part of the Scheme will be constructed upon the Embankment, which is part owned by the PLA. This land is not proposed for freehold acquisition within the Order as it is highway although in any event negotiations with the PLA are advanced and are further detailed below. The Order does include rights to oversail by cranes for construction purposes over the PLA's land.
- 11.70 The Council met representatives of the PLA on 19 February 2020 to discuss the ownership and purchase of the Embankment for the Scheme. It was, at that meeting, agreed in principle that the PLA would register their interest in the Embankment and transfer their registered interest to the Council. Further to negotiations between both parties, terms have been agreed between the parties and respective solicitors instructed to put the necessary formalities in hand to complete the transfer, all terms have been agreed and the acquisition by the Council is on the verge of completion.
- 11.71 At the point of the Council agreeing Heads of Terms with the PLA for the acquisition of its freehold interest in the southern part of the Embankment, the northern section was unregistered and therefore included within the Order Land. The Council has since applied to the Land Registry to register this part of the Embankment in its name.
- 11.72 Whilst progress is being made to acquire all remaining interests by negotiation, the Council considers that in the interests of ensuring that the Scheme can move forward in line with the development

programme, it is necessary to make the Order. However, the Council will continue to negotiate with owners and leaseholders throughout the compulsory purchase process.

- 11.73 In respect of the right to oversail included over the PLA land, as opposed to the separate negotiations on land acquisition, letters were sent to the PLA on 22 August 2022, 24 February 2023 and on 8 March 2023 by Newsteer Real Estate Advisers, who have been instructed to negotiate the acquisition of these rights on the Council's behalf. Additionally, Newsteer have sent emails to the PLA on the following dates, 23 August 2022, 24 October 2022, 14 November 2022 and 16 December 2022, but are yet to receive a response.

(6) Right of Light

- 11.74 The Scheme has the potential to impact rights of light. Newsteer Real Estate Advisers have been instructed by the Council to engage with property owners in respect of the acquisition of these rights. Newsteer have written to each of the affected property owners and offered to arrange meetings to discuss the Council's proposals – letters were sent in August 2022, February 2023 and March 2023.

(7) Oversail rights

- 11.75 The Council has sought in the Order the right to oversail cranes over various parcels of land surrounding the Scheme Land. The Council's appointed consultants, Newsteer, accordingly wrote to the affected parties on 22 August 2022. Three respondents wishing to engage have been in touch with Newsteer who will be following up with meetings. Follow up letters were sent to all parties on 24 February 2023 and on 8 March 2023. Newsteer advise that there was a further response elicited by the letters dated 24 February 2023. In total there have been four responses elicited and continued efforts are being made to engage those who are yet to respond.

12. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE

- 12.1 The purpose of seeking to acquire the land and rights compulsorily is to facilitate the comprehensive redevelopment of the Scheme Land, and to enable the Scheme to go ahead. Compulsorily acquiring the Modified Order Land would, in the opinion of the Council, meet its housing, planning and policy objectives and do so within a reasonable timescale. See section 9 in this Proof of Evidence for further information.
- 12.2 Compulsory purchase is essential to enable the Scheme to take place and for the Council to achieve its policy objectives. Whilst the Council is the freeholder of the majority of the Scheme Land, the Modified Order Land is occupied and let on long leases and tenancies. The Council needs to ensure that it secures unencumbered freehold title to the Modified Order Land, free of subsidiary leasehold interests, subject to payment of compensation to any valid claimant. This is necessary to mitigate the risk that the Scheme could be delayed or not be delivered at all.
- 12.3 The Council understands and acknowledges that the compulsory purchase of land should be a measure of last resort where negotiations have been unsuccessful and that there should also be a

compelling case in the public interest that justifies interfering with the rights of those with an interest in the land.

- 12.4 The Council considers that there is a compelling case in the public interest for the making of the Order. The Council has a clear vision and plan for the use of the Modified Order Land and the principle of the Scheme is supported by planning policy at both a national and local level. It is not considered that there are any planning or other impediments to the implementation of the Scheme (see section 13 of this Proof of Evidence), as planning permission has been granted and the funding required has been approved by Committee. The Council considers that the Scheme will make a significant contribution to the promotion and achievement of the economic, social and environmental wellbeing of the area (see section 9 of this Proof of Evidence).
- 12.5 Single ownership and control of the Modified Order Land is necessary to enable the Scheme to proceed. The Council is satisfied that it has made reasonable attempts to acquire outstanding interests by private agreement. The Council has attempted, and will continue to attempt, to purchase the outstanding interests by private agreement. However, due to the existence of the third-party interests as identified in the Schedule to the Modified Order, the Council considers it unlikely that it will be able to acquire all the interests by agreement within a reasonable time frame. The exercise of compulsory purchase powers will enable the Scheme to go ahead by providing certainty in respect of site assembly and will enable the Council to achieve its policy objectives in a timely manner.
- 12.6 The Council has given very careful consideration to the reasons why it is necessary to include each parcel of land within the Modified Order and has continued to interrogate its justifications after the making of the Order. This exercise has resulted in the Council requesting the Proposed Modifications. If the Modified Order is confirmed the Council will be able to make a General Vesting Declaration which will give the Council absolute unencumbered freehold title to the Modified Order Land enabling the Council to undertake the Scheme.
- 12.7 Single ownership and control of the Modified Order Land is necessary to enable the Scheme to proceed. Given the third party interests identified in the Schedule to the Modified Order it is unlikely that the Council will be able to acquire all of the necessary interests by agreement within a reasonable timescale. The Council therefore needs to make the Modified Order to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst negotiations to acquire all interests by agreement, wherever possible, will continue, given the fragmented nature of the Modified Order Land, the Modified Order is required to achieve vacant possession of the land where necessary.
- 12.8 The Council considers that all land is required to deliver the ambitions of the of the Scheme. Previous schemes, which were developed on smaller site footprints than the current Scheme Land, have failed. The brief for the Scheme explicitly sought a whole site solution with all the Scheme Land considered. This was supported by the Trust, amongst other stakeholders and residents, who allowed the Gardens to be included knowing that this would likely mean that the open space arrangements on the Scheme Land would change. All of the Scheme Land is required to deliver the

vision and bring about the benefits of the Scheme. Removing elements of the Scheme, such as the Wharf Lane building, (which is now requested by the Trust), would result in a diminished scheme in design terms, with the Wharf Lane building seen as important to creating a destination and end point of the Scheme Land that will help draw people into the Scheme Land and down to the river. The Planning Committee Report (**CD 3.37**) at paragraph 8.90 refers to the role of the Wharf Lane building in helping to book end and frame the Scheme Land and at paragraph 8.105, officers' note that both buildings will provide active frontages, establishing a relationship with the adjoining public space. Without the Wharf Land building the Scheme does not deliver a number of the benefits. The design works as a whole and this was always the intention when embarking on the Design Competition.

- 12.9 Although the majority of the Scheme Land is in the freehold ownership the Council, the implementation of the Scheme requires the acquisition of a number of further land interests currently owned by third parties. Given the extent of redevelopment required and the comprehensive design approach adopted across the Scheme Land, it is not possible for individual owners to achieve comprehensive appropriate redevelopment of the Scheme Land (or parts of it).
- 12.10 The Council has been negotiating with the Trust for acquisition of their interest by agreement but has been unable to reach an agreement within the required timeframe. A detailed summary of the negotiations is set out in section 11 of this Proof of Evidence.
- 12.11 The Council is therefore seeking confirmation of the Modified Order to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst the Council's approach is to negotiate all interests wherever possible, given the unsuccessful negotiations to date, confirmation of the Modified Order is required in order to use compulsory purchase powers where necessary.
- 12.12 For the reasons explained above, there is a compelling case in the public interest to proceed with the Modified Order.

13. **NO IMPEDIMENTS TO DELIVERING THE SCHEME**

- 13.1 The Council is committed to the delivery of the Scheme, it is a key Council priority and should the Modified Order be confirmed, the Council does not foresee any impediment to delivery of the Scheme. This section addresses the requirements of the planning permission and other orders and decisions required to implement the Scheme.

Planning permission and discharge of conditions

- 13.2 The Planning Committee voted unanimously in support of the Scheme on 24 November 2022. The decision notice was published 22 December 2022. Please cross refer to Ms Johnson's Proof of Evidence for further information on planning matters.

- 13.3 The Planning Permission (**CD 3.40**) contains a number planning conditions that need to be discharged prior to commencement/occupation of the Scheme. Some of these relate to the delivery of the Future Functioning Open Space and key ones are addressed in more detail below.
- 13.3.1 NS02 Phasing – this requires input by a contractor and will detail the delivery of elements of the public realm and open space against the overall programme. Public open space will be delivered as early as possible but the whole scheme will be delivered in one phase and some open space works make sense to be delivered last. It is anticipated that the construction will take approximately 24 months. An indicative programme for the delivery of the Future Designated Open Space can be seen in **Appendix LBR1B(3)** and is addressed in more detail in 14.24 of this Proof of Evidence.
- 13.3.2 NS22 Highways and Transport Matters – this is in part addressed in Mr O'Donnell's Proof of Evidence (**LBR2A** Highways and Transport Proof of Evidence).
- 13.3.3 NS38 Open Space Management – this will be developed prior to the commencement of the development, however a framework for the future management has been included in **Appendix LBR1B(4)** of this Proof of Evidence. Maintenance of the new open space will be the responsibility of the Council.
- 13.3.4 NS42 Play Provision – the detail of this was largely already submitted as part of the Planning Application and will be finalised when a contractor is appointed.
- 13.3.5 NS58 Event Strategy – the Council is experienced in preparing and working within these documents and it will be drafted at the appropriate time prior to events taking place.
- 13.3.6 NS64 Open Space Delivery – linked to the phasing plan, once a contractor is in place a detailed plan will be submitted that will ensure that the public open space is delivered as early as possible within the wider construction programme. It will also detail what Existing Designated Open Space can remain open during construction.
- 13.3.7 NS65 Street Furniture Details – as with the play equipment, much of the detail was submitted during the planning determination process and will be finalised when a contractor is appointed.
- 13.3.8 NS100 Off Site Play – this is mitigated with a payment, the amount of which has already been agreed with Local Planning Authority and included with approved budgets.
- 13.3.9 NS106 Service Road Gates – this will be submitted when a contractor is on board but the detail has been worked through.
- 13.4 The above conditions are not seen as an impediment to delivery and will be, alongside other conditions, discharged at the appropriate time when a contractor has been appointed.

Funding

- 13.5 A report detailing 'Twickenham Riverside – Project Update, financial investment and value generation' was presented to the Council's Finance, Policy and Resources Committee on 19 January 2023 (**CD 1.12**). At this meeting the Committee approved the capital budget additions of a total of £45 million to be profiled £1.5m 2023/24, £21m 2024/25, £18m in 2025/26, £4m in 2026/27 and £0.5m in 2027/28. It was noted that this would be funded by capital receipts generated from the Scheme and available grants with an estimated net cost to the Council of £20 million. The Council has always said that it will take a long-term view on the costs of the Scheme and will be looking to invest to deliver wider benefits and help regenerate Twickenham town centre.
- 13.6 The position presented in the committee report is a reasonable estimate at this stage of the project and included for inflation to the estimated midpoint of construction and contingency. Officers were confident that this represented a realistic finance position. The approved budget will now be factored into the Council's capital budget ready for when the construction phase would likely start assuming a successful CPO outcome.
- 13.7 The Finance Implications section (Section 5) of the Committee Report (**CD 1.12**) detailed that the budget would be funded by revenue sales, grants, Strategic Community Infrastructure Levy and borrowing.
- 13.8 The report also detailed the wider benefits the Scheme will deliver, looking at the Council policies and objectives that the Scheme will help deliver against and detailing the social value as seen in the Social and Additional Value Assessment (**CD 2.5**).

Stopping Up Order

- 13.9 This is addressed in detail in Mr O'Donnell's Proof of Evidence (**LBR3A**). The Scheme will entail building upon parts of what is currently adopted highway (Map I **CD 4.3I**) in order to construct the boathouse in the south-western part of the Scheme Land, as well as delivering the Events Space which will form part of the proposed Exchange Land. The Events Space and the extent to which it lies within and outside the adopted highway is shown on Map D (**CD 4.3D**).
- 13.10 In order to facilitate the Scheme, the Council originally applied for a Stopping Up Order, in advance of planning permission, pursuant to section 253 of the 1990 Act. Following publication of the proposed Stopping Up Order and the consideration of objections to it, the Council decided not to proceed with the draft Stopping Up Order as publicised on 4 August 2022.

- 13.11 On 2 February 2023, the Council publicised a new Stopping Up Order pursuant to section 247 of the 1990 Act. The areas of highway proposed to be stopped up in the new Stopping Up Order are:-
- 13.11.1 That part of Water Lane hatched in black on the plan titled "*Areas of Public Highway to be Stopped Up*," consisting of an area of 28.4m² at the south-western junction with the Embankment, Twickenham, Richmond, TW1 3NP.
- 13.11.2 That part of the Embankment hatched in black on the plan titled "*Areas of Public Highway to be Stopped Up Location Plan*," consisting of an area of 686.8m² running from a point east to west to the south of the Gardens and wrapping round the western corner onto the southern end of Wharf Lane.
- 13.11.3 That part of the Service Road hatched in black on the plan titled "*Areas of Public Highway to be Stopped Up Location Plan*," consisting of an area of 20.5m² which is the southern side of the turning circle at the eastern end.
- 13.12 The Stopping Up Order Plan can be found at **CD 4.6**.
- 13.13 Section 247 states that: "*The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough... if it is satisfied that it is necessary to do so in order to enable development to be carried out: (a) in accordance with planning permission granted under Part III...*".
- 13.14 Section 247 states that: "*The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough... if it is satisfied that it is necessary to do so in order to enable development to be carried out: (a) in accordance with planning permission granted under Part III...*".
- 13.15 The new Stopping Up Order reduces the area of the Embankment proposed for stopping up and maintains a safe usable width of public highway for large service vehicles. Whilst part of the area is within the Events Space, it is accepted that this can be facilitated by the granting of appropriate licences and Temporary Traffic Management Orders.
- 13.16 The Council received 18 objections to the new Stopping Up Order, notified for the period 2 February 2023 until 2 March 2023. The objections raise the following points, with many objections being duplicates:-
- 13.16.1 Impacts on access, servicing, and parking.
- 13.16.2 Viability/feasibility of two-way traffic system and potential impact on Eel Pie Island.
- 13.16.3 The absence of a safety audit in support of the proposed stopping up.
- 13.17 The Council, as Highway Authority, is of the view that the new Stopping Up Order satisfactorily addresses the issues relating to the area to be stopped up and that the remaining objections have

been appropriately considered and addressed in detail in the Planning Committee Report. There are no statutory objectors and the Council is of the view that the remaining objections relate to traffic management of the Scheme Land, as opposed to the Stopping Up Order. On this basis, the Council considers that there should not be grounds for a further inquiry. If, contrary to the Council's view, the GLA considers that a local inquiry should be held to determine if the Order should be confirmed, the Council will request that the inquiry is dealt with by the same Inspector as the CPO.

Traffic Regulation Orders

- 13.18 In addition to Temporary Traffic Management orders to facilitate the holding of public events on that part of the Events Space on the existing highway, Traffic Regulation Order(s) for the following restrictions will be required:-
- 13.18.1 Removal of the existing one-way system for vehicular traffic, including bicycles, on Water Lane and Wharf Lane to allow two-way vehicular traffic.
 - 13.18.2 Removal of existing on street vehicular parking bays, re-designation of certain on street vehicular parking bays and implementing new on street vehicular parking bays all within the controlled parking zone.
 - 13.18.3 Implementation of new lengths of double yellow lines and other parking and loading bay restrictions on the carriageway as deemed appropriate.
 - 13.18.4 Limiting the weight of vehicles travelling in a southerly direction between the King Street/Wharf Lane priority bell-mouth junction and the Wharf Lane/service road priority bell-mouth access junction to 7.5 tonnes gross vehicle weight.
 - 13.18.5 Restricting use of the highway immediately to the south of the Scheme Land, along the Embankment, to service delivery vehicles between the hours of 7am to 10am daily.
- 13.19 Any changes to the movement of vehicular traffic and parking would be implemented through an Experimental Traffic Management Order (ETMO) and the Council would follow the statutory process for this. Any objections to the proposed orders would be considered by the Council's Transport and Air Quality Committee and if necessary, the Council would reconsult interested parties on any major modifications proposed. Please see sections 4 and 6 of Mr O'Donnell's Proof of Evidence for further detail on the measures that will be implemented by way of ETMO.
- 13.20 The highway and transport implications of the Scheme were considered at length during the planning application process and led the highway authority to have no objections to the granting of the planning permission. As part of the planning application process the Council submitted a revised Stage 1 Road Safety Audit and new vehicle tracking drawings in October 2022 (**CD 4.8**) and all amendments to the highway network both in terms of construction and management, were agreed in principle with the highway authority. Based on all discussions and submissions to date, the

granting of temporary and/or permanent traffic orders are not considered an impediment to the delivery of the Scheme.

- 13.21 Any necessary temporary orders would be sought in advance of construction commencing and any permanent orders will be sought at the appropriate time, in the usual way.

Flood Risk Permit

- 13.22 As part of the Scheme involves works within 8 metres of a flood defence structure and within 16 metres of a tidal river, there is a statutory requirement to obtain a Flood Risk Permit from the Environment Agency. This permit has been discussed with the Environmental Agency, who have raised no objections to the design as planned. Therefore, the Council is satisfied that there are no reasons to suggest that this permit would not be granted. The Council does not foresee any issue with obtaining the required permit.

River Works Licence

- 13.23 As part of the Scheme involves a pontoon it will require a river works licence from the PLA. Following detailed engagement with the PLA and from discussions to date, the Council is satisfied that there are no reasons to suggest that this licence would not be given. The Council is satisfied that there are no legal or physical impediments to the Scheme progressing.

Construction

- 13.24 The procurement process will commence following the conclusion of the CPO process, assuming a successful outcome, although there may be preparation work that could be progressed alongside waiting for a decision. The Council has already taken the Scheme to the end of RIBA Stage 4 and so the detail is already prepared and most of the procurement documents are already drafted. Some soft market testing took place during Stage 4 and the Council is confident that there will be appetite in the market from contractors. The outcome of the procurement process will be ratified at committee before a contractor is appointment. An indicative programme can be found at **Appendix LBR1B(3)** of this Proof of Evidence. Arcadis, the Council's external project managers for the Scheme, have prepared the programme and the Council's Programme Management Office, who manage the Council's capital projects, have reviewed and are comfortable that the timescales allowed for each element of the programme are reasonable to deliver the Scheme. As can be seen in the programme acquisition of CPO land, assuming a successful outcome at inquiry, will start after the CPO process concludes and will end at the point the contractor starts on site. The intention will be to acquire the open space only when it is required for the delivery of the scheme, and not at the start of the

acquisition period given in the programme. The delivery of the open space is indicated to take 24 months (please note the days referred to in the programme are working days).

14. OBJECTIONS

14.1 Detailed responses to all objections were provided in section 11 of the Statement of Case. The other Proofs of Evidence address broad themes related to their expertise. Mr Bannister addresses Design and Open Space objections, Ms Johnson addresses Planning objections and Mr O'Donnell addresses Highway, Transport and Parking Objections. The other themes that emerged from the objections are set out and responded to below.

Lack of compelling need

14.2 This is covered in general terms in sections 9 and 12 of this Proof of Evidence and throughout the Statement of Case.

14.3 The Council considers that there is a compelling case in the public interest for the making of the Order. The Council has a clear vision and plan for the use of the Order Land and the principle of the Scheme is supported by planning policy at both a national and local level and planning permission for the Scheme has now been granted. It is not considered that there are any planning or other impediments to the implementation of the Scheme, as planning permission has been granted and the funding required has been approved by Committee (see section 14 of this Proof of Evidence). The Council considers that the Scheme would make a significant contribution to the promotion and achievement of the economic, social and environmental wellbeing of the area.

14.4 Given that the Council has been negotiating with the Trust since 2018, and no legal agreement has been reached, the Council has reluctantly concluded that it must rely upon its CPO powers in order to deliver the Scheme in a timely way. See section 11 of this Proof of Evidence for further information on negotiations with interested parties.

14.5 Any change to the Scheme, such as the removal of the Wharf Lane building, would significantly reduce the benefits that the Scheme would deliver, which have been set out in paragraph 2.10 of the Statement of Case. The concept design has always contained a built form on the western side of the Scheme land and did so when the Trust wrote their unanimous letter of support for the concept design. However, through design development and in response to the flood storage and flood defence requirements of the Environment Agency, the building has reduced dramatically in scale, by approximately 33%. Furthermore, it has been pulled back from the river edge. The building is a fundamental part of delivering the regenerative effect of the Scheme, as well as ensuring the Scheme is policy compliant by providing commercial spaces and improved access to public toilets.

14.6 Additionally, the Wharf Lane building would make a positive contribution to the viability of the Scheme, enabling other aspects which are not value generating to be delivered to a high quality such as the large amount of public realm. Removing this building would have a negative impact on viability,

as well as unknown impacts on costs for other aspects of the Scheme when considering economies of scale.

- 14.7 In response to points about the expenditure not being justified, the Finance, Policy and Resources Committee meeting held on the 19 January 2023 approved total capital budget additions of £45 million to deliver the project. The January Finance, Policy and Resources Committee report (**CD 1.12**) details the many benefits the Scheme would bring to Twickenham and the Borough and Committee members were presented with the reasonable costs and with this information resolved to make the funds available to deliver the Scheme. The Council has always said that it will take a long term view on the costs of the Scheme and will be looking to invest to deliver wider benefits and help regenerate Twickenham town centre.
- 14.8 There is a compelling case for the use of CPO, the Scheme will make a significant contribution to the local area. Despite best efforts the Council has been unable to reach agreement with all interested parties by way of negotiation and has reluctantly had to resort to the use of CPO powers.

Justification of the cost of the scheme and viability

- 14.9 This is dealt with in general terms in 13.5 to 13.8 of this Proof of Evidence.
- 14.10 At the Council's Finance, Policy and Resources Committee meeting held on the 19 January 2023 the Committee approved total capital budget additions of £45 million to deliver the project. The Finance, Policy and Resources Committee Report (**CD 1.12**) details the many benefits the Scheme would bring to Twickenham and the Borough and Committee members were presented with the reasonable costs and with this information resolved to make the funds available to deliver the Scheme. The Council has always said that it will take a long term view on the costs of the Scheme and will be looking to invest to deliver wider benefits and help regenerate Twickenham town centre.

Lack of funding to deliver the Scheme

- 14.11 This is dealt with in general terms in 13.5 to 13.8 of this Proof of Evidence.
- 14.12 At the Finance, Policy and Resources Committee meeting held on the 19 January 2023 the Committee approved total capital budget additions of £45 million to deliver the project. It was noted that this would be funded by capital receipts generated from the Scheme and available grants with an estimated net cost to the Council of £20 million. These costs were based on the most reasonable estimate of the Scheme costs.
- 14.13 The January 2023 Finance, Policy and Resources Committee report (CD 1.12) details the many benefits the Scheme would bring to Twickenham and the Borough and Committee members were presented with the reasonable costs and, with this information made the decision to make the funds for the Scheme available. The Council has always said that it will take a long term view on the costs of the Scheme and will be looking to invest to deliver wider benefits and help regenerate Twickenham town centre.

The Order is not a last resort and the Scheme could be delivered without CPO

- 14.14 The extensive efforts the Council has made in seeking to negotiate with third parties and thus avoid the need for the use of CPO powers are detailed in section 11 of this Proof of Evidence.
- 14.15 The Council does not believe that the Scheme can be delivered without making the Order. All land parcels within the Scheme land are required to deliver the stated benefits. Previous schemes, which were developed on smaller site footprints within the current Scheme Land, have failed. The brief for the Scheme was developed to provide a whole site solution. This was supported by the Trust, who allowed the Gardens to be included knowing that this would likely mean that the open space arrangements on the Scheme Land would change.
- 14.16 All of the Scheme Land is required to deliver the vision and bring about the benefits. Removing elements of the Scheme, such as the Wharf Lane building, would result in a diminished scheme in design terms, with the Wharf Lane building seen as important to creating a destination and end point on the Scheme Land that will help draw people into the Site and down to the river. Without the Wharf Lane building the Scheme would not deliver a number of the benefits, nor would it likely have achieved planning consent given the re-provision of existing uses within the Wharf Lane building and additional housing it would also deliver. A scheme which only built out the eastern section of the Scheme Land would not entail a comprehensive regeneration of the Scheme Land and would materially undermine the compelling need for the Scheme. paragraph 9.33 of this Proof of Evidence summarises the key benefits the Wharf Lane building would secure.
- 14.17 The Council has been negotiating with interested parties in hope that an agreement could be reached, see section 11 of this Proof of Evidence. The Council considers that the Order represents a last resort to deliver the Scheme, absent which the Scheme would not progress. Despite the making of the Order, the Council has remained open and committed to continuing negotiations with third party owners of the Order Land.
- 14.18 As documented in the minutes of the meeting with the Trust held on 21 February 2023, the Trust 'suspended negotiations' on the written Heads of Terms in April 2021. The plan of the Future Trust Lease/Licence Area¹² (Map L (**CD 4.3L**)) was provided to the Trust alongside the Heads of Terms in April 2021. The minutes of the same meeting confirm that several months later, the plan showing the Future Trust Management Area was rejected by the Trust following a vote.
- 14.19 In response to the point raised that the development proposals have changed a number of times, the Council have been liaising with the Trust since before the Design Competition was launched in 2019. The Trust have been aware of the masterplan, key objectives, and proposed design throughout the design development period and were integrally involved in approving the design principles within the RIBA Full Design Brief (**CD 3.1**). Whilst detailed elements of the Scheme design have changed as

¹² A new definition for Future Trust Lease/Licence Area has been included in the Glossary at the end of this Proof and replaces the previous definition "Future Trust Management Area".

part of the normal design development process, and in part as a response to the Trust's own design requests, the principles of the Scheme and positioning of the Future Designated Open Space (Map C (CD 4.3C)) remain the same. The Scheme offers a central open space, bookended by two buildings with active ground floor frontages. The changes required in response to the flood storage and flood defence requirements imposed by the Environment Agency, resulted in a smaller built footprint, whilst maintaining the central Future Designated Open Space. The Trust were informed at the time, and this was discussed in detail at the subsequent 'Design Meetings' held with the Trust.

- 14.20 The Trust was given a plan of the Future Trust Management Area (Map L (CD 4.3L)) offer in April 2021 and latterly after planning approval was secured in December 2022.
- 14.21 A detailed summary of all negotiations with third parties to date is set out in section 11 of this Proof of Evidence. The Future Trust Management Area has remained the same since April 2021, and the Trust have had a plan showing the Exchange Land, since September 2021.
- 14.22 The above demonstrates that the Order is a last resort and that the Scheme could not be achieved without CPO. The above also refutes that the Scheme proposals have changed a number of times. The Council have had detailed and lengthy negotiations with the Trust, who have been aware of the Scheme and inputted into its design. The Council wished to reach a negotiated agreement, but this has not been possible. Alternatives have been considered and are not capable of delivering the benefits that the Scheme would. The entirety of the Scheme Land is required to deliver the Scheme and unlock the benefits it will bring.

Twickenham Riverside Trust duty bound to object to the CPO

- 14.23 The Trustees are duty bound by their governing document which sets out the Trust's Charitable objects. These are (1) To preserve protect and improve for the benefits of the public the riverside and its environs at Twickenham in the London Borough of Richmond upon Thames (and such other areas as the Trustees may from time to time decide); (2) To provide charitable facilities there for public recreation and community activities; and (3) to advance the education of the public in the history and environment of the area.
- 14.24 The Council considers that the Future Trust Lease/Licence Area (Map L (CD 4.3L)) would allow the Trust to deliver against their charitable objectives far better than the Existing Designated Open Space/Existing Trust Lease Area (Map K (CD 4.3K)), which is stepped back from the river, tired, underused and lacking in opportunity. The Future Trust Lease/Licence Area would improve the riverside for the benefit of the public and provide ample opportunities for recreation and community activities. The Future Trust Lease/Licence Area and the wider Future Functioning Open Space, offer better accessibility, bring derelict riverside buildings and land into active use, improve access to and use of the river, remove the dominance of cars on the riverside to better connect the open space to the river, provide a range of recreation and play opportunities for all ages, provide the Events Space and offers the opportunity to provide educational opportunities on the history and environment of the Scheme Land. The Trust would be preserving and protecting the use of open space, with its current

amenity uses and location, whilst improving the quantity, quality and amenity of the open space along with its connection to the riverside.

- 14.25 The Trust's objectives are deliverable on the Future Trust Lease/Licence Area. Furthermore, the Trust are bound to deliver their objectives for the benefit of the public. The public consultation held in January to February 2021 on the Scheme showed that 84% of respondents were more likely or just as likely to visit the riverside once the development had been built. 73% of respondents agreed that the proposed development achieves the ambition of high-quality open space and pedestrianised priority on the river frontage. When asked what aspects of the design they particularly liked, respondents most commonly mentioned the car-free riverside, open space and greenery, views of the river and the opening up of the town centre to the river. Showing that the majority of respondents are in support of the Scheme.
- 14.26 The above disputes that the Scheme (and the Modified Order) represent a breach of the Trust's charitable objectives. On the contrary, the Council considers the Scheme and the Future Trust Lease/Licence Area would be more in keeping with the Trust's charitable objectives than the existing Gardens.

Exchange land is not 'equally advantageous'

- 14.27 The case in support of the Exchange Land and the grant of a certificate pursuant to section 19(1)(a) of the ALA 1981 is set out in detail in paragraphs 10.25 to 10.49 in this Proof of Evidence. Mr Bannister details the quality of the new open space throughout his Proof of Evidence and section 10 of his proof offers a comparison between existing and new open space (**Document LBR2A**).
- 14.28 The Existing Designated Open Space is not easy to access, the planting is compromised by the remains of the old swimming pool, it lacks a direct connection to the river and there are a number of instances that have taken place within the Gardens such as anti-social behaviour, criminal damage, drugs misuse, amongst others. The Exchange Land would be larger, allows better access into the gardens from both the Embankment and the town centre, allows for better quality planting, better visual connection with the riverside, more opportunities for activities and greater natural surveillance that should help to reduce the risk of anti-social behaviour. As a consequence, the Council believe that the Exchange Land would provide public amenity which is more advantageous than the Existing Designated Open Space.
- 14.29 The Exchange Land should not be seen in isolation to other open space being provided by the Scheme, they will form one connected, coherent area of public open space, which has different type of spaces and uses to appeal to a range of different users.
- 14.30 The Existing Designated Open Space is enclosed and above the flood defence wall, which in the Council's view is detrimental to encouraging use. The Existing Designated Open Space is separated from the river by parking spaces that act as a physical and visual barrier. By better connecting the

Gardens to the river in the Scheme it would allow people to fully enjoy the riverside. The open nature of the Future Designated Open Space rather than the enclosed nature of the current Gardens would make the space more accessible, larger and would allow for different areas and uses. Whilst the Embankment would allow for some vehicle movements, this would be limited to 7-10am by bollards, at other times the Embankment area would be a vehicle free zone, save in case of emergencies or by prior arrangement. This would also be only a small section of the Future Functioning Open Space (Plot 62a) and there would be plenty of other areas to enjoy during these small few hours which are inaccessible to vehicles. Providing the Restricted Vehicular Access Route was the only way to ensure servicing and access to the wider area for the largest vehicle types would be achieved within the Scheme. Alternatives were explored in detail, such as connecting the service road through to Water Lane but were undeliverable (please see section 7 of Mr Bannister's Proof of Evidence for further information).

- 14.31 Whilst some of the Future Designated Open Space would now fall in front of the flood defence wall, the probability of this flooding is a 1 in 100 or greater annual probability as shown in Map H (CD 4.3H). This space could still be regularly used and providing land at this level is the only way to connect the Future Designated Open Space to the riverside. The Embankment level space has been designed to flood, and it is the most obvious and safest land use to allow to flood. Much of the Future Designated Open Space would lie above the Embankment level and so there would always be open space to enjoy in times of flooding. There would also be the opportunity for events to be run at the upper levels of the Gardens. Many of the events held in the current Gardens are small and they could easily be accommodated in the upper areas.
- 14.32 The Scheme would deliver a new and improved play area, albeit that it would not be provided within the Exchange Land in its entirety. It would offer an enhanced range of play equipment and sensory elements. The Future Designated Open Space (and the Future Functioning Open Space) would also allow for a range of other activities for all ages to enjoy.
- 14.33 The provision of Future Functioning Open Space was a key objective of the Scheme. Provision of this space has had to react to the riverside locations, flooding defence and storage requirements and the level changes on the Scheme Land, whilst balancing other Scheme objectives. The Council disagrees with comments that the space lacks cohesion. The Future Functioning Open Space would all be connected, would be accessible and was designed to allow for difference uses and distinct areas that allow for different functions. From King Street to the river there would be areas of Future Functioning Open Space to enjoy. In the responses to the questionnaire from the period of engagement held in January to February 2021, 73% of respondents agreed that the proposed development achieves the ambition of high-quality open space and pedestrianised priority on the river frontage. When asked what aspects of the design they particularly liked, respondents most

commonly mentioned the car-free riverside, open space and greenery, views of the river and the opening up of the town centre to the river.

- 14.34 Notwithstanding the holistic assessment, I consider that the Exchange Land would be more advantageous to the public whether considered in isolation to the Lost Open Space, or in context with the Future Functioning Open Space and therefore meets the section 19(1)(a) tests.

Exchange land is within the flood zone

- 14.35 The fact that part of the Exchange Land is within the flood zone is addressed at paragraph 10.41 of this Proof of Evidence and section 10 of Mr Bannister's Proof of Evidence refers to flooding in further detail.
- 14.36 The Scheme would improve the flood mitigation and increase the capacity for rainwater management on the Scheme Land. It would do so by providing areas of soft and hard landscaping which can accommodate flood waters within the flood zone. As can be seen on Map H (**CD 4.3H**), a large part of the Exchange Land would sit above the flood zone, and this includes the children's play area, pétanque terrain, sensory play and top terraced lawn where events could be held should the Events Space be flooded. Overall 455sqm of additional Future Designated Open Space would sit within or above the highest flood zone. The Events Space is within flood zone 3 which has a 1 in 100 or greater annual probability of flooding. However, to meet the detailed requirements of the Environment Agency for flood mitigation, lower areas of the Scheme must be within the flood zone.
- 14.37 The Scheme not only improves the flood defence and flood water management of the Embankment, thereby improving the overall situation, but there would also be far less cars using the space and so there would be improved flexibility for people to use the Embankment in ways that they currently cannot. With the flooding improved from the existing situation, room for events on the top lawn and outside the flood zone, as well as predictable tides with less vehicular traffic, the Council believes that it is reasonable to expect any events strategy to take account of these factors and for a much-improved programme of events to be held.
- 14.38 The Exchange Land encompasses a significant amount of the open space which sits above the flood zone and includes the new Events Space which sits at the lower level. This Events Space, whilst being within the flood zone, would only be at risk of flooding in a 1 in 100 or greater annual probability and unlikely to impede on the delivery of events. Having the Events Space in the flood zone would not negatively impact the ability of the Trust to deliver multiple events per month.
- 14.39 In conclusion, the Scheme would improve the flooding situation on the Scheme Land, and whilst part of the Exchange Land would lie within the flood zone, that is not considered to materially affect its ability to function as open space.

Exchange Land includes adopted highway, pavement and cycle lane

- 14.40 In response, as detailed in section 10 of the Proof of Evidence, the Council has requested that the Secretary of State exercises his powers to modify the Order and the section 19 Application to exclude that part of the Embankment Land which will remain as highway as part of the Scheme – this request has been made as the Council accepts that continued use of this part of the Embankment as highway, is inconsistent with use as open space.
- 14.41 Whilst not contended to be part of the Exchange Land for the reasons previously explained, the Restricted Vehicular Access Route would only be accessed by vehicles (without prior arrangement) between a window 7-10am in the morning, (where the few largest vehicles will be able to move from Water Lane to Wharf Lane to enable deliveries in the area), or in cases of emergency. Outside of this time the space would be blocked to vehicles via bollards (unless arranged in advance) and would form part of the Future Functioning Open Space. This would allow cyclists and pedestrians to have priority which is a key ambition of the Scheme. Cyclists would also be able to use the new two-way Water Lane. It is very common to have paths shared by pedestrians and cyclists, particularly along the Thames Path.
- 14.42 The Planning Committee Report (**CD 3.37**) comments that the Existing Functioning Open Space is separated by a road and parking, and in the Scheme all Future Functioning Open Space would be connected. Whilst occasional vehicle use of the Embankment is noted as being required, the Planning Committee Report notes this would be limited and thereby would not demonstrably devalue that part of the Future Functioning Open Space. The Planning Committee Report concluded that the Future Functioning Open Space would represent an upgrade to the Existing Functioning Open Space both in quantum and quality.

Proposed uses

- 14.43 In response to objections related to the need for residential units, this was addressed in paragraphs 6.12 to 6.18 of the Statement of Case and is addressed in general terms in Mr Bannister's and Ms Johnson's Proofs of Evidence. However, Twickenham Riverside is identified as an area where the Council can deliver residential units to contribute to its target of 3,150 homes for the period 2015-2025. The Planning Committee Report details the housing requirement at paragraph 8.48 setting out that it was envisaged that approximately 1000-1050 units would be provided within Twickenham (LP34). The Planning Committee Report notes that "*the introduction of 45 residential units on the highly accessible town centre location is welcomed.*" (8.49). It is therefore important that the Scheme seeks to deliver private sale homes, to help deliver against the Council's housing target. The delivery of housing was also a key objective in the design brief for the Scheme.
- 14.44 In response to objections related to the tenure mix of the proposed dwellings, the Scheme proposes 45 residential units with 21 affordable units. This would secure an appropriate tenure and unit mix for the town centre location. The delivery of 50% affordable homes (by habitable room) is

policy compliant and it is in part the receipt generated by the sale of the market properties that would help to deliver these units. The Scheme could not afford a higher percentage of affordable units. The affordable housing units would be purchased by the Housing Provider selected through the procurement process, with an offer already accepted. Therefore, these units will be filled immediately and assist the Council in meeting its priority need and demand for affordable housing including 10% accessible homes. The Council also shall have nomination rights for all the affordable rented products (condition NS29).

- 14.45 In response to objections related to the Council making profit from the sale of the private units, the Scheme is not making a profit; the Council has been clear it is looking to invest in the Scheme and has taken a long-term view on its financing. The delivery of private homes is essential to deliver the Scheme objectives, and wider Council objectives, on the need for the Council to deliver housing in the Borough. Income made from the sale of any units would be invested in the delivery of the Scheme and the wider benefits it would bring, albeit this does not cover the whole cost of delivering the Scheme, for which financial commitment was re-confirmed at the January 2023 FPRC Committee (CD 1.12).
- 14.46 In response to the specific comments about affordable housing previously being provided off site, the delivery of housing is a key objective of the Scheme. In so far as the comment refers to a strategy of a previous administration to deliver linked sites, this was several years ago and before the Council brought the King Street and Water Lane properties so is no longer relevant.
- 14.47 In response to objections related to the proposed restaurant/public house, the Council commissioned Avison Young to undertake a report in March 2021 in order to advise on the proposed commercial units within the Scheme (CD 4.4). This included the food and beverage uses of the proposed café and pub/restaurant. The report concluded that the Council has considered "*various schemes for this site over several decades and this iteration seems to have found the most favour with a good balance of residential and mixed uses, plus attractive amenity space for local residents and visitors.*" It goes on to say that "*the two leisure spaces should let well as the vista over the river towards Eel Pie Island will be attractive and the amenity for young families with children will make it a 'go to' destination.*"
- 14.48 The report also states that "*Twickenham town centre lacks a good quality 'gastro pub'/brasserie ... and it would be easy to see operators taking the larger space.*" The Council therefore is confident that this space would be a success, and the operator chosen would need to have an exemplary record in maintaining family friendly establishments.
- 14.49 The Planning Committee Report confirms that London Plan policy LP27 recognises the important role and social function public houses place in the community and can add to the local character of the area. As such, the proposed public house/restaurant within Wharf Lane is supported, is suitably located, would bring vibrancy and activity to the public open space and river frontage. A condition has been secured for both the public house/restaurant and café to be part of the Council's Community Toilet Scheme from commencement of use.

- 14.50 In response to objections related to the existing Scheme Land be extremely busy, the Council would refute this, as the Scheme Land is mostly made up of derelict buildings, a car park and open space, which is underused. Nevertheless, the Planning Committee Report considers noise pollution in section 8.196 noting that a Noise Assessment and Noise Technical Note were submitted, reviewed and approved by the Council's Environmental Health Officer. With the appropriate conditions secured through the planning permission (**CD 3.40**), the report notes that "*the Scheme is not deemed to result in unacceptable noise pollution, as sought by policy*".
- 14.51 The planning permission conditions limit the hours of use of the pub/restaurant unit, including use of the outside seating area (condition NS108). There is also a condition that requires an Events Management Plan be submitted before events (condition NS58), this condition limits the hours of events and number of certain types of events and noise levels. This would minimise disruption to neighbouring properties.
- 14.52 In response to objections related to the impact of the proposed retail units, it is anticipated that the development of the Scheme Land would have a regenerative effect on Twickenham and that footfall and spend in the local economy will increase. The Council commissioned a Social and Additional Value report (**CD 4.5**) which sets out how the proposed retail units contribute directly to the value generated by the development. The Council are looking to commission footfall studies prior to and following completion of the Scheme as part of the work it is doing to quantify the social value the regeneration will bring to the area.
- 14.53 There has also been ongoing engagement with local retail groups such as the Church Street Traders and Business Improvement District who largely support the aspirations of the Scheme and see it as a positive contribution to strengthening the retail offer and attraction of Twickenham town centre.
- 14.54 To conclude, the uses of the buildings are considered appropriate and that they would help to deliver against wider policy objectives drawing people to the Scheme and positively impacting the local economy. Any residual impact on neighbours is mitigated through planning conditions.

No broad public support for the Scheme and lack of consultation

- 14.55 This is addressed in general terms in section 7 of this Proof of Evidence.
- 14.56 The Council has undertaken significant periods of consultation and engagement. Without including the years of consultation prior to 2018, the Council initiated the project (prior to the RIBA Design Competition) with the establishment of the Stakeholder Reference Group, formed of a number of local groups with an interest in the Scheme Land (including the Trust). The Stakeholder Reference Group's role was to help input into the RIBA Full Design Brief, give their expertise, feedback design proposals, help with wider communication and generally act as a critical friend to the Council. They also elected a member to be part of the Design Panel for the Design Competition which signed off the brief and evaluated submissions.

14.57 The Council carried out two periods of non-statutory engagement and there was statutory consultation as part of the Planning Application. As part of these two periods of engagement a feedback questionnaire was circulated. The Council also ran separate youth engagement events. Throughout the design development process, the Council also met with a number of other stakeholder group and statutory consultees as demonstrated within the Statement of Community Involvement (**CD 3.13**). The Statement details how in response to the developed design, 84% of respondents said they would be more likely or just as likely to visit the riverside after the redevelopment, with only 12% saying they would be less like to visit. Seven in ten respondents (73%) agreed that the Scheme achieves the ambition of high-quality open space and pedestrianised priority on the river frontage. When asked which aspects of the design they particularly liked, respondents most commonly mentioned the car-free riverside, open space and greenery, views of the river and the opening up of the town centre to the river. The engagement with young people during the same period also shows support for the design, particularly the Events Space and activities on offer, the design and the open space / improvements to open space. When asked what they disliked the most common comment was that they did not dislike anything.

Interference with Lease of Diamond Jubilee Gardens

- 14.58 In essence, the point raised is that the Gardens were put into trust on behalf of residents to protect them from development, and the Scheme interferes with this.
- 14.59 Part of the Gardens are leased to the Trust, however the Trust agreed that the Gardens would form part of the Scheme prior to the launch of the Design Competition, please see section 11 of this Proof of Evidence for further information on negotiations with the Trust which also evidences that the Trust have been offered a new 125 year lease for the Future Trust Lease/Licence Area.
- 14.60 As noted in section 4.2 of the Planning Committee Report, the play area, gardens and associated café (secured through various consents) were intended to be temporary uses only. Conditions were secured on the relevant permissions for the use and works to be carried out under those consents to be removed, in February 2016 and November 2012. The temporary consents were given as a measure to secure short term use of the Scheme Land, to not prejudice the future development of the Site and to enable a more comprehensive permanent scheme to be designed, approved and commenced in the intervening period.

Criticisms of the Administration's advancement of the Scheme

- 14.61 Matters relating to political will behind the Scheme are not relevant to the merits of Scheme.

Information sent out by the Council concerning the Order is not accurate

- 14.62 It is not entirely clear what information is alleged as being inaccurate. It is thought to relate to the first notice of the making of the Order, which used the previous postal address of the Planning Casework Unit, this was brought to the Council's attention and a second notification period was run

to ensure that any objections made would be received. No party has been prejudiced given the full round of re-notification which took place in December 2021.

14.63 There is reference to incorrect Planning documents. The Scheme has received planning approval.

Little or no benefit to residents nor attraction for visitors

14.64 The Scheme will help the Council deliver against several of its objectives and policies. The Council has commissioned an assessment of the social and additional value the Scheme will deliver (**CD 4.5**), which identified the potential for the Scheme to deliver £20m in measurable local impacts and other non-quantifiable benefits. It is considered the Scheme will draw more people to Twickenham town centre and will increase use of the riverside which is currently cut off from the town centre. The significant economic, environmental and social benefits of the Scheme are set out in detail in section 9 of this Proof of Evidence.

14.65 The Scheme will have a number of attractions, not only does it provide Future Functioning Open Space, with an events space, but also a number of ground floor uses and a river activity zone which will attract residents and visitors alike.

14.66 As set out in in the SCI (**CD 3.13**) and section 7 of this Proof of Evidence, responses to the Council's second period of consultation and engagement confirmed that 84% of people who responded said they would be more likely or as likely to visit the riverside after the development has taken place.

Negotiations and position with interested parties

14.67 There are several objections on how the Twickenham Riverside Trust have been treated, how negotiations have changed or how they have not been exhausted. section 11 of this Proof of Evidence deals with the Trust's negotiations in detail. However, the Council has been negotiating with the Twickenham Riverside Trust since 2018 and we have only got to the point of the CPO because a deal could not be agreed, and not without significant effort from the Council. The Trust were approached prior to the launch of the Design Competition in 2018 and asked whether they would consider the Gardens being included within the scheme land redline. They agreed, with the full understanding that this may mean that the current Gardens would no longer exist but that a new open space would be provided. The Council received letters from the Trust detailing their approval to be part of the Design Competition and subsequently a letter supporting the Hopkins design.

14.68 The following months of negotiations saw the Council put a very generous offer on the table and had, what I believed, to be very positive conversations with the then Chair. The Council and Design Team even met with a group of trustees (the Design Subgroup) on a regular basis to discuss the design development and seek feedback from the Trust.

14.69 Negotiations and positions with other interested parties are summarised in section 11 of this Proof of Evidence.

Lack of information about pontoon and safety

- 14.70 The outline design of the pontoon is considered in the Planning Committee Report with full details of works, methodology and method statement secured through condition NS27 and in accordance with NS02. Further detail on the required riparian lifesaving equipment has been conditioned (NS64 Street Furniture Details).

Oversailing rights may interfere with use of, maintenance of, access to the footbridge or any structure or building on Eel Pie Island

- 14.71 The Council can confirm that the oversailing rights will not interfere with use, maintenance or access to the footbridge or any structure or building on Eel Pie Island. Furthermore, planning condition NS03 requires that the Council will have to submit a Construction Management Statement/Logistics Plan before development takes place, this will include an access strategy to retain access for businesses, residents, emergency services, boatyards and articulated vehicles.

The Council has not sought to negotiate oversailing rights from PLA

- 14.72 In respect of the rights included over the PLA land, consultants have been instructed by the Council to engage with property owners in respect of the acquisition of these rights without recourse to compulsory purchase. Those consultants have written to each of the affected property owners and offered to arrange meetings to discuss the Council's proposals. Please see paragraphs 11.68 to 11.73 of this Proof of Evidence for further information.

Specific points raised by the Twickenham Riverside Trust

- 14.73 In response to the point that there is risk that the Trust will not have title to the Exchange Land, the Council has sought to meaningfully and reasonably engage with the Trust to seek to agree the Future Trust Lease/Licence Area with enhanced terms, albeit the area must be different in order to deliver the significant benefits of the Scheme and for the reasons explained previously, cannot be secured by excluding the Wharf Lane building.
- 14.74 In response to point about the Council's reliance on section 19(1)(aa), the Council is seeking to rely on section 19(1)(aa) in relation to the proposed compulsory acquisition of that part of the Existing Designated Open Space which will form part of the Future Designated Open Space. section 19(1)(aa) dispenses with the need for special parliamentary procedure where the Secretary of State is satisfied that the open space is being purchased "*in order to secure its preservation or improve its management.*"
- 14.75 As a matter of fact the Scheme and its resultant benefits cannot be delivered without acquiring part of the Existing Designated Open space which is to remain as Future Designated Open Space within the Scheme – the reconfiguration of the Future Designated Open Space requires the retention and reconfiguration of part of the Existing Designated Open Space. The acquisition is needed to facilitate the whole site solution and is an integral part of the compelling need for the Order.

- 14.76 As detailed in section 8 of the Statement of Case, the Existing Designated Open Space, by virtue of its configuration, lack of connection to the riverside and town centre and lack of overlooking lends itself to regular instances of anti-social behaviour, substance abuse and criminal behaviour. The reconfiguration of the Future Designated Open Space (and ultimately the Future Functioning Open Space) will mean that the management of the space will be greatly improved.
- 14.77 Additionally, if the Council was not to acquire relying on section 19(1)(aa) that part of the Existing Designated Open Space which is to remain as part of the Future Designated Open Space, would be part owned and managed by the Trust and part owned and managed by the Council. This would militate against cohesive management.
- 14.78 In response to the objection about the Exchange Land being closer to retail units and further from the river, part of the Exchange Land is on Water Lane, which has a number of retail units running down it. A key aim of the Scheme was to better connect the town centre to the river and would be achieved by widening the pedestrian walkway on Water Lane, wide enough to have market stalls or al fresco dining experiences, and so it has become an important part of the public realm in the Scheme Land which connects the high street directly to the riverside and Thames Pathway. However, the majority of the Exchange Land would be within the central Future Designated Open Space away from the retail units, parallel to the river, and adjacent to the Existing Designated Open Space.
- 14.79 In the Scheme the Retained Open Space would be better connected to the wider Future Functioning Open Space – unlike today where there is a road in constant use and parking spaces separating the Existing Functioning Open Space from the river.
- 14.80 In response to the point that the Exchange Land is not available at the time of vesting, on the date that the exchange is made, the Exchange Land would not have been subject to the identified improvements, (these can only be delivered once the Council has acquired the interests in the Scheme Land pursuant to the Order or agreement, and then implemented the Scheme). These improvements would be delivered as part of the Scheme, the Planning Permission for which includes condition NS64 "Open Space Delivery", which requires the submission and approval of a phasing plan, prior to commencement of development which requires that all areas of open space, landscaping and play provision must be provided as early as practicable as part of the development. The open space provision is anticipated to be completed within 24 months of commencement of the development, please see the indicative programme in **Appendix LBR1B(3)** and paragraph 14.24 of this Proof of Evidence. An Open Space Management Plan has been conditioned (NS38), the plan must set out details of how all parts of the Future Functioning Open Space are to be managed in a coherent and comprehensive way.
- 14.81 In response to the point that the Exchange Land will receive less daylight and sunlight, the BRE guidance in respect of overshadowing of amenity spaces states that "*for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March*". The Planning Committee Report noted in paragraph 8.131 that "*The*

lighting report confirms the outdoor community amenity spaces all exceed the recommendations of 50% of the area benefitting from at least 2 hours of sunlight on the equinox, with all areas achieving either 99% or 100%. In the summer, the sunlight availability continued to be excellent."

- 14.82 The Scheme would introduce built form on the western edge of the Scheme Land which would at certain times of the day provide shade, however the western edge of the space would still benefit from 3+ hours of sunshine. In addition, the Existing Designated Open Space already benefits from a certain amount of shade from the mature treeline at the north of the Scheme Land and the provision of shade was itself part of the RIBA Full Design Brief (**CD 3.1**), recognising that all residents benefit from the provision of shade in open spaces on hot and sunny days. For children, shade allows them to play for longer without overheating, it also keeps play equipment cooler to the touch and protects children from harmful UV rays. Furthermore, the pétanque terrain often used by older people, would benefit most from the shade provided by the Wharf Lane building to the western edge of the Scheme and the tree canopy.
- 14.83 In response to the point that no definitive proposals were given to the Trust, a plan showing the Future Trust Lease/Licence Area was sent to the Trust on 21 April 2021 alongside a plan for the area, and subsequently sent to the Trust's surveyors. It was at this point that the Trust suspended the negotiations. This demonstrates that the area offered to the Trust via a negotiated route has remained the same since 2021.
- 14.84 The Exchange Land itself was identified and made clear to the Trust and Committee in September 2021. Furthermore, Planning Permission for the Scheme was granted in December 2022.

Section 19 Application Objections

Public Open Space not equally advantageous

- 14.85 This is addressed in the response set out in paragraphs 14.27 to 14.34 in this Proof of Evidence

Improper use of section 19(1)(aa)

- 14.86 This is addressed in the response set out in paragraphs 14.74 to 14.77 in this Proof of Evidence

No compelling case and it is not an act of last resort

- 14.87 This is addressed in the response set out in paragraphs 14.2 to 14.8 and 14.14 to 14.22 in this Proof of Evidence

The Council has not proved its case that the public open space has been increased and improved

- 14.88 This is addressed in the response set out in paragraphs 14.27 to 14.34 in this Proof of Evidence and in general terms Mr Bannister's Proof of Evidence (**Document LBR1A**).

Trustees are duty bound to object

14.89 This is addressed in the response set out in paragraphs 14.23 to 14.26 in this Proof of Evidence

The Council has not secured Planning permission

14.90 Planning Permission was granted on 21 December 2022.

The Council unable to demonstrate funding required

14.91 This is addressed in the response set out in paragraphs 14.11 to 14.12 in this Proof of Evidence

Exchange land not equally advantageous

14.92 This is addressed in the response set out in paragraphs 14.27 to 14.34 in this Proof of Evidence

It is too soon to make an informed judgment until the final definitive scheme is available

14.93 Planning Permission was granted on 21 December 2022.

The purpose of acquiring the land can be achieved through other means

14.94 This is addressed in the response set out in paragraphs 14.14 to 14.11 in this Proof of Evidence

The lack of an open space management plan

14.95 Planning condition NS38 requires an Open Space Management Plan to be submitted and approved in writing prior to the commencement of the development. The management of the new open space has been at the core of the negotiations with the Trust, and the Council has set out a proposal for how the Future Functioning Open Space would be managed in the draft Heads of Terms which were agreed in principle with a previous Chairs of the Trust. In recent meetings the Trust have indicated that the Heads of Terms have not been agreed and therefore they may not accept the Council's proposals for the management of the space. Appendix LBR1B(4) of this Proof of Evidence includes a framework for the management of the Future Functioning Open Space.

Lack of definition of the meaning of "Scheme" and confusing plans

14.96 In response, the Scheme is defined in the glossary. The Scheme has remained unchanged since the Unmodified Order was made however, it appears the comment relates to the Proposed Modifications as opposed to the nature of the Scheme itself.

14.97 With regard to the plans, new maps described in 10.5 of this Proof of Evidence, have been commissioned to aid in understanding the Scheme, specifically with regard to the provision of the Future Functioning Open Space and how it compares to the Existing Functioning Open Space.

14.98 In terms of the specific criticism of the Revised Open Space Plan, this was prepared retaining the colouring and plot numbers shown on the plan that was submitted with the original section 19 Application and is considered the most appropriate way to demonstrate how the Proposed Modifications would affect the section 19 Application and the Order. Map F (**CD 4.3F**) now shows the Future Functioning Open Space, assuming the Proposed Modifications have been made, without the delineated plot numbers.

Development not "as good as or better than" the existing Gardens

14.99 This is addressed in the response set out in paragraphs 14.27 to 14.34 in this Proof of Evidence and is addressed in general terms in Mr Bannister's Proof of Evidence.

Non specific objections to the Order

14.100 Some objections related to the Order but did not specify which aspects were objected to.

15. HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

Human Rights

- 15.1 The Human Rights Act 1998 ("the HRA") incorporated into domestic law the Convention.
- 15.2 Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with the Convention. Articles 6 and 8 and Article 1 of the First Protocol of the Convention are considered to be relevant by the Council.
- 15.3 In accordance with its statutory duties and the CPO Guidance (paragraph 12) (**CD 4.1**), the Council has duly considered the rights protected by the First Protocol of the Convention when considering whether to make the Order (and the Proposed Modifications).
- 15.4 Article 1 of the First Protocol of the Convention provides for the peaceful enjoyment of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Modified Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Scheme.
- 15.5 Article 6 of the Convention provides that everyone is entitled to a fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures, which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.
- 15.6 The Council has also considered the rights contained in Article 8 of the Convention. This provides that everyone has the right to respect for their private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. It is

considered that any interference caused by the Modified Order will fall within these exceptions having regard to the public benefit which will accrue from the Scheme.

- 15.7 The Council have been conscious of the need to strike a fair balance between the rights of the individual and the interest of the public. It has considered the effect of the Articles and decided that on balance, and in light of the significant public benefit that would arise from the Scheme and the nature of the Order Land, it is in the interest of the wider community to make the Modified Order over and above the interests of any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 15.8 As required by paragraph 2 of the CPO Guidance, the Council is certain that the purposes for which the Modified Order is made justify interfering with the human rights of those with an interest in the Scheme Land.

Public Sector Equality Duty

- 15.9 The public sector equality duty (the "PSED") was introduced by the Equality Act 2010 (the "EA 2010") as part of the government's aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on 5 April 2011 and means that public bodies have to consider all individuals and in particular those with certain 'protected characteristics' when carrying out their day-to-day work including when shaping policy and delivering services.
- 15.10 Section 149 of the EA 2010 establishes the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Advancing equality of opportunity means, in particular, having due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others; and encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.
- 15.11 The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However, principles from case law suggest that each public authority should keep in mind, amongst other things, that the duty must be complied with before and at the time a particular policy is under consideration, as well as when a decision is taken; and that a public authority must consciously think about the need to do the things set out in the PSED as an integral part of the decision-making process, exercising the duty in substance, with rigour and with an open mind.
- 15.12 In light of this the Council undertook an Equality Impact and Needs Assessment ('EINA') in May 2021 which accompanied a report to the FPRC Committee in June 2021 (CD 1.6). That EINA

made a number of recommendations and identified the following groups with a protected characteristic(s) that would be potentially impacted:-

15.12.1 Those with young children

15.12.2 Those with a disability or mobility issues

15.12.3 Adults with learning disabilities

15.12.4 Those with protected characteristics working at the leased King Street commercial properties

15.13 It is usual for further information relevant to the application of the PSED to emerge after the making of a CPO. The EINA should be treated as a "living document" that works to minimise negative impacts and updates approaches to reflect any new information received and which continues to be taken into account throughout the confirmation process. An updated EINA was prepared for the 19 January 2023 Committee decision on the funding of the Scheme and it was found that the recommendations in the May 2021 assessment were still applicable.

15.14 The potential impacts detailed in the sections take into account the updated January 2023 EINA.

Potential Scheme impacts – all protected characteristics

Construction impacts

15.15 The Scheme may result in disruption for local residents and businesses during construction. The Planning Permission (**CD 3.40**) includes a number of pre-commencement conditions which secure the mitigation of construction impacts upon the community. In particular, the Construction Management Statement / Logistics Plan which must be submitted and approval prior to commencement of development, (condition NS03), includes the following mitigation measures to be implemented throughout the course of construction:-

15.15.1 Access strategy – for retained access for businesses, residents, emergency services, boatyards and articulated vehicles.

15.15.2 The size, number, routing, and manoeuvring tracking of construction vehicles to and from the site and holding areas for these on/off site.

15.15.3 Hours of deliveries.

15.15.4 Details and location of parking for site operatives and visitor vehicles.

15.15.5 Travel Plan for construction workers.

15.15.6 Details of measures that will be applied to control the emission of noise, vibration and dust including working hours.

15.15.7 Communication strategy (including a Community Liaison Group) for residents, councillors, Eel Pie Island businesses and residents, and local businesses during demolition and construction.

15.15.8 Air Quality measures.

15.16 The Council will have a dedicated liaison officer(s) for residents to ensure the mitigation measures to protect their amenity, with particular regard to the impacts upon those with protected characteristics, are successfully implemented.

Scheme impacts – removal of parking spaces (Age, Disability)

15.17 The Scheme would remove parking from the Embankment. None of the spaces proposed for removal are dedicated disabled bays, nonetheless, this element of the Scheme could negatively affect elderly people with mobility issues who do not qualify for blue badges and those who are pregnant or with young children.

15.18 The Scheme would introduce disabled parking bays and those with a blue badge remain able to park in the remaining parking spaces to the east of the site. The site is very well connected by public transport.

Scheme impacts

Temporary lack of open space/children's play area (Age, Disability)

15.19 During construction of the Scheme the Existing Designated Open Space (Map A **CD 4.3A**) will not be available for public use. This would impact upon those using the pétanque courts and will also render the children's play area inaccessible. This will have a short-term negative affect on the current users. However, prior to the January 2023 FPRC Committee, the University of the Third Age have confirmed they are no longer using the pétanque pitches.

15.20 The Future Designated Open Space (Map C **CD 4.3C**) offers a number of different uses, appealing to all ages. It would not only replace the children's play area (in the new space this will be increased with a larger variety of play equipment including sensory play elements), pétanque terrain, planting, seating and hard and soft landscaping, but it will also offer an event space (720 sqm in total from stairs to riverside and 348 sqm which Future Designated Open Space and suitable for events such as markets, concerts and open-air cinema or theatre), 206 sqm of tiered seating overlooking the event space, terraced lawns for natural play opportunities, chess table, and storage for events. From all parts of the Future Functioning Open Space there should be uninterrupted views of the river. The Council would also note that there are a number of play areas within a short walking distance of the Scheme Land.

15.21 The Council accepts that there would be a potential short-term negative impact on young and older people, the significant long-term benefits of the Future Designated Open Space on balance

outweighs the potential negative impacts identified. The Council would also note that there are a number of play areas within a short walking distance of the Scheme Land.

Accessibility of Future Functioning Open Space (Disability)

- 15.22 The EINA was prepared taking into account pre-application consultation with a local disability group who commented that whilst the Scheme would offer accessible routes an additional accessible route on Water Lane should be added. There was also a request for an access to the Wharf Lane building from the Embankment to be included within the Scheme, (the only accessible route to the Wharf Lane building within the Scheme would be from halfway up Wharf Lane or from the Water Lane end of the Scheme Land).
- 15.23 The Existing Functioning Open Space has only one step free access point to the north west of the Existing Functioning Open Space and the raised terrace seating area overlooking the river can only be accessed by steps. The Future Designated Open Space (and the Future Functioning Open Space) would have accessible routes from the north east, south east and north west, running from the Embankment, Water Lane and Wharf Lane. Whilst the additional accessible routes would be desirable, the flooding issues (storage and defence) constrain the Scheme Land in such a way that additional accessible routes would not be possible. The accessibility of the Future Functioning Open Space is much improved to the existing.

Closure of the Sunshine Café (Disability)

- 15.24 In the Existing Designated Open Space is a Council (Adults Social Services ("ASS")) run café that employs adults with learning difficulties. The current café building would not be retained in the Scheme and would have to close at some point before construction.
- 15.25 The future of café and its staff are the subject of a separate and ongoing assessment by ASS. The Council have been working with the affected staff to ensure they are supported and their needs met. All appropriate mitigation measures will be explored and discussions on the best solution are being had with staff who will be supported as required during the process to ensure a positive outcome.
- 15.26 The café's future has been under consideration for many years, separately to the Twickenham Riverside development. Should it not be for the Twickenham Riverside development the Council would be looking to bring the current café operation to an end anyway and would be working to find alternative employment opportunities for the staff to ensure continued employment for people with learning disabilities or hand it over to a local voluntary group to run.
- 15.27 The Café is in the Council's control and the CPO decision does not affect the future, which would be under review regardless of the redevelopment.

CPO Impacts

Business and employment – staff with protected characteristics

- 15.28 It is recognised that the use of compulsory purchase powers may have a negative impact on any staff with protected characteristics working in the leased King Street units.
- 15.29 As detailed in section 11 of this Proof of Evidence, one of the units' leases has been surrendered and is now vacant and two are subject to an agreed short-term lease arrangement, both leases being "contracted out". The Council has throughout its negotiations with the leaseholders offered support with relocation of their businesses.

Rights to light – residents with protected characteristics

- 15.30 The use of CPO powers may have a negative impact on residents where the Council is interfering with a right to light, though it is not known if any of these residents fall into a protected characteristic.
- 15.31 The Council has appointed consultants, Newsteer, to advise and lead the discussions with potentially affected parties. Newsteer have written to affected parties and sought to engage.
- 15.32 The June 2021 EINA assessed the impact of the Scheme as well as the potential impact of the use of compulsory purchase powers, this exercise was refreshed in January 2023. Both versions of the EINA set out a number of positive impacts that the Scheme will deliver including greater accessible public open space, private and affordable housing, accessible housing, increased use of the area ensuring more natural surveillance and economic regeneration as well as highlighting negative impacts of the Scheme delivery and the acquisition of land and rights. It is considered that on balance the positive impacts achieved from delivering the Scheme are much greater than the negative impacts, and all of which were taken into account by the Council in considering whether to make the Order.
- 15.33 The June 2021 and January 2023 EINAs both identify potentially negative impacts which are likely to disproportionately affect those with one or more protected characteristics than those without. Save for the potential interference with rights to light and loss of parking, the Scheme's potential negative impacts are temporary and the Scheme itself would deliver significant benefits as compared against the existing Scheme Land. In terms of loss of parking, no disabled spaces will be lost and in respect of non-disabled parking, the Council is satisfied there is sufficient provision within the local CPZs to meet the community's parking needs. In respect of the potential interference with rights of light, compensation will be payable if such an interference is established.
- 15.34 As such the Council considers that it has complied with the PSED in the process of developing the Scheme and deciding to make the Order and will continue to assess the Scheme under the PSED should the Order be confirmed and the Scheme implemented.

16. **CONCLUSION**

- 16.1 This Scheme Land is uniquely placed as the only site available for development which links Twickenham Riverside with the town centre, to deliver a number of significant benefits to the local area, whilst also delivering against several Council priorities. It has been carefully designed, by a world-renowned architect practice, to sympathetically fit in with its surroundings whilst also offering a compelling high quality design solution that will bring life and increased footfall to the riverside. It also maximises the amount of open space in the Scheme Land and places it centrally in the Scheme with a direct and enhanced link to the river. I consider that the Scheme offers a solution that is far more advantageous than the existing tired, isolated and underused Gardens.
- 16.2 The wider benefits of the Scheme and the quality of what would be delivered far outweigh the objections to the acquisition. The Council has tried to allay objections to the Scheme via stakeholder involvement in design development and comprehensive negotiation but has been unable to reach a negotiated route and has had to initiate the CPO process as a last resort. Negotiations with the Twickenham Riverside Trust have been extensive, as set out in LBR5 and its associated appendices, and it has been a difficult process with the Trust changing its position on various design aspects, and a significant number of Trustees resigning, or joining new during the process including attempted negotiations with three different Chairs. The Trust has had a very generous offer on the table since April 2021 but have changed their stance on the inclusion of the Gardens in the Scheme. In my opinion the new space will allow the Trust to better deliver against their charitable objectives of preserving, protecting and improving for the benefit of the public the riverside and providing charitable facilities there for public recreation and community activities. The new public realm allows just that, an improved riverside for the benefit of all, that is designed purposefully for recreational and community activities to take place on the riverside.
- 16.3 It is my opinion that the Scheme is the best opportunity to deliver a comprehensive solution on the riverside that will regeneration benefit all residents. It has broad public support, and it is deliverable. The Council has done as much in its power at this stage to demonstrate there are no impediments to delivery, the Scheme received unanimous cross-party approval at Planning Committee and the capital budget has been approved at Committee. Furthermore, this Scheme meets Local Plan and TAAP objectives. Should this CPO be unsuccessful the benefits that have been detailed in this Proof of Evidence will be lost as will significant support for the scheme. There have been many attempts to do this in the past and they have all failed. The riverside needs a whole site solution, that is presented here, one that maximises the benefits for residents and makes the riverside a destination for all.

GLOSSARY

"CD"	means a core document as listed in section 15 of this Statement of Case
"Derelict Areas"	Mean those areas of derelict land on the Scheme Land as shown on Plan 1 on page 56 of the Planning Committee Report
"Designated Open Space"	means any land on the Scheme Land, laid out as a public garden, or used for the purposes of public recreation, within the meaning of the definition in section 19(4) of the ALA 1981
"Design Panel"	means the panel that was established to oversee the RIBA Design Competition and evaluate the submissions
"Design Team"	means the multidisciplinary team led by Hopkins Architects that designed the Scheme
"Exchange Land"	means the Future Designated Open Space (excluding the Retained Open Space) to replace the Lost Open Space and as shown coloured green on the Revised Open Space Plan and measuring 1,815sqm. The Exchange Land is also shown in green on Map F
"Existing Designated Open Space"	means any Designated Open Space on the Scheme Land as shown coloured green on Map A and measuring 3,370 sqm. (On a precautionary basis this includes the café and the associated outdoor seating space shown edged in red on Map A)
"Existing Flood Zones "	means the flood zones as they relate to the Existing Functioning Open Space as shown in contours on Map O
"Existing Functioning Open Space"	means the Existing Designated Open Space and the Existing Highway Used as Open Space as shown on Map B and measuring 4,445sqm. (On a precautionary basis this includes the café and the associated outdoor seating space shown edged in red on Map B)
"Existing Trust Lease Area"	means the land edged red on Map K which is leased to the Trust pursuant to the lease dated 16 May 2014 and measuring 2,510sqm
"Gardens"	means the existing Diamond Jubilee Gardens, Twickenham TW1 3DX edged in red on Map M. This is a larger area than the Existing Trust Lease Area.

"Future Designated Open Space"	means the Designated Open Space as proposed within the Scheme as shown coloured green on Map C and measuring 4,387 sqm
"Future Flood Zones"	means the flood zones as they relate to the Future Functioning Open Space as shown in contours on Map P
"Future Functioning Open Space"	means the Future Designated Open Space, the Future Highway Used as Open Space and the outdoor seating area as shown cross hatched, all on Map D and measuring 6,005 sqm
"Future Highway Used as Open Space"	means that part of the highway within the Scheme which will function as open space as shown coloured light green and annotated "Highway used as Open Space" on Map D and measuring 1,420sqm
"Future Trust Lease/Licence Area"	means the land edged red on Map L which is the land which has been offered to the Trust by the Council as set out in the June 2021 Committee report and measuring 3,811sqm
"Lost Open Space"	means that part of the Existing Designated Open Space which will be lost in the Scheme, as shown coloured red on the Revised Open Space Plan and measuring 1,336 sqm. (On a precautionary basis this includes the café in so far as it falls within the area coloured red.) The Lost Open Space is also shown in red on Map F
"Map M"	means the map annotated Map M at Appendix LBR1B(5)
"Map N"	means the map annotated Map M at Appendix LBR1B(6)
"Map O"	means the map annotated Map M at Appendix LBR1B(7)
"Map P"	means the map annotated Map M at Appendix LBR1B(8)
"Play Space"	means the areas of children's play space within the Future Designated Open Space and annotate "K" and "L" on Map N and measuring a combined area of 433sqm
"Retained Open Space"	means that part of the Existing Designated Open Space which shall continue to be used as open space within the Scheme, shown shaded orange on the Revised Open Space Plan and measuring 1,428sqm. The Retained Open Space is also shown shaded orange on Map F
"Statement of Case"	means the Council's Statement of Case in support of the Modified Order and issued to all remaining relevant objectors on 5 April 2023

