

## Environment policy considerations

### Background and Conclusion

LBRuT declared a Climate Emergency in July 2019 listing new development as a major threat to the local environment and asserting that ‘open spaces and conservation areas’ within the borough would be given protection ‘to ensure’ that ‘biodiversity and ecosystems’ were maintained, stating that: *‘There is considerable evidence that there has been a decline in biodiversity on a global, national and local scale over the years.’*

The Twickenham Riverside Trust is concerned that the Twickenham Riverside Scheme does not provide the protection that the Council has promised and also that it fails to comply with a range of national and local planning and environmental policies calling for the preservation of the environment, green spaces and biodiversity. In this context, the refusal to undertake an Environmental Impact Assessment of the impact of the proposed redevelopment is both incomprehensible and unacceptable, in view of the sensitive location of the scheme and the foreseeable environmental damage.

### The Scheme Land – Loss of trees and hedgerow

The Statement of Case omits mention that 66 trees will be eradicated from the development site as a direct result of the scheme. Just one tree will be retained. Additional to this, approximately 100 metres of native hedgerow will be uprooted from the public Gardens. To accord with the borough’s Biodiversity Action Plan, new hedgerow must be planted to replace that being lost. However, ‘site constraints’ resulting from largescale development renders the replanting of new hedgerow onsite impossible. As a consequence, native hedgerow is to be planted elsewhere within the borough. Similarly, more trees are to be felled (66 trees) onsite than are to be replanted (49 trees). And given that the new specimens will be much smaller in scale than existing, with a much-reduced canopy, this represents a significant net loss of crucial habitat and reduced foraging opportunities for wildlife on land.

The statutory requirement for new developments is for them to result in a minimum ten per cent net gain in biodiversity. Where *‘significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused’* (NPPF 179 (a)).

Given the aforementioned ‘site constraints’, and blanket removal of 66 healthy, established trees, the Acquiring authority has been left scrambling 1) to find solutions to mitigate against the proposed environmental damage, and 2) to deliver the statutory 10 per cent net gain in biodiversity. The London Plan states that *‘[...] all development takes place within a wider environment and green infrastructure should be an integral element and not an ‘add-on’*’ (London Plan, 8.1.2).

### Compensating action on the river

However, in an effort to redress unacceptable green losses on land, the redline boundary of the development site was redrawn and extended to include a small section of the Tidal Thames mid scheme. This was to enable the introduction of a 'floating eco system'. Known to be particularly narrow this stretch of the river is heavily used by commercial vessels and is a hub of riparian leisure activity. Additionally, it is sensitive and complex in nature, key factors include; extreme high and low tides and rapidly shifting water. The aquatic habitats therefore will be vulnerable to dislodgement, rivercraft and human interference and conflict.

It is noteworthy that the small floating eco-system will be unable to support the existing wildlife on land which stands to lose vital habitat and foraging opportunities. While the addition of well-thought-out river habitats are welcomed these can happen regardless of the scheme and are not considered to be of adequate compensation for what is to be lost on land.

Additional stresses to the success of habitats on the river include Thames Water's upcoming plans to abstract up to 75 million litres of water a day from the river some 300m upstream of Teddington Lock and replace it with treated effluent from the Mogden Sewage Treatment Works. The plans will cause major environmental upset to the local river system, including that section of the Thames delineated most recently, within the development site boundary.

The culminative environmental impact on Twickenham Riverside from both the Acquiring Authority's and Thames Water's schemes should therefore be given serious consideration.

### **Implications for Planning and Environment Policy**

The proposed blanket removal of trees from the public Gardens and embankment is contrary to The National Planning Policy Framework, The 25-year Government Environment Plan, The London Plan 2021 and The London Environment Strategy. Additional to the aforementioned policies the wholesale removal of trees conflicts with LBRuT's local policies and strategies, to include: London Borough of Richmond's Tree Policy (21 February 2023), Climate Emergency Strategy 2019-2024, Air Quality Action Plan 2019-2024, The Local Plan 2018, Parks Strategic Principles 2011 and the Biodiversity Action Plan.

The mass felling of amenity trees undermines the borough's new Tree Policy, which recognises the need to safeguard existing trees while enhancing tree stock for current and future generations. The policy seeks to halt adverse impact on public health, wildlife and social and economic wellbeing by giving clear protection to existing trees. It states:

*'We have a responsibility to safeguard and enhance' benefits derived from trees 'for current and future generations' to 'protect and enhance the borough's treescape within the context of national and regional policies and legislation and to promote awareness of the value of trees in our environment [...] This is all the more important because of the crucial role trees play in mitigating the effects of climate change by, for example, providing shade and reducing temperatures during extreme heat. We are committed not only to safeguarding what we have but also adding to the canopy cover through increasing tree planting, particularly in areas with fewer trees [...] The resultant policy is designed to support all stakeholders, including ward councillors and residents, in achieving the security, preservation and enhancement of*

*the borough's streetscape and green spaces into the future. [...] Trees provide a wide range of benefits to people living in and visiting the borough.' Recognising the important environmental benefits and how they 'support many species of flora and fauna in a period of significant decline in populations. They provide green corridors through the borough along which birds and other wildlife can safely move from site to site'.*

Trees in urban settings, such as those within the development site, 'help to soften' these areas by 'providing a green backdrop and public visual amenity, providing a connection with our natural environment'.

The row of veteran hornbeams within the Garden's domain hold particular significance to the community and date back to the early days of the public lido. These trees are prized for their historic and visual amenity and importantly, act as green buffer today, minimizing noise and odour arising from busy commercial activity at the rear of King Street.



The majority of trees within the development site are healthy mature specimens with a long, life expectancy. Great care was given to choosing site specific species when the Gardens were designed to maximise wildlife habitats and public amenity value. The latter is particularly true of the plane trees, planted in pleached groves; they provide natural parasols for those engaging in leisure activities on the gravel courts below.



The healthy mix of tree species result in an expansive working canopy of intrinsic value. Notable benefits include the provision of natural shade on sunny days. LBRuT's Tree Policy emphasises that 'shade cast by trees offers protection from harmful radiation and plays a vital role in cooling people and buildings'. Replacement trees alternatively, with a much-reduced canopy will not deliver equal benefit for many decades to come while global temperatures continue to rise year on year.

In the 2018 London Environment Strategy (LES), the Mayor of London committed to making more than half of London green by 2050. This includes ensuring that there is no overall loss of green cover through new development proposals and increasing tree cover by 10% from current levels by 2050.

The replacement trees will not provide comparable canopy coverage by 2050 neither will they deliver the required 10 per cent uplift. Thus, the scheme is incompatible with the LES. Neither will the scheme make '*enhancements to the Borough's green infrastructure*' or '*deliver significant enhancements to existing open space*' thereby it does not meet the objectives of policies LP12 and LP31 of the Local Plan. Further, it will bring harm to the character and openness of the open land therefore does not meet the objectives of LP14.

### **Climate change and air quality**

Likewise, the scheme will fail to '*deliver wider benefits for nature and support efforts to address climate change*'(NPPF 98). Wide-spread loss of green canopy will exacerbate the Urban Heat Island Effect, a known contributor of climate change, resulting from loss of natural landscape and increased human activity.

*'London experienced a heatwave in 2003 that killed at least 600 people and its impact was exacerbated by the urban heat island effect. Cooling the urban environment through the use*

*of green infrastructure, as part of a package of measures to combat climate change, will have important health and social benefits'. (5.51 supporting text to policy 5.10 of the London Plan)*

Plans therefore to fell all but one of the trees from the site, in tandem with a programme of intensified development, will drive up localised temperatures deteriorating the amenity offering and putting public health at risk. The borough's tree policy states: *'Trees intercept radiation that would otherwise be received by built urban infrastructure. This helps to reduce the 'Urban Heat Island Effect', which is the process by which surfaces such as roads and pavements absorb radiation, release heat at night, and have negative impacts on human health during the hot summer months.'*

Poorer air quality will also result from the scheme. The established trees work as natural lungs to combat pollution arising from the 32,000 vehicular movements along King Street, daily, in close proximity to the site. Smaller replacement trees will be an inadequate substitute for what is being lost. It will take many decades for new trees to establish large enough canopies to deliver like for like filtration of harmful airborne pollutants while King Street, an Air Quality Management Area (AQMA), is forecasted to exceed the 1-hour and annual objectives of harmful pollutant concentrates long into the future.

LBRuT's tree policy states: *'Trees absorb carbon dioxide and as such play a role in reducing or 'drawing down' emissions that would otherwise stay in the atmosphere and contribute further to global heating and climate change. Tree canopies can intercept and trap pollution, including dusts and particulate matter, helping to improve the quality of the air that we breathe. Trees help to reduce noise pollution within our busy transport network.'*

The London plan states that: *'Trees and woodlands play an important role within the urban environment. They help to trap air pollutants, add to amenity, provide shading, absorb rainwater and filter noise. They also provide extensive areas of habitat for wildlife, especially mature trees. The urban forest is an important element of London's green infrastructure and comprises all the trees in the urban realm, in both public and private spaces, along linear routes and waterways, and in amenity areas.'*(London Plan, 8.7.1)

Furthermore, the NPPF states that, *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change [...] and that existing trees are retained wherever possible.'* (NPPF) 131.

## **The trees**

Opportunities were missed time and again throughout the design process to safeguard existing trees by incorporating them into the scheme. It is concerning that as the scheme progressed, more and more trees were earmarked to be chopped down.

**Black Poplar** - reference T34 in the Arboricultural Survey:

Planted by HRH Princess Alexandra in 2012, to commemorate the Queen's Diamond Jubilee and to celebrate the opening of the Gardens to the public. A much-loved community asset and key feature of the public open space currently it carries significant cultural weight. Its

balsam scented leaves provide a sensory experience for visitors contributing to their well-being and general enjoyment of the gardens. The loss of this tree represents a loss to the community.

*Black Poplars* are known to live up to 200 years. The Arboricultural Survey, submitted with the planning application, records T34 as “young” indicating that “less than one-third of its natural life span has been spent”. *Black Poplar* trees are given special protection in the borough’s Biodiversity Action Plan and are considered to be significant nationally owing to their ability to support an abundance of wildlife and being notably rare. According to the Woodland Trust, *Black Poplars* are the most endangered native timber tree in Britain with only 600 individual female examples remaining in the wild. The example on the Gardens is female.

Grove of 16 pleached ***London Planes*** – reference G2, G3 and G4 in the Arboricultural Survey. With a combined canopy of 128m<sup>2</sup>:

Dismantling the grouping of 16 trees would be catastrophic to their aesthetic and function. The asset positively contributes to the health and well-being of existing users and enhances the overall experience within the Gardens. Favoured by town planners, London Planes are often referred to as the Lungs of London, owing to their ability to tackle pollution through carbon storage. The loss of the grove would be a substantial environmental loss and significant loss of amenity.

Row of mature, broadleaf ***Hornbeams*** – reference T35, T36, T37 and T38 in the Arboricultural Survey. Combined canopy of 87m<sup>2</sup>.

The *Hornbeams*’ year-round broadleaf cover provide natural screening separating the Gardens from the service road and commercial premises to the rear of King Street. Delineating the public open space from the adjacent built environment. Additionally, the row of mature trees function as a buffer protecting users of the Gardens from noise disturbance commonly associated with urban settings. Owing to a likely increase in noise level following the scheme’s implementation and with further development expected soon to the rear of King Street, the *Hornbeams* will prove to be of even greater value going forward. And will help to stem acoustic noise that will arise resulting from the high density of buildings onsite. Particular regard ought to be given to the positive contribution the trees would make once the children’s play area is re-sited, adjacent to the service road. The loss of the *Hornbeams* will negatively impact the Gardens environment, the character of its landscape and all-round visitor experience including health and well-being.

The Twickenham Riverside’s Capital Assessment Value for Amenity Trees (**CAVAT assessment**) took place in July 2021 using the now outdated 2018 CAVAT Methodology. In March 2023, a more rigorous method was adopted nationally to ensure amenity tree valuations were both objective and robust in the age of climate change. The AA failed to provide pertinent information regarding Tree Preservation Orders, at the time of mapping. And since July 2021 more changes have been applied to tree works, hence the valuation represents 70 trees.

The CAVAT report (October 2022), gives a cumulative valuation for 70 trees within the site of £271,019.00 (CAVAT Valuation Twickenham Riverside, 3.3.5). It is notable that the most valuable trees are those found within the public Gardens.

*Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 it is prohibited to cut down, top, lop, uproot, wilfully damage or wilfully destroy; or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree, or group of trees, subject to a TPO or that is located within a Conservation Area except with the consent of the local authority.*

Furthermore,

*The Town and Country Planning Act 1990 places a duty upon the Council to assess the impact of tree loss within the borough; where the loss is likely to have a significant impact upon the local and wider landscape the Local Authority must consider protecting trees through the Tree Preservation Order (TPO) process.*

It has to be considered that such an unprecedented level of destruction to local trees would ordinarily be unacceptable to LBRuT's planning department.

The scheme is marketed as being 'neutral impact' with a 19 per cent net gain in biodiversity. The Trust does not accept these claims and has pressed the AA to undertake a Full Environmental Impact Assessment in view of the sensitive location of the scheme and foreseen environmental damage, but this was refused.

## **Green Space**

For the entirety of the design process the public Gardens were treated as Brownfield following their erroneous entry onto the Brownfield Register in 2017, which the Trust most strongly challenged. The Gardens should have been treated as Local Green Space as they fulfil all of the criteria. With respect to Local Green Space, Section 102 of the NPPF states:

*'The Local Green Space designation should only be used where the green space is:*  
*(a) in reasonably close proximity to the community it serves;*  
*(b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*  
*(c) local in character and is not an extensive tract of land.*

And Section 103 asks that *'Policies for managing development within a Local Green Space should be consistent with those for Green Belts'.*

It is of great detriment to the local community and wider public that the AA failed to recognise the public gardens as a Local Green Space.

## **National and local policies**

The Trust would like to draw specific attention to the following policies which LBRUT should be taking into account:

**A National Planning Policy Framework:**

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

174 (a) – *protecting and enhancing valued landscapes*

174 (c) - maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

174 (d) – *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

174 (e) – *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of [...] air, water or air pollution [...]. Development should, wherever possible, help to improve local environmental conditions such as air [...] quality [...].*

175 – *plans should [...] allocate land with the least environmental or amenity value [...], take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.*

180 (a) *if significant harm to biodiversity resulting from the development cannot be avoided [...], adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

180 (c) *development resulting in the loss or deterioration of irreplaceable habitats (such as [...] veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

185 – *Planning policies and decisions should also ensure that the new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*

185 (a) – *Mitigate and reduce to minimum potential adverse impacts resulting from noise from the new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.*

185 (b) – *Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value.*



186 – *Planning policies should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas [...], and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified [...] and green infrastructure provision and enhancement.*

187 – *Planning policies and decisions should ensure that the new development can be integrated effectively with [...] community facilities. Existing [...] facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an [...] existing community facility could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.*

188 – *The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land.*

## **B The London Plan:**

Policy 7.21 – *Trees and woodlands: Should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework (or any successor strategy). In collaboration with the Forestry Commission the Mayor has produced supplementary guidance on Tree Strategies to guide each borough's production of a Tree Strategy covering the audit, protection, planting and management of trees and woodland. This should be linked to a green infrastructure strategy.*

Policy 7.18 – *Protecting open space: ensure that open space needs are planned in accordance with green infrastructure strategies to deliver multiple benefits*

Policy 7.19 – *Biodiversity and access to nature: Development Proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity*

Policy 5.8 – *Responding to climate change has to be an integral and essential part of the development process and not a set of 'bolt-ons' – increasingly, this will be seen as a key part of ensuring buildings are fit for purpose into the future.*

Policy 5.11 – *All development to make the fullest contribution to the mitigation of climate change – that is limiting the extent of future change beyond what is already locked in.*

## **C Local Plan Policies:**

LP10 – *Local Environmental Impacts: Air Quality and Noise and Vibration*

LP12 – *Green Infrastructure: To ensure all development proposals protect, and where opportunities arise enhance, green infrastructure. With specific reference to **Small local parks** Gardens, sitting out areas, children's play spaces or other areas of a specialist nature,*

*including **and open spaces** nature conservation areas as well as visual amenity (less than 2 ha).*

*a) the need to protect the integrity of the green spaces and features that are part of the wider green infrastructure network; improvements and enhancements to the green infrastructure network are supported;*

*b. its contribution to the wider green infrastructure network by delivering landscape enhancement, restoration or re-creation;*

*c. incorporating green infrastructure features, which make a positive contribution to the wider green infrastructure network.*

*Policy LP 13 – Green Belt, Metropolitan Open Land and Local Green Space: with specific regard to the removal of 7 pin oak trees from the Embankment adjacent to the wildlife corridor and the introduction of a pontoon onto the river.*

*Policy LP 15 – Biodiversity: Where development would impact on species or a habitat, especially where identified in the relevant Biodiversity Action Plan at London or local level, or the Biodiversity Strategy for England, the potential harm should: 1) firstly be avoided (the applicant has to demonstrate that there is no alternative site with less harmful impacts). 2) secondly be adequately mitigated; or 3) as a last resort, appropriately compensated for.*

*Policy LP 16 – Trees, Woodlands and Landscape: A) The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. B) To ensure development protects, respects, contributes to and enhances trees and landscapes.*

*1) resist the loss of trees, including aged or veteran trees, unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures; or the tree has little or no amenity value; or felling is for reasons of good arboricultural practice.*

*2) resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees;*

**D Landscape** - require the retention of important existing landscape features where practicable

*Policy LP18 – River Corridors. With specific regard to the removal of 7 pin oak trees from the Embankment adjacent to the wildlife corridor and the introduction of a pontoon onto the river.*

Policy LP 20 – *Climate Change Adaptation. With specific regard to the Urban Heat Island Effect resulting from dense concentrations of pavement and buildings associated with the scheme.*

## **E      Emerging Local Plan**

6) *Increasing biodiversity and the quality of our green spaces, and greening the borough*

- *Richmond has a large amount of green space which is used by the public and has great social value. However, it needs protecting, especially with pressures for housing and business space.*
- *The Local Plan will emphasise the maintenance and improvement of biodiversity and wildlife habitats, and the retention of important landscape features.*
- *It is proposed to develop a bespoke Urban Greening Factor model for the borough, and to further enhance open and green spaces.*

## **F      The Twickenham Area Action Plan**

Policy 7.5.2.1 – *Any proposals will be required to meet key design principles to ensure they do not adversely impact on the character of the Riverside.*

Policy 7.5.2.3 – *To open up and redevelop the remaining area of the former pool site, which adjoins the recently refurbished Diamond Jubilee Gardens*

Policy 7.5.4.2 – *Landscaping of the Embankment to enhance areas of public open space.*

Policy 7.5.5.2 – *To improve the environment of the Embankment and to take into account the unique riverside setting (to conserve and enhance Twickenham Riverside Conservation Area).*

Policy 7.5.5.4 – *Retention of significant trees*

Policy 7.5.5.5 – *Each phase must take account of the overall future layout*

## **G      Borough Specific Policy**

- **Air Quality Action Plan 2019-2024:** *with specific regard to protecting parks to ensure safe, clean environments are available to residents and visitors to use.*
- **The Biodiversity Action Plan** – *With specific regard to Black Poplar Trees (Some trees may be protected using Tree Preservation Orders under the Town and Country Planning (Trees) Regulations 1999. These are normally only served where it is known that a tree is under threat from felling. And Veteran trees, Broadleaved trees, native hedgerows and bats.*
- **Climate Emergency Strategy 2019-24** – *with specific regard to Improving Air Quality, Green Infrastructure and Biodiversity*
- **Tree Policy 2023** – *With specific regard to recognising the value of its tree resource and understanding that there are Social, Economic and Environmental benefits.*

