

LBR12

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**

LBR12

IN RESPONSE TO EVIDENCE SUBMITTED BY:

NS-003: TERESA READ

1. **INTRODUCTION**

- 1.1. This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Teresa Read (**NS-003**).
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Ms Read’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 Ms Read 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**).

Exchange Land

- 2.2. There are a number of specific points raised, which are as follows:
 - 2.2.1. The Council’s proposal does not provide a single form space for the provided gardens as required by the Design Brief .
 - 2.2.2. The proposal does not provide the minimum surface area above flooding as per the Design Brief .
 - 2.2.3. The Diamond Jubilee Gardens is land for residents and is currently protected by the Trust.
 - 2.2.4. The statement of case argues that there is an issue with accessibility in the current gardens, when in fact the issue of accessibility is with the new gardens.
- 2.3. In response to the first point, mentioned on page 2 of Ms Read’s statement, Mr Bannister’s Proof of Evidence (**LRB – 2A**) deals with the quality of the new open space (section 10) and the response to the Design Brief in general terms (section 5). The Council considers the proposed open space to be a connected, coherent space which offers a number of different areas to enjoy.

- 2.4. In response to the second point, mentioned on page 2 of Ms Read's statement, Mr Bannister's Proof of Evidence (**LBR - 2A section 10**) and a relevant appendix (**LBR – 2B(13)**) considers flooding on the site. It was the Trust's requirement within the Design Brief that a certain amount of the re-provided open space needed to be not affected by flooding. However as design development progressed, and at a meeting on 31st January 2020 the Trust agreed that it would consider the re-provision of the open space to be above and below (within) the flood zones and proposed a number of options for the Council's consideration including the addition of the Embarkment events space (**LBR - 5A – appendix 21**).
- 2.5. In response to the third point, mentioned on several times in Ms Read's statement, the Gardens are leased to the Trust, however the Trust agreed that the Gardens would form part of the Scheme Land prior to the launch of the Design Competition. Further information on negotiations with the Trust can be found in Mr Chadwick's Proof of Evidence (**LBR – 1A section 11**) and **LBR - 5**.
- 2.6. In response to the fourth point, as mentioned on page 21 of Ms Read's statement, this is addressed in Mr Bannister's Proof of Evidence section 8.21. The current Gardens only have one accessible entrance the new open space will have several accessible routes. This statement is therefore incorrect.

The Development of the riverside could go ahead without the CPO

- 2.7. This is in reference to comments, mentioned on page 2 of Ms Read's statement, that the CPO of the Gardens is not essential to move forward with the scheme. The scheme could go ahead without the Wharf Lane building and the affordable housing in the Water Lane building, along with the retail units, café and removal of car parking can all still be delivered.
- 2.8. In response, the Council believes that the whole Scheme Land is needed to deliver a comprehensive solution, help regenerate the area and help to bring about the benefits of the Scheme detailed in the Statement of Case paragraph 2.15 and throughout section 10, and Mr Chadwick's Proof of Evidence (**LBR – 1A section 9**). It is worth noting that the Council could not just build out part of the planning approval, a whole new design and planning permission would need to be sought and this would not deliver the numerous benefits of the current Scheme.

Cost to taxpayer

- 2.9. This is in reference to comments mentioned on page 29 of Ms Read's statement, that the scheme is a waste of taxpayers' money is involved – especially, after paying for all the previous improvements since 2005.
- 2.10. In response, 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. Previous improvements were always envisaged to be a short-term solution, as detailed in the Planning Report (**CD 3.37 paragraph 4.13**). Any site to be redeveloped is likely to have seen investment in the past, that is not a reason not to redevelop particularly when wider benefits can be brought forward.

The Council's consultation and engagement

- 2.11. There are a number of specific points raised, which are as follows:
 - 2.11.1. 93.5% voted against housing on Twickenham Riverside during referendum.
 - 2.11.2. The Council has ignored repeated requests for a water feature on the site from resident.
 - 2.11.3. There was a lack of genuine engagement of the Council's stakeholder group.
 - 2.11.4. Confusing information sent out to residents by email. Photographs we used of the disused Council car park next to Water Lane and readers were led to believe that this was the Twickenham Riverside 'site'.
 - 2.11.5. The incorrect myth of 40 years of neglect of Twickenham Riverside has been perpetuated by the Council.
- 2.12. In response to the first point, mentioned on page 10 of Ms Read's statement, this is not relevant to this Scheme as the referendum was held in 2009, 14 years ago. The delivery of housing was a key requirement of the RIBA Full Design Brief (**CD 3.01**). Planning applications are required to be determined, by law, with regard to the development plan unless material planning considerations indicate otherwise. The development plan (Local Plan) requires the on site delivery of affordable homes on sites capable of accommodating 10+ dwellings (gross) where it is financially viable to do so.
- 2.13. In response to the second point, mentioned on several times in Ms Read's statement, this was not a strong theme in the periods of engagement held on the Scheme, and is not a priority given the Scheme's proximity to the river.
- 2.14. In response to the third point, mentioned on page 19 of Ms Read's statement, the Stakeholder Reference Group ("SRG") is referred to in Paul Chadwick's Proof of Evidence (**LBR – 1A paragraph 5.11**). All stakeholder groups inputted into the RIBA Full Design Brief (**CD 3.01**),

they were all given the opportunity to send in their key requirements for the brief which were carefully balanced in the final version, shown in LBR5 appendix 3 and 4. The SRG also inputted into the process and offered opinion and advice around key project decisions and during the design development phase of the Scheme.

- 2.15. In response to the fourth point, mentioned on page 20 of Ms Read's statement, it is unclear what information is being referred to. The discussed car park on Water Lane does form part of the Scheme Land. The fact that the information contained a link to the planning application means that they would have been able to see all the planning documents and plans which clearly outlined what was being proposed.
- 2.16. In response to the fifth point, mentioned on page 21 of Ms Read's statement, the lido that used to sit on part of the Scheme Land that is now largely the Gardens closed in 1980. The Gardens, as mentioned in the Planning committee report (**CD 3.37 paragraph 4.3**), were only meant to be temporary. There have been several attempts over the years to redevelop the riverside.

Loss of public toilets

- 2.17. There are a number of specific points raised, which are as follows:
- 2.17.1. There will be no public toilets in the new scheme but instead, a condition of planning is that the pub give the public access to its toilets. This is unsatisfactory as not all feel comfortable accessing a pub to use the toilet.
- 2.17.2. A lack of public toilets can lead to anti-social behaviour.
- 2.18. In response to the first point, mentioned several times in Ms Read's statement, there are public toilets in the Wharf Lane Buildings which have been specifically designed so that users would not have to access the public house/ restaurant. They would be shared with the public house / restaurant units (end user not yet decided) but would not be accessed via that unit, the entrance would be via a door facing the new open space. The café toilet would also be part of the Council's Community Toilet Scheme, secured through planning (NS111).
- 2.19. In response to the second point, mentioned on page 25 of Ms Read's statement, public toilets are provided.

Lack of Need for another pub

- 2.20. There are currently over 20 pubs within walking distance.
- 2.21. In response comments, mentioned in Ms Read's statement, about the number of local pubs, the unit (southern end of Wharf Lane) has permission to be a public house or restaurant. The need for a public house or restaurant unit is covered in the Statement of Case and is also

addressed in the Avison Young report (**CD 4.04**). It is also unclear what measurement Ms Read is using when she notes 'within walking distance' and for whom.

3. **DESIGN AND OPEN SPACE (Chris Bannister)**

- 3.1. 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**).

Loss of enclosed playground

- 3.2. The current playground is safely enclosed making it safe, especially for younger children. The proposed design of the new playground is not enclosed meaning a loss of safety for children who will now have access to the river from the play area
- 3.3. In response to this, mentioned on page 19 of Ms Read's statement, the new play space is separated from the service road to the north by a raised planted bed and a fence but it is open to the rest of the open space to the south. The play area however is at least 40 metres away from the river even at the closest point.

Loss of trees

- 3.4. The proposed scheme will mean the loss of over 70 trees and manage shrubs which will no longer be able to absorb carbon dioxide. Younger trees are unable to replace this crucial function until they are mature.
- 3.5. In response to this, mentioned several times in Ms Read's statement, this matter was fully considered as part of the planning process and therefore deemed on balance to be acceptable. The Arboricultural Report that was submitted as part of the Planning Application identified that approximately half of these trees (34) 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. A copy of the Arboricultural assessments submitted with the Planning Application are at **CD 4.09A** and **CD 4.09B**. The aim had been to try and retain as much 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 polar to a better location within the new open space. Technical issues with moving the tree, coupled with advice that it was not suitable for its intended location due to its mature size and 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.

4. **TRANSPORT AND HIGHWAYS (Nick O'Donnell)**

- 4.1. 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**).

The construction site

- 4.2. Turning the riverside into a building site will result in traffic problems for years to come.
- 4.3. In response to this, mentioned on page 29 of Ms Read's statement, the applicant submitted a Framework Construction Environmental and Logistics Management Plan as one of the documents to support the planning application that was given permission. Appendix E of this document is an indicative access and servicing plan for the construction site. As set out in Paragraph 4.12 of Mr O'Donnell's Proof of Evidence (**LBR – 3A**), the planning permission includes a planning condition whereby a detailed construction logistics plan must be approved by the Local Planning Authority before any development can take place. This will allow the Council to make sure existing road users are kept safe and disruption to them is minimised as much as possible during site construction.

5. **PLANNING (Iyabo Johnson)**

- 5.1. 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**).

5.2. **Affordable housing**

- 5.2.1. The affordable housing is not truly affordable.
- 5.2.2. The affordable housing could go ahead without the CPO of the Gardens.
- 5.2.3. Previous administrations have already provided the affordable housing for Twickenham Riverside through the 'Linked Sites Strategy'.
- 5.3. In response to the first point, mentioned on page 1 of Ms Read's statement, the Scheme is policy compliant in terms of affordable housing. It will provide 50% affordable homes by habitable room (81% social rent, 19% intermediate).
- 5.4. In response to the third point, which is mentioned on page 2 of Ms Read's statement, this is covered in paragraph 2.9 of this rebuttal.
- 5.5. In response to the third point, mentioned several times in Ms Read's statement, the delivery of housing is a key objective of the Scheme. 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. Notwithstanding, as set out in paragraphs

6.17 of and 6.18 Ms Johnson's proof, Richmond is subject to housing delivery targets set out in the Local Plan and London Plan. These include delivery targets for Twickenham town centre.