

LBR10

**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**

**LBR10**

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**IN RESPONSE TO EVIDENCE SUBMITTED BY:**

**NS-007: JEREMY HAMILTON-MILLER**

1. **INTRODUCTION**

- 1.1. This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Jeremy Hamilton-Miller (**NS-007**).
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Mr Hamilton-Miller’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 Hamilton-Miller 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. **GENERAL (Paul Chadwick)**

- 2.1. 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 only true consultation on the Scheme is shown by the comments on the Planning Application**

- 2.2. This is in reference to the January/February 2021 consultation and engagement undertaken by the Council on the developed design. Mr Hamilton-Miller makes a number of specific points, which are as follows:
  - 2.2.1. Designs that were used to consult in Jan/Feb 2021 lacked detail and scale.
  - 2.2.2. Designs did not delineate Twickenham Riverside Trusts proposed new demise.
  - 2.2.3. The direct question ‘do you support the scheme?’ was not asked as part of the consultation.
  - 2.2.4. The true consultation is the planning app – 345 objections vs 236 in support of.
- 2.3. In response to the first point, mentioned on page 2 of Mr Hamilton-Miller’s statement, the January/February 2021 was a non-statutory pre-planning period of engagement on the developed design. The purpose was to seek feedback to help inform the proposals. Given the stage the design was inevitably some detail missing, which would be developed at the next stage and would be informed by the consultation. However, the consultation information

contained CGI images, the masterplans, elevations in context and floor plans Full details were provided at Planning.

- 2.4. In response to the second point, mentioned on page 2 of Mr Hamilton-Miller's statement, negotiations with the Trust over their new demise were separate to the period of engagement held in January / February 2021. Please see paragraphs 11.9 to 11.68 of Mr Chadwick's Proof of Evidence (**LBR – 1A**) and the document detailing negotiation with the Trust (**LBR – 5**) for further information on negotiations with the Trust.
- 2.5. In response to the third point, mentioned on page 2 of Mr Hamilton-Miller's statement, this question was not asked. However, there were other questions asked such as 'Do you think you will be more or less likely to visit Twickenham Riverside following the redevelopment?' and 'One of the objectives of the scheme is to provide high quality open space for Twickenham.....Do you agree or disagree this achieves that ambition?'. Questions also included what aspects of the design respondents liked and disliked. For further information and the full list of questions please see the Statement of Community Involvement (**CD 3.13**).
- 2.6. In response to the fourth point, mentioned on page 2 of Mr Hamilton-Miller's statement, two non-statutory pre-planning periods of engagement were carried out prior to the submission of planning. There was a statutory period of consultation held during the planning determination process, comments received during this period were balanced and responded to in the Planning officers report (**CD 3.37**).

#### **Assumptions of footfall and take up of franchises**

- 2.7. This is in reference to the Acquiring Authority's case that the Scheme will bring the benefits of regeneration for the area including increased footfall and occupied retail and commercial units. Mr Hamilton-Miller makes several specific points, which are as follows:
  - 2.7.1. The results of footfall studies (mentioned to be commissioned in the Statement of Case paragraph 11.82) should be available now, and not later, and that the strength of the case is diminished by assumptions unsupported by hard facts.
  - 2.7.2. That points in the Statement of Case (paragraph 10.10.1) about improving retail frontages and adding food and beverage units to help create a destination and draw people are only valid if franchises in the units are taken up.
- 2.8. In response to the first point, mentioned on page 3 of Mr Hamilton-Miller's statement, the Council will commission footfall studies prior to and following delivery of the Scheme as part of the work to further quantify the social value and additional benefits the Scheme would deliver, see the Social and Additional Value Report (**CD 4.05**) for more information. Having the data now is not required as it is a comparison that is most useful.

- 2.9. In response to the second point, mentioned on page 3 of Mr Hamilton-Miller's statement, the Council commissioned a report from real estate experts Avison Young, on the proposed commercial units within the Scheme (**CD 4.4**). The report states that the Scheme has a good balance of residential and mixed uses. The Council are confident that the units will be taken up.

#### **Consideration of alternative schemes**

- 2.10. Mr Hamilton-Miller makes several points regarding his belief that the Wharf Lane Building should be removed from the Scheme, which are as follows:
- 2.10.1. It would reduce the overall cost of construction and materials.
  - 2.10.2. Decreased use of concrete would reduce CO2 production.
  - 2.10.3. The Authority should demonstrate that viability studies which consider alternatives/variations to the Scheme have been completed.
- 2.11. In response to the first point, mentioned on page 5 of the statement, 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 Mr Chadwick's Proof of Evidence (**LBR – 1A**). 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. Further information on costs can be found in Mr Chadwick's Proof of Evidence (paragraphs 13.5 to 13.8).
- 2.12. In response to the second point, mentioned on page 5 of Mr Hamilton-Miller's statement, the same point as above (2.11) holds. The Council considers that the whole Scheme Land is required. Sustainability considerations have been addressed as part of the planning process (see the planning report **CD 3.37**).
- 2.13. In response to the third point, mentioned on page 5 of Mr Hamilton-Miller's statement, design variations have been mentioned in general terms in Section 6 and Section 7 of Mr Bannister's Proof of Evidence (**LBR – 2A**). The Council commissioned RIBA to carry out a Design Competition where five shortlisted designs were considered, each with their own viability case for evaluation. Hopkins Architects and their team were appointed out of this process and the viability of their design has been considered at key stages, including in the January 2023 Committee report which approved the capital budget (**CD 1.12**).

### **Petition**

- 2.14. This is in reference to comments, on page 6 of Mr Hamilton-Miller's statement, where further information is sought on a petition mentioned in the Statement of Case (paragraph 11.303).
- 2.15. In response to this point, paragraph 11.303 of the Statement of Case summarises a theme from statements of support submitted to the Inspector. This is not evidence put forward by the Authority itself.

### **Café Sunshine**

- 2.16. This is in reference to comments, on page 6 of Mr Hamilton-Miller's statement, regard to the sunshine café. Mr Hamilton-Miller notes that should the café be required to close for construction, that this would warrant it reverting to the Trust as the current management arrangements would have ceased.
- 2.17. In response to this point, the delivery of the Scheme is dependent upon the successful outcome of the CPO Inquiry. Should the inquiry be successful, and the Gardens acquired, then the existing lease arrangements would be replaced by the proposed terms for the management of the open space. Should the inquiry be successful the existing Lease would be extinguished.

## **3. PLANNING (Iyabo Johnson)**

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

### **Misleading statements about fate of trees**

- 3.2. Within this theme there are a number of specific points raised, which are as follows:
- 3.2.1. 6.26 of the Statement of Case no mention of the fact trees will be felled.
- 3.2.2. The Arboricultural Report and Impact Report issued with Planning Application are not available in the case document **CD 3.03**.
- 3.2.3. Previous assurances that the existing mature hornbeams at the back of the site would be kept.
- 3.5. In response to the first point, mentioned on page 3 of Mr Hamilton-Miller's statement, planning permission for the removal of the trees has already been granted. Paragraphs 1.9 and 8.62 of the Planning Committee Report (**CD 3.37**) confirms the number of trees that are to be felled.

- 3.6 In response to the second point, mentioned on page 3 of Mr Hamilton-Miller's statement, the Acquiring Authority has now included the Arboricultural reports as new Core Documents, **CD 4.09A** and **CD 4.09B**, and these are now available on the Inquiry website.
- 3.7 In response to the third point, mentioned on page 3 of Mr Hamilton-Miller's statement, this is covered in the response at 3.5.

#### **The Wharf Lane building**

- 3.8 Within this theme, on page 4 of Mr Hamilton-Miller's statement, a number of points are made regarding the Wharf Lane Building be '*manifestly not compatible with its setting*' and '*overbearing*'.
- 3.9 In response, Planning permission for the Wharf Lane building has already been granted and the design, scale and mass of the building is considered a paragraphs 8.91 to 8.97 of the Planning Committee Report (**CD 3.37**) and paragraph 6.46 of Ms Johnson's Proof of Evidence (**LBR – 4A**).

#### **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**).

#### **Superiority of proposed over existing facilities**

- 4.2. Within this theme there are a number of specific points raised, which are as follows:
- 4.2.1. The schemes terraced lawns will succumb to wear and tear which the well-used artificial grass in the Gardens does not.
  - 4.2.2. The Gardens are enclosed and therefore safer for younger children.
  - 4.2.3. The proposed event space is susceptible to flooding and limits free play as it is open to cyclists.
- 4.1 In response to the first point, mentioned on page 6 of Mr Hamilton-Miller's statement, our understanding is that the real grass failed in the existing Gardens due to the presence of the existing swimming pool structure below ground affecting the drainage and the soil quality. The grass in the new open space will be planted on an appropriate sub-soil and will be maintained by the Council. An open space management plan has been conditioned by planning see **LBR - 1B(4)** for further information on future management. Natural grass clearly has many benefits, both visually and environmentally. Also, the Gardens did originally have natural grass planted, but it could not be sustained due to the poor quality of soil and shallow

soil depths achievable on the old filled in swimming pool site. It was not a design or sustainability choice to have artificial grass, but rather one of necessity.

- 4.2 In response to the second point, mentioned on page 6 of Mr Hamilton-Miller's statement, the most obvious source of danger is the service road to the north however the proposed play area is separated from the service road by a raised planted bed and a fence to make it safer for young children but it is open to the rest of the open space to the south so that it feels more integrated. The enclosure and segregation of space with fences and hedging can create a different sort of danger, especially at night, which the proposed scheme seeks to avoid.
- 4.3 In response to the third point, mentioned on page 6 of Mr Hamilton-Miller's statement, flooding is addressed in Section 10 of Mr Bannister's Proof of Evidence (**LBR – 2A**). A lot of the activities that currently take place on the event space in the Gardens could take place within the new open space but don't necessarily have to take place on the new Events Space down on the Embankment and could take place on the upper open space and/or terraced lawns.