

**LBR8**

**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**

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

**LBR8**

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**IN RESPONSE TO EVIDENCE SUBMITTED BY:**

**NS-038.1 – NS-038.3: EEL PIE BOATYARD AND EEL PIE ISLAND  
ASSOCIATION**

1. **INTRODUCTION**

- 1.1 This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Helen and Mark Montgomery-Smith (Eel Pie Boatyard and Eel Pie Island Association) (**NS-038.1 – NS038.3**).
- 1.2 This is not intended to be an exhaustive rebuttal of the contentions made in Mr and Mrs Montgomery-Smith’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 and Mrs Montgomery-Smith 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. **HIGHWAYS AND TRANSPORT (Nick O’Donnell)**

- 2.1. This section is being addressed by Mr O’Donnell. Details of Mr O’Donnell’s qualifications and experience are set out in his main Proof of Evidence (**LBR – 3A**).

**Servicing and deliveries to Eel Pie Island**

- 2.2. Within this there are several specific points raised, which are as follows:
- 2.2.1. Frequency of large vehicles and access to the island for deliveries.
- 2.2.2. In response to 11.36 [Statement of Case] stating large vehicles are infrequent, EPI says they have had 5 deliveries this month.
- 2.2.3. EPI require no restrictions on how many large vehicles approach the site.
- 2.2.4. All suppliers trucks are driver only, there are no banksmen.
- 2.2.5. Negotiations and exact timings are not able to be dictated by the customer to determine when vehicles can arrive.
- 2.2.6. There is not an improvement to the current situation as deliveries could use the pay and display, and vehicle turning is not possible at high tide.
- 2.4 In response to the first point, mentioned on pages 1 and 2 of the objector’s statement, the Council considers this matter was addressed as part of the planning application process. Part

4.8 of the transport assessment of August 2021 (**CD 3.14**) and 4.9 of the Transport Assessment of October 2022 (**CD 4.08**) summarises the discussions the Council had with the Eel Pie Island Association before both documents were submitted. The Council considers that the updated vehicular swept path analysis submitted as Appendix D of the Transport Assessment of October 2022 (**CD 4.08**) shows that all service vehicles that need to service Eel Pie Island will be able to do so safely.

- 2.5 In response to the second point, mentioned on page 1 of the objector's statement, the objector states that occupants of Eel Pie Island have received five steel deliveries this month. Their Proof of Evidence is dated 8 May 2023, but they do not say over what exact time frame the deliveries occurred and do not describe the vehicles that delivered the steel in detail. The updated vehicular swept path analysis referred to above shows that all vehicles that need to service Eel Pie Island will be able to do so safely. The Council considers this matter was discussed extensively as part of the planning application process.
- 2.6 In response to the third point, mentioned on page 1 of the objector's statement, the Experimental Traffic Order and physical highway works will restrict the times during which vehicles can be driven along The Embankment between its junctions with Water Lane and Wharf Lane but will not place any restrictions on the number of large vehicles which can approach the site. Details of the highway works, which are part of the Scheme, are included in Section 6 of the Transport and Highways Proof of Evidence.
- 2.7 In response to the fourth point, mentioned on page 1 of the objector's statement, the Council has not stated that drivers of large vehicles have to be accompanied by Banksmen.
- 2.8 In response to the fifth point, mentioned on page 2 of the objector's statement, as set out above, the Experimental Traffic Management Order will only restrict the times during which vehicles can drive along The Embankment between its junctions with Water Lane and Wharf Lane. It will not dictate when service vehicles can access the servicing area by the footbridge on the Embankment.
- 2.9 In response to the sixth point, mentioned on page 2 of the objector's statement, the proposed dedicated loading bays that are part of the Scheme are set out in **LBR – 3B(02)** Appendix of the Transport and Highways Proof of Evidence. There are currently three dedicated loading bays immediately west of the pedestrian bridge to Eel Pie Island. Three more dedicated loading bays are proposed at this location as part of the Scheme. Regarding a motorist being able to turn a large vehicle safely during incidents of tidal flooding at the southern end of Water Lane, the proposed Experimental Traffic Management Order will give the Council flexibility to open the barriers on The Embankment in exceptional circumstances like this one.

### **Stopping Up Order**

- 2.10 The objector's make a separate point at the bottom of page 3 of their statement, that the stopping up order was not included within the planning application.
- 2.11 In response to this point, S247 of the Town and Country Planning Act 1990 gives the Council powers to stop up highway to facilitate development that has planning permission. It is a separate process from planning permission.

### **Safety Audits**

- 2.12 Within this there are several specific points raised, which are as follows:
- 2.12.1 Why the recommendation to retain the one-way arrangement for Wharf and Water Lane was removed from final TA.
  - 2.12.2 When will Stage 2 audits be undertaken?
  - 2.12.3 Closure of Church Street created a new service bay at top of water lane – how has this been considered?
  - 2.12.4 Safety of the Water Lane/Embankment turning area (covered in Stage 1 safety audit)
- 2.13 In response to the first point, mentioned on page 4 of the objector's statement, as set out in Section 7 of the Transport and Highways Proof of Evidence, one of the key objectives of the Scheme, as set out in paragraph 7.5.4.2 of the Twickenham Area Action Plan (**CD 2.05**), is to enhance the Riverside location and encourage activities to attract more visitors to it. To help achieve this, the Council wishes to give pedestrians and visitors full use of the area between the two barriers on The Embankment set out in **LBR – 3B(01)** Appendix with the exception of between 07:00 - 10.00 whilst allowing the Scheme and existing properties to continue to be serviced safely. This would be more difficult to achieve if the current one-way vehicular traffic system were to be retained.
- 2.14 In response to the second point, mentioned on page 4 of the objector's statement, the Stage 2 Road Safety Audit will be carried out prior to the commencement of development and development can only commence in accordance with the approved Scheme, which includes this Road Safety Audit, as set out in Section 4 of the Transport and Highways Proof of Evidence (**LBR – 3A**). This matter was considered as part of the planning application.
- 2.15 In response to the third point, mentioned on page 4 of the objector's statement, the proposed dedicated on-carriageway loading bay on the eastern side of Water Lane is one that is relocated from the western side of this road to accommodate the Scheme. Any delivery driver that is using a vehicle to load or unload goods can use it, subject to complying with the Traffic

Management Order that regulates its use. The Council considers that the vehicular swept path analysis submitted as Appendix D of the Transport Assessment of October 2022 (**CD 4.08**) show that all vehicles that will need to enter and exit Water Lane in forward gear can do so safely. Large vehicles will also be able to be driven westwards along The Embankment between 07.00 and 10.00 every day, or after 10.00 by prior arrangement with the Council and/or in exceptional circumstances.

- 2.16 In response to the fourth point, mentioned on page 4 to 5 of the objector's statement, the Council considers that Appendix D of the Transport Assessment of October 2022 (**CD 4.08**) shows that all vehicles that will need to service the Scheme and Eel Pie Island can turn at the southern end of Water Lane safely. The objector lists other types of road user that might collide with vehicles turning in the area south of Water Lane and north of the slipway. The Scheme will result in a net increase of 22 servicing trips per 12-hour standard assessment day, 2-3 of which will be made by HGVs. Section 4.9 of the Transport Assessment of October 2022 sets out the discussions the Council had with the Eel Pie Island Association regarding the servicing needs of residents and businesses. The survey evidence identified 19 servicing trips over two days. The Council considers that the low number of servicing trips generated per day, plus the measures proposed to slow vehicular speeds, will mean that other road users will still be able to access the area north of the slipway safely. The Experimental Traffic Order will also provide one licenced street traders bay for the ice-cream can on the northern side of The Embankment east of its junction with Water Lane.

### 3. **GENERAL (Paul Chadwick)**

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

#### **The existing road enables equality of access to the riverside**

- 3.2 Within this there are several specific points raised, which are as follows:

3.2.1 The existing parking makes the riverside accessible.

3.2.2 Development has the potential to change this area so much the well-being for some of the most vulnerable people in our society are at risk and the general well-being of the public at large.

- 3.3 In response to both points, mentioned on page 6 of the objector's statement, the Scheme includes disabled parking bays, the site has a high PTAL rating (5), there are several local car parks within a short distance of the Scheme Land and there is still parking on other parts of the Embankment immediately adjacent to the Scheme Land. Making the Embankment on the Scheme Land priority for pedestrians was a key ambition of the RIBA Full Design Brief (**CD 3.01**). In terms of broader accessibility, the Scheme has a number of accessible routes, more

than the existing, all buildings 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.

- 3.4 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 the Statement of Case and Section 15 (starting 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 (see paragraphs 15.12 to 15.33 of Mr Chadwick's Proof of Evidence).
- 3.5 The benefits of the Scheme can be found in the Statement of Case paragraphs 10.12 to 10.42 and Section 9 of Mr Chadwick's Proof of Evidence (**LBR – 1A**).

**Purpose for which the Council is proposing to acquire the land can be achieved by other means.**

- 3.6 The objector's make a further separate point, on pages 6 to 7 of their statement, that the purpose for which the Acquiring Authority is proposing to acquire the land can be achieved by other means, and that this is demonstrated by a previous planning application being given 'minded to approve' status by the Local Planning Authority in 2017.
- 3.7 In response to this, the Council considers that the whole Scheme Land is needed to find a comprehensive solution to the Scheme Land to help bring about the benefits of the scheme detailed in paragraphs 10.12 to 10.42 of the Statement of Case and Section 9 of Mr Chadwick's Proof of Evidence (**LBR – 1A**). The Trust agreed to the Gardens being part of the Scheme Land prior to the launch of the RIBA Design Competition (see **LBR - 5** for further information on the negotiation with the Trust). Previous schemes are also dealt with in Mr Chadwick's Proof of Evidence (paragraphs 5.4 to 5.8).

#### **4. DESIGN AND OPEN SPACE (Chris Bannister)**

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

#### **Eel Pie Boatyard Additional Notes Document**

- 4.2 Eel Pie Boatyard submitted an additional notes document (**NS-038.3**) which goes into detail about the various factors which effect flooding of the river Thames at Twickenham riverside. This document concludes that as a result of the '*...uncertainty about the frequency with which the Embankment at Twickenham is likely to be subject to water encroachment in the future...*

*the Trust's exchange land is therefore an 'unknown' whereas all the Lost Open Space is a known in terms of flooding.'*

- 4.3 In response to this point, Mr Bannister's Proof of Evidence (**LBR – 2A**) Sections 7 and 10, and the accompanying appendix (**LBR – 2B(13)**) deal with flooding matters. Furthermore, the Council has provided **CD 4.3G** (Flooding contours for the existing functioning open space) and **CD 4.3H** (Flooding contours for the future functioning open space) as well as **LBR - 1B(7)** appendix map O (Existing flood zones, overall case) and **LBR-1B(8)** appendix map P (Future flood zones – overall case).