

LBR17

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 OF THE ACQUISITION OF LAND ACT 1981**

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

LBR17

IN RESPONSE TO EVIDENCE SUBMITTED BY:

**S-2 W2.1: TWICKENHAM RIVERSIDE TRUST (JANINE FOTIADIS-
NEGREPONTIS – ENVIRONMENT POLICY CONSIDERATIONS)**

1. INTRODUCTION

- 1.1. This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Janine Fotiadis-Negrepointis (Twickenham Riverside Trust) regarding the ‘Environment Policy Considerations’.
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Ms Fotiadis-Negrepointis’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 first rebuttal addresses points raised by Ms Fotiadis-Negrepointis 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 will be used in this document.

2. DESIGN AND OPEN SPACE

- 2.1. 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 trees and hedgerows

- 2.2. This is in reference to comments, mentioned on page 1 of Ms Fotiadis- Negreopontis’ statement, about the loss of trees and hedgerows as a result of the Scheme in design terms.
- 2.3. In response, 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 Proof of Evidence (**LBR – 4A**). There was extensive engagement during the determination process with the Council’s tree officers. A number of conditions were secured through planning to mitigate against loss. It is worth noting that a number of the lost trees are self-seeded trees in the hoarded off area of the Scheme Land. This matter was fully considered as part of the planning process and deemed on balance to be acceptable. The Arboricultural Report (**CD 4.09A** and **CD 4.09B**) 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 design of the Future Open Space has been developed to produce the best medium to long term outcome for the space, in order to achieve this there are some short term losses.

Opportunities lost to retain existing trees

- 2.4. This is reference to comments, mentioned on pages 5 to 7 of Ms Fotiadis-Negrepontis' statement, about the loss of the Black Poplar tree, the Hornbeams and the London Planes.
- 2.5. In response, as mentioned in 2.3 the loss of trees has been dealt with via the planning process. 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. There was a specific planning condition on the propagation of the Black Poplar (NS48). With regard to the pleached London Planes these are not being lost as claimed as they are being replanted to perform the same function in the Future Open Space. As they were only planted in their current position some 11 years ago and are heavily pruned each year their replacement with new trees is not going to make much of a difference to the tree canopy. Consideration was given to retaining the existing trees and moving them but were advised by the Arboricultural expert and Council arboricultural officer that it would be better and cheaper to replace them with new trees.

3. PLANNING

- 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**).
- 3.2. Planning matters are addressed in general terms in Ms Johnson's Proof of Evidence. The themes from Ms Fotiadis-Negrepontis's statement on planning matters are addressed below.

Scheme does not comply with a range of national and local planning and environmental policies

- 3.3. In response to these comments, mentioned on page 1 of Ms Fotiadis-Negrepontis' statement, planning permission has been granted. Relevant policy issues are dealt with in the Planning Report (**CD 3.37**) and Ms Johnson's Proof of Evidence (**LBR – 4A**).

Failure to carry out an Environmental Impact Assessment

- 3.4. In response to these comments, mentioned on page 1 of Ms Fotiadis-Negrepontis' statement, an EIA screening exercise was undertaken by the LPA in accordance with Regulation 5 and 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). The LPA issued a negative Screening Opinion concluding that the development screened was not "Schedule 1" development, that the site was not within a "sensitive area" as defined by the regulations and that the development would not exceed the indicative thresholds.

Scheme fails to address climate change impacts from loss of trees

- 3.5. This is in reference to comments, mentioned on page 4 to 5 of the statement, that the Scheme does not address climate change impacts from loss of trees.
- 3.6. In response, the removal of trees from the site, this is mitigated by contributions towards replacement planting in the wider Twickenham Riverside ward. This is secured by condition NS68. The Planning Committee report (paragraph 8.176) notes that the loss of trees would be significant but that in views of the mitigation secured that it is acceptable on balance. The Planning Committee Report goes on to note in the same paragraph that the removal of the trees would meet the following test in policy; 'if planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.'

Scheme will result in poorer air quality from loss of trees

- 3.7. This is in reference to comments, mentioned on page 5 of the statement, that poorer air quality will result from the loss of trees.

- 3.8. In response, there will be improved air quality through the reduction in vehicle movements in the Scheme Lane. Regarding the loss of trees, this is mitigated by replacement planting in the wider Twickenham Riverside secured by condition NS68.

CAVAT methodology

- 3.9. This is in reference to comments, mentioned on pages 6 and 7 of Ms Fotiadis-Negrepontis' statement, about the fact that the CAVAT methodology changed in March 2023 and the Planning Application used the old method.

- 3.10. In response, the Planning Application was approved prior to March 2023.

Tree protection orders

- 3.11. This is in reference to the comments, mentioned on page 7 of Ms Fotiadis-Negrepontis' statement, that the Town and Country Planning Act 1990 places a duty for Local Authorities to consider protecting trees.

- 3.12. In response, please see paragraph 2.4 of this rebuttal. None of the trees in the Scheme Land have tree protection orders.

Gardens treated as Brownfield not Local Green Space

- 3.13. This is in reference to comments, mentioned on page 7 of Ms Fotiadis-Negrepontis' statement, about the Gardens being on the Brownfield Land Register.

- 3.14. In response, the issue of the brownfield status was taken into account in granting planning permission as made clear in the Planning report (**CD 3.37**) at paragraphs 8.3 to 8.9.

National and local policies the Council should have considered

- 3.15. This is in reference to comments, mentioned on page 8 onwards of Ms Fotiadis-Negrepontis' statement, about whether the Scheme has complied or considered a range of national and local planning and environmental policies.

- 3.16. In response, please see paragraph 3.3 of this rebuttal.

Biodiversity net gain

- 3.17. This is in reference to comments, mentioned on page 1 and 2 of the statement, that the Council has been left scrambling to deliver the statutory 10% net gain in

biodiversity and ensure that biodiversity and ecosystem were maintained. This includes having to add the floating ecosystems in a well-used part the river.

- 3.18. In response, the Biodiversity Net Gain Assessment submitted as part of the Planning Application concluded that the Scheme would deliver an overall net gain of 19% which is considerably higher than the 10% benchmark and welcomed in the planning report paragraph 8.187. Condition NS40 secures an ecological enhancement plan and a set of requirements to ensure the 19% net gain is achieved. Regarding the floating ecosystems, these are seen as a positive and unique addition to the Scheme, as noted in the Planning Committee (**CD 3.37**) report paragraph 8.189 – 8.191. They also will help to deliver aquatic biodiversity which was a consideration of the Environment Agency. Condition NS13 which was requested by the Environment Agency secures full details for the provision and management of the floating ecosystems to ensure the development incorporates and creates new habitats or biodiversity features that enhances the river corridor as required by Local Plan Policy LP15. The A Mooring Survey was submitted as part of the Planning Application and it concluded: *“The mooring surveys and analysis undertaken suggests that the introduction of a pontoon and floating eco-system, would not have a detrimental impact on the ability of boats to moor or stop along this section of the riverside. This is due to the low frequency of boats observed, the duration of time that vessels spend mooring or stationery and the size of crafts noted.”*