

LBR15

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**

LBR15

IN RESPONSE TO EVIDENCE SUBMITTED BY:

S-4: TOWER OF POWER (EEL PIE ISLAND BRIDGE COMPANY)

1. INTRODUCTION

- 1.1. This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Tower for Power (Eel Pie Island Bridge Company) (**S-4**).
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Eel Pie Island Bridge Company’s statement. 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 they may be dealt with further at the inquiry.
- 1.3. This rebuttal addresses points raised by the Eel Pie Island Bridge Company 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.
- 1.5. Eel Pie Island Bridge Company (Tower for Power) own and maintain the footbridge to Eel Pie Island. The footbridge is the only route onto the Island and access to the footbridge is via the Scheme Land.
- 1.6. There was extensive engagement with the Eel Pie Island Association, a group that represents residents and businesses on Eel Pie Island, during the design of the Scheme. They were part of the Stakeholder Reference Group (see Mr Chadwick’s Proof of Evidence (**LBR – 1A**) for further information, in particular at paragraphs 11.10 to 11.15) and the Council and the Design Team held a number of meetings with them during the design development of the Scheme to ensure their needs were met. The Statement of Case and Statement of Community Involvement (**CD 3.13**) provides further information on engagement with the Eel Pie Island Association who represented the private and commercial interests of the Island.
- 1.7. Tower of Power (trading as Eel Pie Island Bridge Company) has the benefit of a Section 66 River Works Licence and, as it is proposed to oversail that part of the River Thames which is subject to a River Works Licence. Tower for Power are included in the Modified Order. The reason for their inclusion was clarified to them in an exchange of emails in late December 2021 and in January 2022 as they were seeking to recover their costs incurred in respect of objecting to the Order from the Council. The Council explained to them that it would not be indemnifying them in respect of their costs as it is not proposed to acquire any interest from them. Tower of Power is not able to grant the necessary oversail rights as a function of only holding a river works licence in the riverbed. Tower of Power (Eel Pie Island Bridge Company) make no reference to oversailing rights within their evidence. Further, the bridge is not

included within the Scheme Land and access to the bridge is not being altered in the new Scheme.

- 1.8. Whilst the evidence statement (dated 8th April 2023) produced by the Eel Pie Island Bridge Company does not refer to the oversail aspect, it should be noted that the Council has responded to this at paragraphs 11.214 to 11.215 of the Statement of Case.

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**).

Council does not need CPO

- 2.2. There are a number of specific points raised, mentioned on page 8 of Eel Pie Island Bridge Company's statement, which are as follows:
 - 2.2.1. The Council can achieve the Scheme and meet policy objectives without a CPO.
 - 2.2.2. Development can happen on land Council owns, which previous schemes demonstrate.
- 2.3. In response to the first and second points, the Council requires the whole of the Scheme Land to deliver the comprehensive regeneration of the area. Achieving Scheme and policy objectives are addressed in the Council's Statement of Case and Ms Johnson's Proof of Evidence (**LBR – 4A**). Previous schemes have failed as detailed in paragraphs 5.4 to 5.8 Mr Chadwick's Proof of Evidence (**LBR – 1A**). With reference to the 2017 scheme, the Environment Agency objected to the Scheme on flooding grounds. The Council has obtained planning approval for the whole of the Scheme Land.

Scheme benefits

- 2.4. On page 9 Eel Pie Island Bridge Company's statement, it was stated that the Scheme will have negative impacts on the community of Eel Pie Island and those that visit the Embankment.
- 2.5. In response, the Council consulted at length with the Eel Pie Island Association during the design development. The Scheme will provide an improved servicing area, with six dedicated bays, for the Island and the Embankment will be open between 7-10am, or by prior arrangement, for larger vehicles. Existing parking provision will remain adjacent to the Scheme Land. The site has a high PTAL rating (5) and there are four Council car parks locally, Arragon Road multi-storey car park, Church Lane Car Park, Holly Road Car Park and York

House Car Park where residents with a Richmond Card can get free parking for stays up to 30 minutes. The Scheme itself will bring about a number of benefits which are detailed in Section 9 of Mr Chadwick's Proof of Evidence (**LBR – 1A**).

- 2.6. The Council has fully considered equalities when designing the Scheme. It has also considered the Public Sector Equality Duty when making the Order (and when submitting the Proposed Modifications), 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. Two Equality Impact Needs Assessments have been undertaken on the impacts of the Scheme and the positive benefits were considered to outweigh the negative, which were mitigated against, as detailed in paragraphs 15.12 to 15.33 of Mr Chadwick's Proof of Evidence (**LBR -1A**).

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**).

Flooding on site

- 3.2. There are several specific points raised, mentioned on pages 2 to 8 of Eel Pie Island Bridge Company's statement, related to flooding which are as follows:

- 3.2.1. Council has not properly considered the flooding on the site.
- 3.2.2. Flooding on the Embankment happening more frequently than data suggests.
- 3.2.3. Challenges Council's suggestion that the Scheme improves flood defence and flood water management.

- 3.3. In response to all three flooding points, this is covered in Mr Bannister's Proof of Evidence (**LBR – 2A**) and accompanying appendix (**LBR – 2B(13)**) which acknowledges that the flooding at the lower levels occurs more frequently than the risk profile might suggest but sets it in context based on measured data over the last eight years in relation to the frequency it has occurred at the different levels across the Scheme Land. It should be noted that the data provided by the Eel Pie Island Bridge Company is related to the area around the slipway and bridge link which is lower than the proposed Event Space on the Embankment. In regard to comments about the flood defence the Scheme completely re-constructs the flood defence in the Scheme Land to provide new structures which should have a longer life expectancy than the ones they are replacing. In terms of flood water management extensive analysis has been carried out on the flood storage on site to meet the Environment Agency's requirement to maintain or increase the flood storage on a level by level basis (see Section 7 of Mr Bannister's Proof of Evidence (**LBR – 2A**)). As a result there would be an increase in flood storage at

various levels within the site. The surface water drainage within the site has also been designed to help minimise its impact on any potential flooding issues.

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**).

Access and deliveries to Eel Pie Island

- 4.2. There are a number of specific points raised, mentioned on pages 1, 2 and 3 of Eel Pie Island Bridge Company's statement, which are as follows:

- 4.2.1. Access for tradespeople.
- 4.2.2. Rubbish and recycling collection.
- 4.2.3. Regular deliveries for residents and businesses, including materials for the boatyards.
- 4.2.4. Issues with limited time the Embankment available and uncertainty Islanders will have on arrive times and vehicles sizes of deliveries.
- 4.2.5. Council underestimated the number of deliveries.
- 4.2.6. Danger for vehicles during flooding.

- 4.3. In response to the first point, please refer to paragraphs 6.1.5 and 6.1.6 of the Transport and Highways Proof of Evidence (**LBR – 3A**). Access to Water Lane, Wharf Lane, and The Embankment will be maintained for tradespeople. Appendix D of the Transport Assessment of October 2022 (**CD 4.08D**) contains vehicular swept path analysis which shows that two rigid heavy goods vehicles (HGVs) with dimensions of 10m x 2.5m and a vehicle weight of up to 7.5 tonnes can pass each other safely on both Water Lane and Wharf Lane and can turn at the southern ends of both roads. The transport assessment showed that this is the largest vehicle that is likely to need to service the area regularly. However, if a vehicle larger than this needs to service the Scheme Land, the manually operated bollards on the Embankment would be open between 07.00 and 10.00 every day so that these vehicles could enter the Scheme Land from Water Lane and egress it from Wharf Lane. The bollards could also be opened after 10.00 by prior arrangement with the Council. Tradespeople who may need to park their vehicles on or near to the Scheme Land would be able to use six dedicated loading bays on The Embankment, one dedicated loading bay on the carriageway on Water Lane, and three dedicated loading bays on the eastern side of Wharf Lane. The Council considers that these

issues were resolved when the planning application was discussed, as set out in paragraph 8.4.1 of the Transport and Highways Proof of Evidence (**LBR – 3A**).

- 4.4. The Council considers that matters that relate to the collection of refuse and recycling from the Scheme Land are set out in paragraph 6.6 of the Transport and Highways Proof of Evidence (**LBR – 3A**). The Council considers that this issue was resolved as part of the planning considerations leading to the planning permission.
- 4.5. It has been set out how regular servicing and delivery trips to and from the Scheme Land will be accommodated in paragraph 4.3 and 4.4 above.
- 4.6. Regarding the hours that the bollards on The Embankment are open and the uncertainty residents and businesses on Eel Pie Island face regarding the timing of deliveries to their sites and the size of vehicles used, part 4.8 of the Transport Assessment of August 2021 (**CD 3.14**) shows that the applicant liaised with the Eel Pie Island Association regarding these issues. The Association gave them photographic evidence which showed that the island is serviced by regular and frequent deliveries by car and light goods van, occasional deliveries by medium sized rigid HGVs, infrequent deliveries by articulated HGVs, fire tenders, and waste collection vehicles. Appendix D of the Transport Assessment of October 2022 (**CD 4.08D**) shows that all of these vehicles can turn around at the southern end of Water Lane safely. The ETMO referred to in Section 6 of the Transport and Highways Proof of Evidence would regulate vehicular parking on The Embankment so that there is a safe space for large vehicles to turn. If they cannot, the bollards would be open between 07.00 and 10.00 every day to allow HGVs to egress the scheme Land via Wharf Lane. If very large vehicles cannot make deliveries before 10.00, the Council, if given appropriate prior notice, could open the bollards after 10.00. The Council considers this issue was resolved as part of the planning permission process.
- 4.7. Regarding danger for vehicles manoeuvring whilst there are high levels of tidal flooding, Tidal flooding is an existing problem within part of the Scheme Land that will not be exacerbated to a significant degree by the number of vehicular trips the Scheme is expected to create. However, there is a particular area immediately north of the slipway that is vulnerable to tidal flooding which some vehicles will need to use to turn around after 10.00 every day. Incidents of tidal flooding could make this manoeuvre more difficult. However, the Experimental Traffic Management Order set out in Part 6 of Mr O'Donnell's Proof of Evidence (**LBR – 3A**) would enable the Council to open the barriers on The Embankment after 10.00 every day in exceptional circumstances such as incidents of tidal flooding that are a highway safety risk. Opening the barriers would enable vehicles to pass along The Embankment and egress the Scheme Land from Wharf Lane, as they do now.

Two-way Water Lane

- 4.8. There are a number of specific points raised, mentioned on page 1 and 2 of Eel Pie Island Bridge Company's statement, which are as follows:
- 4.8.1. Loading bay moving at the top of Water Lane making the road too narrow for two way movements
 - 4.8.2. Risk assessments not conducted
 - 4.8.3. Safety for families accessing the slipway
 - 4.8.4. Ice-cream van operating in this area
- 4.9. In response to the first point, page 4 of Appendix D of the Transport Assessment of October 2022 shows that the carriageway on Water Lane has a total kerb to kerb width of 5.7m at the location of the proposed on-carriageway loading bay on its eastern side. The loading bay proposed is 2.5m wide, leaving a remaining carriageway width of 3.2m. The large HGV tracked on the drawing on page 4 of Appendix D referred to above has an overall width of 2.5m. Therefore, the Council considers that there is enough carriageway to allow a moving HGV to pass one that is parked in the loading bay. This is shown in Appendix D of the Transport Assessment referred to above.
- 4.10. In response to the second point, the Council's Officers raised highway safety and transport concerns in response to the Transport Assessment of August 2021 (**CD 3.14**) and discussed these extensively with the applicant between then and October 2022, when a revised Transport Assessment (**CD 4.08**) was submitted with appendices, including a Stage 1 Road Safety Audit and updated vehicle swept path analysis. Road Safety Audits are completed by exception – if an Auditor does not identify a significant road safety issue, they do not describe it. This process is set out in Section 8.4 of the Transport and Highways Proof of Evidence. The Council considers that these issues were resolved when the planning permission was granted.
- 4.11. In response to the third point, paragraph 8.3 of the Transport and Highways Proof of Evidence shows that the Scheme would result in a net decrease in trips by private car at the AM and PM weekday peak hours compared to the current land use, and would result in a net decrease of trips by private car at both the Wharf Lane/King Street and Water Lane/King Street priority bell-mouth access junctions at these times. The Scheme will result in a net increase of 22 servicing vehicular trips in a standard 12-hour 07.00-19.00 assessment day. Only one of these servicing trips will be made by an HGV. The Council considers that the decrease in the number of trips by private car to and from the Scheme Land and the design measures set out in the Transport and Highways Proof of Evidence (**LBR – 3A**) to slow vehicle speeds would make the Embankment safer for pedestrians that want to use it.

- 4.12. The ice cream van that currently operates on The Embankment would be allocated one dedicated street traders bay on the northern side of The Embankment south-east of its junction with Water Lane.

5. **OTHER OBJECTIONS**

- 5.1. Alongside the statement submitted Eel Pie Island Bridge Company re-submitted their objection to the CPO (dated 19th November 2021) and their objection to the Stopping Up Order (dated 6th September 2022).
- 5.2. The objections to the CPO were addressed in Section 11 of the Statement of Case, in Section 14 Mr Chadwick's Proof of Evidence (**LBR – 1A**) and in Section 8 of Mr O'Donnell's Proof of Evidence (**LBR – 3A**).
- 5.3. The objection to the Stopping Up Order is not relevant to this inquiry. The Stopping Up Order is addressed in general terms in Section 6 of Mr O'Donnell's Proof of Evidence (**LBR - 3A**).