

LBR14

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 AND
SCHEDULE 3 ACQUISITION OF LAND ACT 1981**

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

LBR14

IN RESPONSE TO EVIDENCE SUBMITTED BY:

NS-001: TWICKENHAM SOCIETY

1. **INTRODUCTION**

- 1.1. This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by the Twickenham Society (**NS-001**).
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in the Twickenham Society’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 they may be dealt with further at the inquiry.
- 1.3. This rebuttal addresses points raised by the Twickenham Society 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 Exchange Land is not better than nor equally advantageous.

- 2.2. The specific points raised, are as follows:
 - 2.2.1. The Society question whether the Event Space within the Scheme would improve on the existing event space because of its size and location. Events like cinemas and ice rinks are time consuming to set up and last for days which could mean closing the Embankment Road for long periods of time which would not be feasible.
 - 2.2.2. The Exchange Land is not equally advantageous regarding its functionality and environment. With particular reference to the Exchange Land on Water Lane, and the flood plain.
- 2.3. In response to the first point, mentioned in paragraph 6.55.5 on page 11 of the Twickenham Society’s statement, the Council’s Statement of Case addresses whether the Exchange Land is equally advantageous in section 8, and Mr Bannister’s Proof of Evidence (**LRB – 2A paragraphs 10.44-10.48**) gives details on the new Event Space. The Event Space is flexibly designed to accommodate a number of events, whether or how these events impact the Embankment would be carefully considered in advance of organising any event.

- 2.4. In response to the second point, mentioned in paragraph 6.55.30 on page 11 of the Twickenham Society's statement, again the Statement of Case and Section 10 of Mr Bannister's Proof of Evidence (**LBR – 2A**) addresses whether the Exchange Land is equally advantageous. The open space on Water Lane is an important part of the Scheme, allowing for a better connection between the town and the river, including creating a view of Eel Pie Island bridge and connecting to the rest of the open space. It is wide enough to have market stalls or other activities and would be landscaped. While next to the highway on Water Lane the open space is separate, with much of it at a different level. Water Lane would have public recreational uses, with the opportunity for events and seating for relaxation. While the area would abut the buildings this does not mean that it would have any less amenity value. It would also have an accessible route. In terms of flooding this is addressed in Section 10 of Mr Bannister's Proof of Evidence (**LBR – 2A**) and in the accompanying appendix (**LBR – 2B(13)**).

The Development of the riverside could go ahead without the CPO.

- 2.5. There are several specific points raised, which are as follows:
- 2.5.1. The Pontoon can be built, and the slipway improvements can take place without the Scheme going forward.
 - 2.5.2. Reference is made to a previous planning application from 2017, which was given 'minded to grant' status, by way of an example that the CPO is not required to deliver the benefits of the Scheme.
 - 2.5.3. The Wharf Lane Building isn't necessary for the Scheme to go ahead. Other aspects of the Scheme Land could be developed to deliver the Scheme objectives.
- 2.6. In response to all points, which were mentioned on pages 11, 12 and 15 of the Twickenham Society's statement, the Council considers that the whole Scheme Land is needed to find a comprehensive solution and to help bring about the benefits of the Scheme detailed in the Statement of Case and Section 9 of Mr Chadwick's Proof of Evidence (**LBR – 1A**). The previous planning application and benefits of the Wharf Lane building are also addressed in Mr Chadwick's Proof of Evidence, in paragraphs 5.5 to 5.8 and paragraph 9.33 respectively.

Cost to taxpayer

- 2.7. This is in reference to the point, mentioned on page 13 of the Twickenham Society's statement, that over the past 18 years a previous administration built both the Jubilee Gardens, the Diamond Jubilee Gardens with its playground and cafe; restored the Embankment, built the Sculpture Garden with its playground adjacent to Champion's Wharf

and the Terrace Garden opposite Eel Pie Island bridge. All except the Sculpture Garden and its playground are now to be demolished, wasting millions of Councils taxpayers' money.

- 2.8. In response to this point, the Council is seeking to deliver a comprehensive regeneration of the Scheme Land and to deliver the wider benefits as detailed in the Statement of Case and Section 9 of Mr Chadwick's Proof of Evidence (**LBR – 1A**). 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 secure the wider benefits and to help regenerate Twickenham town centre. Previous improvements were envisaged to be a short-term solution, as detailed in paragraph 4.3 of the Planning Report (**CD 3.37**). 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 come forward.

Alternatives to the Wharf Lane Building

- 2.9. This is in reference to the point, mentioned in paragraph 11.123 on page 16 of the Twickenham Society's statement, that the existing gardens will have the ability to have accessible entrances from all directions once the derelict buildings, car park and area behind the hoarding have been developed. By integrating a development on Water Lane with the Diamond Jubilee Gardens the site will become fully accessible, as in the 2017 scheme.
- 2.10. In response to this point, as mentioned above, the Council is seeking to deliver a comprehensive regeneration of all the Scheme Land. Please see Mr Chadwick's Proof of Evidence (**LBR – 1A**) for further information on the site history and failed previous schemes (Section 5) and the need for the Wharf Lane building (paragraph 9.33). To deliver a scheme without the Wharf Lane building would require a completely new scheme to be designed which would not achieve the Scheme objectives, nor would it deliver the same quantity and quality benefits. The Wharf Lane building is integral to the Scheme.

Farmers' Market

- 2.11. At paragraph 11.121 on page 16 of the Twickenham Society's statement, it is stated that the current Farmers Market, which is located in Holly Road Car Park Twickenham every Saturday does not want to move.
- 2.12. In response, this is correct. During the design development phase of the Scheme the Council met with London Farmers' Market, who organise the Twickenham Farmers' Market. They said

that they were happy in their successful, and well-established, site in Holly Road. The Council discussed other types of markets that would be good for the Event Space with them, and it was agreed that a new, different and/or additional market could be provided. The Event Space has been designed flexibly, with power and water, to accommodate an array of different event / activities.

Lack of need for another pub

2.13. There are a number of specific points raised, which are as follows:

2.13.1. Barmy Arms is a few yards away from the site on the Embankment and there are a further 16 or more pubs within close proximity. How confident is the Authority that another licence in this area would be issued (note that Cumulative Impact Zone issues are resisting the giving of new licences in central Twickenham in order to protect those pubs already there)

2.13.2. The statement made by Avison Young that "Twickenham town centre lacks a good quality 'gastro pub'/brasserie' is not accurate. Did they not visit Church Street and its numerous excellent establishments?

2.14. In response to the first point, mentioned on page 15 of the Twickenham Society's statement, the use of the river facing unit in the Wharf Lane building has been approved at planning for it to be a public house or restaurant (end user yet to be decided). Hours of use have been conditioned (NS108).

2.15. In response to the second point, mentioned at paragraph 11.77 on page 15 of the Twickenham Society's statement, the author of the Avison Young report is very familiar with the area. The Avison Young report notes that units will be well received and does not foresee any concerns with finding tenants for these centrally placed units overlooking green space, adjacent to the riverside.

2.16. In addition, the supporting text to Local Plan policy LP27 states that public houses play an important role and social function in the local community and they add to the local character of an area. In this context, LP27 seeks to protect retail uses including public houses.

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**).

Safety in relation to playground

- 3.2. There are a number of specific points raised, which are as follows:
- 3.2.1. 'The position of the children's playground adjacent to the service road remains a concern. This road will be busier as it will be servicing the flats on Water Lane as well as the restaurant and the King Street shops and flats above.'
- 3.2.2. 'The position of the turning circle between the unfenced playground and the café. It would only take a moment for a toddler to leave the unfenced playground or café outside area and wander into this turning space.'
- 3.3. In response to the first point, mentioned at paragraph 11.101 on page 14 of the Twickenham Society's statement, there is a raised planter and fence that separates the children's playground from the service road. A raised table would be located at the Wharf Lane end to help signify that this is a different type of road and to help reduce the speed of traffic using it (see the proposed highway layout in **LBR – 3B(01)** Appendix).
- 3.4. In response to the second point, mentioned at paragraph 11.101 on page 14 of the Twickenham Society's statement, the planning application shows a gate in this location to reduce the risk of this occurring.

Loss of trees

- 3.5. The proposed scheme will lead to the removal of 66 trees from the site, including the Black Poplar, leaving only one mature hornbeam.
- 3.6. In response to this, mentioned on in paragraph 11.115 on page 16 of the Twickenham Society'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. The Arboricultural assessments have been added as new Core Documents (**CD 4.09A** and **CD 4.09B**) and are available to view on the Inquiry Website.
- 3.7. 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 poplar 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. There is a planning condition (NS48) to propagate the black poplar to allow it to be replanted elsewhere within the Borough.

Accessibility and safety

- 3.8. There are a couple of specific points raised, which are as follows:
- 3.8.1. Support for the Trust in their approach to keeping children, the disabled and the elderly safe in the enclosed gardens, above the flood plain and away from the river's edge. The proposed scheme removes this safety aspect for this vulnerable group.
 - 3.8.2. The development has been designed to be fully accessible from north, south, east and west. The Council only has to develop its land to the east of the Diamond Jubilee Gardens for access from this direction to become possible now. It is regrettable that the large area of tiered seating will be inaccessible to the elderly and the disabled, as well as potentially dangerous for them as well as children and people with limited sight.
- 3.9. In response to the first point, mentioned at paragraph 11.112 on page 16 of the Twickenham Society's statement, our historical evidence has shown at no time over the last eight years has there been a flood event that would have affected anything above the lower grass terrace (LBR2A paragraphs 10.12-10.14 and appendix **LBR - 2B(13)**). To keep children, the disabled and the elderly corralled within a fenced off enclosure to protect them from such a rare event would seem to be an overreaction.
- 3.10. In response to the second point, mentioned at paragraph 11.93 on page 14 of the Twickenham Society's statement, only developing the land to the east will not provide a cohesive, comprehensive redevelopment that provides a holistic approach to the Scheme Land that maximises its potential. With regard to the point about the tiered seating, both the top and the bottom of the seating area would be accessible to people who cannot negotiate steps giving them an alternative to the many additional benches and seating areas that would be provided across the open space and accessible via sloped and flat pathways.
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 for disabled people by car impacted by removal of cars.

- 4.2. There is concern that there may be a negative effect on disabled people accessing the site by car due to the removal of parking from the Embankment between Water and Wharf Lane.
- 4.3. In response to this comment, mentioned at paragraph 11.62.11 on page 17 of the Twickenham Society's statement, the **LBR – 3B(01)** Appendix of Mr O'Donnell's Proof of Evidence shows that there will be two blue badge disabled vehicular parking bays on the carriageway on the eastern side of Water Lane. The same drawing shows that there is scope for more of these spaces to be added should the need arise. Alongside this, there are still a number of parking spaces available on the riverside immediately adjacent to the Scheme Land on the eastern boundary that blue badge users would be able to use.

Stage 1 Safety Audit

- 4.4. There are a number of specific points raised, mentioned in the section on pages 5 to 10 of the Twickenham Society's statement, which are as follows:
- 4.4.1. The audit is incomplete and should be resolved before a CPO decision.
- 4.4.2. The audit carried out does not take into account the access to the areas that are not part of the Scheme and does not address the safety issues of the busy Water Lane/Embankment Junction which will be crossed by pedestrians and cyclists continuously.
- 4.4.3. The audit does not address flooding.
- 4.5. In response to the first point, the Council considers that this point is addressed in paragraph 8.4 of Mr O'Donnell's Proof of Evidence. The first version of the Stage 1 Road Safety Audit was submitted with the other planning application documents in August 2021 (**CD 3.14**). The contents of it were considered in detail by Council Planning Officers and Transport Planners between August 2021 and October 2022 (**CD 4.08**), when the applicant submitted a revised Stage 1 Road Safety Audit, which addressed Officers' concerns (**CD 4.08G** and **CD 4.08H**).
- 4.6. The objector implies that the Audit was limited in scope because of Auditors working from their office in Slough and only working with the documents they had been given. As stated in both documents referred to above, Auditors visited the site and recorded the existing highway conditions they found, as part of the audit process.
- 4.7. In particular, the objector states that they do not feel their highway safety concerns regarding the Water Lane/Embankment junction were considered adequately, and that the Auditor's recommendation to retain the existing one-way system for vehicular traffic on Water Lane,

The Embankment, and Wharf Lane *if possible* (my italics), was ignored by Council Officers, and was not put forward in the updated audit of October 2022. This is not the case. As can be seen in the first iteration of the audit and designer's response of September and October 2020, **(CD3.14, Parts 4 and 5)** the Auditor recommended retaining the existing one-way system if possible, but also suggested alternatives to this such as restricting the size and weight of vehicles that can turn right from King Street into Wharf Lane, which the Experimental Traffic Order would do, removing a proposed on-carriageway loading bay on the western side of the carriageway south of the King Street/Wharf Lane junction, which the Council would do, and extending the length of the raised table on the carriageway on Wharf Lane to reduce vehicle speeds, which the Council will also do (see **LBR – 3B(01)**). As set out in paragraph 8.3 of Mr O'Donnell's Proof of Evidence, the Scheme will lead to a reduction in vehicular traffic at both the King Street/Water Lane and King Street/Wharf Lane junctions which reduces the risk of collisions between vehicles and other road users. Council Officers discussed retaining the existing one-way system at length before the Planning Application was submitted and decided that doing this was not compatible with the wider objectives of the Scheme because pedestrians and visitors would not get generally uninterrupted use of The Embankment after 10.00.

- 4.8. In response to the second point, the objector states that the vehicle swept path analysis does not assess the safety of the Water Lane/The Embankment junction because it does not show every possible movement a vehicle might make. They then list all of those possible movements in bullet-point format. All but the last two of the possible movements are movements that motorists currently make and would continue to be able to make within the revised road layout at and south of this junction. Because of the variable width of the existing carriageway, it is likely that only cars would make three-point turns in the carriageway on Water Lane. As set out in paragraph 8.3 of Mr O'Donnell's Proof of Evidence, the Scheme would lead to a net reduction in trips by private car and a reduction in all vehicular traffic at the Water Lane/King Street junction at the AM and PM weekday peak hours. The Council considers that this reduction in vehicular traffic would enable all vehicles that need to use the turning area south of the Water Lane/Embankment junction safely, and that this is shown in the updated vehicular swept path analysis submitted as Appendix D of the updated transport assessment **(CD 4.8D)**. The reduction in vehicular trips, together with the measures to reduce vehicle speeds on Water Lane (see **LBR – 3B(01)** Appendix), would help ensure safe use of The Embankment for cyclists, pedestrians and vulnerable road users.
- 4.9. In response to the third point, tidal flooding of the some of The Embankment at certain times is an existing problem that would not be exacerbated to a significant degree by the amount of vehicular traffic that the proposed development is forecast to create. As set out in paragraph 8.4 of Mr O'Donnell's evidence, the Scheme would create a net decrease in vehicular traffic at the AM and PM weekday peak hours and would create a net increase of 21-22 servicing vehicular trips throughout a 12-hour standard 07.00-10.00 assessment day. Normally, the

barriers proposed on The Embankment would be closed after 10.00 every day. However, the Council would be able to open them in exceptional circumstances, such as an incident of tidal flooding, which prevented motorists being able to see the slipway, to ensure the safety of road users.

Experimental Traffic order

4.10. The Twickenham Society raise the following point,

4.10.1. The degree to which there will be less vehicular traffic, cannot be stated until the results are known of an Experimental Traffic Management Order that has yet to be carried out regarding the removal of parking from 82 parking places on the site.

4.11. In response to this point, mentioned at paragraph 10.49.12 on page 13 of the Twickenham Society's statement, the Council would remove a net total of 82 vehicular parking bays on Water Lane, The Embankment, and Wharf Lane. Most of the bays to be removed are either residential permit bays, business permit bays, bays that are shared between residents and pay and display users or pay and display only bays. It is therefore reasonable to assume that trips by private car to and from The Embankment would decrease, and this is what was forecast in both iterations of the transport assessment and is set out in paragraph 8.3 of Mr O'Donnell's Proof of Evidence.

4.10 In response to the question why an Experimental Traffic Management Order has not been implemented yet, the plan to make the Experimental Traffic Orders was approved with the intention to partly or fully mitigate the removal of the parking spaces on The Embankment as part of an approved scheme. Due to this and to allow the parking spaces to be used until removal at the required stage of the project construction, it was felt appropriate not to remove them at an earlier date. In addition, applying this approach would allow for the statutory Experimental Traffic Order process to be executed when the spaces are removed, and the mitigating measures are in place. Representations invited as part of the process would be considered to see if further changes need to be considered.

Car free residential units

4.12. It's not reasonable to assume that the residents in the new units wouldn't contribute to any existing traffic. Regardless of whether they have car, they will have the same needs as other homeowners with deliveries, servicing, visits and health visitors.

4.13. In response this point, mentioned at paragraph 11.22 on page 14 of the Twickenham Society's statement, as set out in paragraph 8.2.3 of Mr O'Donnell's Proof of Evidence, all occupants of the Scheme would be excluded from obtaining vehicular parking permits within the central Twickenham area, except for motorists that are disabled and hold a blue badge. Other

anticipated trips created through servicing of and deliveries to the Scheme Land have been set out in Tables 6.17 - 6.24 of the updated Transport Assessment (**CD 4.08**). The Council considers the impact of these to be acceptable in planning terms.

The Embankment

- 4.14. The specific points raised are:
- 4.14.1. The Embankment runs from Wharf Lane to Church Lane. The pedestrians/cyclists shared surface will only be vehicle free between 10 a.m. until 7 a.m. the next day and involves only 70 metres of road in front of the Diamond Jubilee Gardens
 - 4.14.2. The numbers of articulated lorries needing to exit via the Embankment and Wharf Lane are incorrect (see EPIA for true figures).
- 4.15. In response to the first point, mentioned at paragraph 11.22.33 on page 14 of the Twickenham Society's statement, it is not clear what the objection means however, it is assumed that this is a concern about the interface of pedestrian/cyclists and service vehicles between the hours of 07:00 and 10:00. It is agreed that the length of highway between the two sets of barriers proposed is 70m and that this could be closed to vehicles, other than in exceptional circumstances, or by prior arrangement with the Council, after 10.00 every day. The safety of the highway proposals of the Scheme, including the Restricted Vehicular Access Route were fully considered by the Council's highway officers and were found to be acceptable in road safety terms. Tables 6.17 - 6.24 in the updated transport assessment (**CD 4.08**) show that the Scheme would create 22 additional servicing and delivery vehicular trips, and that two of these will occur during the AM weekday peak hour.
- 4.16. In response to the second point, mentioned at paragraph 11.22.23 on page 15 of the Twickenham Society's statement, it is not clear what specific trip generation figures the objector refers to in this instance. The Proof submitted by the Eel Pie Island Association and the Eel Pie Boatyard refers to five steel deliveries this month but does not state the time frame over which these trips occurred. As set out in Section 4.9 of the updated transport assessment of October 2022 (**CD 4.08**) the Council liaised extensively with the Eel Pie Island Association and extensive survey work was carried out to assess the servicing needs of residents and businesses of Eel Pie Island. The Council conducted multiple surveys over a number of years, and that data was used to shape the design and mitigate for these movements. These surveys recorded 19 servicing trips over two days.
5. **PLANNING (Iyabo Johnson)**
- 5.1. This section is being addressed by Ms Johnson. Details of Ms Johnson's qualifications and experience are set out in her main Proof of Evidence (**LBR – 4A**).

Conservation area

- 5.2. There are a number of specific points raised, on pages 2 and 3 of the Twickenham Society's statement, which are as follows:
- 5.2.1. The potential impact of the Scheme on the Conservation area has not been addressed.
 - 5.2.2. The massing and scale of the Wharf Lane building should have been based on the massing of Eel Pie Island rather than King Street – which is not part of the conservation area.
 - 5.2.3. Object to the height of the Wharf Lane Building, comparing it to others in the area ([with visual](#)) and references Policy LP2.
 - 5.2.4. Wharf Lane building does not enhance historic waterfront town. (References London Plan policy LP1)
- 5.3. In response to all of the above points, planning permission for the Scheme 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 at paragraph 6.46 to 6.53 of Ms Johnson's evidence (**LBR – 4A**).

Planning Conditions

- 5.4. The specific points raised are:
- 5.4.1. Until the 111 conditions, imposed by the Planning Committee, have been met then the following statement is not correct: "It is not considered that there are any planning or other impediments to the implementation of the Scheme as planning permission has been granted and the funding required has been approved by the Committee".
 - 5.4.2. The condition NS108 Hours of use – Public House states that "Customers shall not be present at the outside dining areas of the public house/restaurant in Wharf Lane during the following times: before 9 a.m. and after 21.00" What happens on a summer's day or when an event is taking place on the Embankment? How will this be policed?
- 5.5. In response to the first point, mentioned at paragraph 10.04 on page 12 of the Twickenham Society's statement, as set out in paragraph. 5.26 of Ms Johnson's proof, all conditions imposed on the Planning Permission are capable of being satisfied and will not prevent the Scheme from going ahead.

- 5.6. In response to the second point, mentioned at paragraph 10.04 on page 12 of the Twickenham Society's statement, the Council as Local Planning Authority has the ability to pursue enforcement action against any breach of condition. Similarly, under Environmental Health legislation, can take action where operators fail to conform with prescribed Hours of Use.

Loss of trees

- 5.7. There is the National Planning Policy Framework requirement to protect, respect, contribute to and enhance trees and landscapes through protection of existing trees of townscape or amenity value and provision of new trees. The Scheme would remove 66 trees from the site.
- 5.8. In response to this, mentioned at paragraph 6.28.6 on page 11 of the Twickenham Society's statement, planning permission for the removal of the trees has already been granted. This issue is addressed at paragraphs 8.156 to 8.176 of the Planning Committee Report (**CD 3.37**) and at paragraph 6.31 of Ms Johnson's evidence.
- 5.9. The Arboricultural Report 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 report and associated survey have been added as new Core Documents **CD 4.09A** and **CD 4.09B** and are available to view on the Inquiry Website.
- 5.10. 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.