

LBR7

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 ACQUISITION
AND SCHEDULE 3 OF LAND ACT 1981**

**REBUTTAL PROOF OF EVIDENCE ON BEHALF OF THE
ACQUIRING AUTHORITY**

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IN RESPONSE TO EVIDENCE SUBMITTED BY:

NS-025: DAVID MARLOW

1. INTRODUCTION

- 1.1 This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by David Marlow (**NS-025**).
- 1.2 This is not intended to be an exhaustive rebuttal of the contentions made in Mr Marlow’s evidence. This document only deals with certain points where it is considered appropriate and helpful to respond in writing. Where specific points have not been dealt with, this does not mean that those points are accepted and that they may be dealt with further at the inquiry.
- 1.3 This rebuttal addresses points raised by Mr Marlow by theme and is broken into sections, with witnesses addressing points relevant to their area of expertise.
- 1.4 The same references and abbreviations as used in the main Proofs of Evidence are used in this document.

2. DESIGN AND OPEN SPACE (Chris Bannister)

- 2.1 This section is addressed by Mr Bannister. Details of Mr Bannister’s qualifications and experience are set out in his main Proof of Evidence (**LBR – 2A**).

Size of the existing and proposed open space

- 2.2 In section 1 of his statement Mr Marlow refers to figures for existing ‘non-floodable enclosed safe space’ and also the proposed open space, making the point that there will be less ‘non-floodable’ area in the proposed Gardens than the current.
- 2.3 In response to this, Mr Bannister covers flooding in Section 10 of his Proof of Evidence (**LBR – 2A**) and in an accompanying appendix (**LBR – 2B(13)**). The evidence demonstrates that Mr Marlow is incorrect, as Map G (**CD 4.03G**) shows that the existing Gardens have 2652 sqm in Flood Zone 1 whereas the Future Designated Open Space has 3107 sqm in Flood Zone 1 as shown on Map H (**CD 4.03H**) which is clearly greater in size.

3. GENERAL (Paul Chadwick)

- 3.1 This section is addressed by Mr Chadwick. Details of Mr Chadwick’s qualifications and experience are set out in his main Proof of Evidence (**LBR – 1A**).

Footfall and visitors to the site

- 3.2 In section 2 of his statement, Mr Marlow states that ‘one third of people with disabilities said they would no longer visit the site. I would suggest that this was due to overall inferior amenities.’

3.3 In response to this point, Mr Marlow is entirely incorrect. He is referring to the consultation and engagement report from the period of engagement held in January/ February 2021 (see the Statement of Community Involvement (**CD 3.13**)). The engagement report states that 40 respondents identified themselves as having a disability, and that 68% of these respondents (the majority) were more likely, or as likely to visit the riverside following the development. Whilst 28% of those respondents said they would be *less likely* to visit in the future. Mr Marlow's statement is therefore incorrect and is misleading. Further analysis of this showed that around of third of disabled respondents who said they would be less likely to visit the riverside mentioned parking as an issue, however the sample size is very small and the report states it was not possible to extrapolate that this was the sole reason they may anticipate visiting less often.

3.4 The Scheme includes disabled parking bays, has a number of accessible routes, all building will comply with current standards around accessibility (and there are a number of accessible residential units) and all parts of the open space (including the terraced lawns) are accessible. The Council has fully considered equalities when designing the Scheme. It has also considered the Public Sector Equality Duty when making this order, further information can be found in Section 13 of the Statement of Case and Section 15 (from page 83) of Mr Chadwick's Proof of Evidence (**LBR – 1A**). Two Equality Impact Needs Assessments have been undertaken on the impacts of the Scheme and the positive benefits were deemed to outweigh the negative, which were mitigated against, as detailed in Mr Chadwick's Proof of Evidence (Section 15, from page 83).

4. **PLANNING MATTERS (Iyabo Johnson)**

4.1 This section is addressed by Ms Johnson. Details of Ms Johnson's qualifications and experience are set out in her main Proof of Evidence (**LBR – 4A**).

Significant loss of trees

4.2 In section 3 of his statement Mr Marlow states that 40 mature trees will be lost, including a specimen tree which can only be preserved by making cuttings. The Arboricultural Report (**CD 4.09A**) that was submitted as part of the Planning Application identified that 34 trees were of category C or lower and of the higher quality trees a number had some serious health problems including the Pin Oaks on the Embankment and the hornbeams on the service road. The aim had been to try and retain as many as possible of the better-quality existing trees but due to the health concerns the decision was made to do what was better for the long-term future of the open space and replace them with healthy trees. The original aim was also to retain and transplant the black poplar to a better location within the new open space. Technical issues with moving the tree due to its size, coupled with advice that it was not suitable for its intended location due to health and safety concerns over the tendency for black poplar to drop branches as they get older meant that this decision has had to be revised.

Energy and carbon emissions

- 4.3 In section 6 of his statement, Mr Marlow states that the Scheme does not meet the required reduction of CO2 emissions, and that the proposals conflict with Council's own Strategic Vision and Objectives and Spatial Strategy in the Richmond Local Plan in terms of climate emergency.
- 4.4 In response to these points, planning permission for the Scheme has been granted. A summary of the LPA's assessment of the Scheme's energy strategy and carbon emissions is set out at paragraphs 8.304 to 8.313 of the Planning report (**CD 3.37**). The Scheme meets development plan policy requirements through an overall on-site reduction in carbon emissions of 54%. Net-zero carbon is achieved through an offset payment secured by condition NS91 with reference to detailed informative IL08.

5. HIGHWAYS AND TRANSPORT (Nick O'Donnell)

- 5.1 This section is being addressed by Nick O'Donnell. Details of Mr O'Donnell's qualifications and experience are set out in his main Proof of Evidence (**LBR – 3A**).
- 5.2 In section 5 of his statement Mr Marlow reports that *'the Council's own consultants state the traffic arrangements are a danger to pedestrians and cyclists.'*
- 5.3 In response to this, it is unclear what consultants or report Mr Marlow is referring to. However, Stage 1 Road Safety Audits and Designer's Responses were submitted with the first and updated versions of the transport assessment (see **CD 3.14**, Parts 4 and 5, and **CD 4.08G**, and **CD 4.08H**). The Auditors did not identify any significant safety concerns regarding pedestrians and cyclists. However, as set out in paragraph 8.4 of Mr O'Donnell's Proof of Evidence, the Scheme would lead to a net decrease in trips by private car at the King Street/Water Lane and King Street/Wharf Lane junctions. The Proposed Highway Arrangement (**LBR – 3B(01)**) also shows that the Council aims to reduce vehicle speeds on the Scheme Land by using raised tables and other surface changes on the highway within it to reduce vehicle speeds, which will give pedestrians and cyclists priority.