

LBR19-1

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**

LBR19-1

IN RESPONSE TO EVIDENCE SUBMITTED BY:

**S-2 W4: TED CREMIN (TWICKENHAM RIVERSIDE TRUST) - CONSULTATION
AND ENGAGEMENT**

1. INTRODUCTION

- 1.1. This is further proof of evidence (“rebuttal”) by Paul Chadwick for the Acquiring Authority in response to the statement prepared by Ted Cremin (Chair of Twickenham Riverside Trust).
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Mr Cremin’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. The same references and abbreviations as used in the main Proofs of Evidence are used in this document.

2. CONSULTATION AND ENGAGEMENT

- 2.1 Within this document there are a number of specific points raised, which are as follows:
 - 2.1.1 On page 3, paragraph 8 Mr Cremin states that as the January/February 2021 consultation and engagement took place during a COVID lockdown in the UK, the opportunity to view material and interact with the material was compromised as it was online only.
 - 2.1.2 On page 4, paragraph 3 Mr Cremin suggests that a question in the draft engagement questionnaire has been significantly altered when produced in the final version.
 - 2.1.3 Page 6, paragraphs 1-7 Mr Cremin suggests that the Council is using ‘nudge theory’ to produce ‘questionable/unreliable statistics’ to use as market research to further its cause. He appears to suggest that the Leader of Council was involved in this.
 - 2.1.4 On page 7, paragraphs 3-9 Mr Cremin references an ‘original’ report obtained by the Trust, and states that it is evidence for the removal of 300 children and young people’s votes.
 - 2.1.5 On page 3 Mr Cremin refers to the Trust’s Principles for RIBA Design Brief (**W4.2.10**).

- 2.2 In response to the first point, the consultation and engagement took place 6th January – 3rd February 2021, which as Mr Cremin notes, was during a period of lockdown in the UK. However, the Acquiring Authority strongly disagrees that this meant the opportunity to view material and interact with the material was compromised as a result. For example, the first engagement period held for the Design Competition between 4th September and 2nd October 2019 was not held during a lockdown period and received 455 responses. The second consultation and engagement period of January/February 2021 held during a period of lockdown received 829 responses, this is almost double the number of responses received without considering the additional responses from children and young people. For both periods of engagement and consultation the Council very clearly offered to send physical copies of the material to anyone who requested it, in accordance with the Council's usual policy of accessibility. A total of 16 hard copies were sent out, when requested, during the January/February engagement and consultation period; of these, 8 were sent back and inputted into the system.
- 2.3 As well as this, the Council held two public meetings online with Members, the Project Team and the Design Team presenting design information and taking questions; the first was Wednesday 6th January 6:30-20:30 and the second Saturday 23rd January 10:30-13:00. These are noted in the Statement of Community Involvement (**CD 3.13**) at paragraphs 1.7 and 1.20. Many questions were asked during the meeting, but responses to the questions raised which could not be answered within the given timeframe were also uploaded to the website shortly after the meetings for transparency. Recordings of the meetings were uploaded onto the Council website, and remain available to view on You Tube, showing that the recording of the meeting held 6th January 2021 has had 1,200 views and the recording of the meeting held 23rd January 2021 has received 115 views.
- 2.4 Finally, when comparing comments received from children and young people, the number of children and young people who took part in the engagement during September/October 2019 (not a lockdown period) was 300. The number of children and young people who took part in the engagement during January/February 2021 (lockdown period) was 310. In both cases the Project Team attended planned lessons, either face to face or as part of the online curriculum. I consider therefore that Mr Cremin's point is unfounded, given that there were higher rates of engagement with material during the January/February period of engagement held

during a lockdown period, with access to hard copies if required, in accordance with the Council's usual policy for accessibility of material.

- 2.5 In response to the second point regarding significantly altering questions between the draft and final consultation questionnaires, as noted by Mr Cremin the Trust were asked to comment on a draft questionnaire. At no point did the Acquiring Authority state that it was a final copy of the questionnaire, and the Trust were made aware that Council officers and Members were reviewing the draft in the same way. The final questionnaire is shown within the Statement of Community Involvement (**CD 3.13**), with the wording for this Open Space question shown on pages 39-43. This evidence demonstrates it is far-fetched to suggest that the question had been 'significantly altered' when the exact wording the Trust had seen, and had no comments on, was used in the final questionnaire. In addition to this wording, an additional question was added asking 'Do you agree or disagree that the Scheme achieves this ambition?' This question is added to allow the Acquiring Authority to understand whether residents feel that the Scheme achieves the objectives as set out in the Design Brief and is a reasonable and sensible question to ask. It in fact allows the Acquiring Authority to gather more information and offers a series of responses to this question as well as the ability to refrain from answering altogether. In response to the third point, the consultation responses were analysed and reported by the Council's Consultation Team on an anonymous basis under the guidelines of the Data Protection Act. The Consultation Team are qualified researchers and certified members of the Market Research Society, bound by the MRS Code of Conduct when conducting research. The team are also members of the Consultation Institute, a consultation best practice institute, which promotes high-quality public and stakeholder consultation. The suggestion that the Leader of the Council was involved in the design of the questionnaire, and encouraged Council officers to employ nudge theory is untrue.
- 2.6 In response to the fourth point, the report that the Trust refer to and have partially photocopied, this is a confidential report given to Design Panel Members prior to the final evaluation panel. It is unclear how the Trust have obtained the report; however, its purpose was to inform the Design Panel Members of the engagement which had been undertaken with children and young people regarding the 5 design concepts as part of the Design Competition. The engagement exercises included going into schools and collating comments on each design, looking in particular as what aspects the children and young people liked, and what aspects they didn't. The report went

into detail on responses received by the 300+ children and young people as it would be used to later feed into the Brief. It also included a short section detailing an additional vote which was undertaken by the children at the end of each session. The panel were informed that the children were drawn to scheme 3 (a natural swimming pool) as they saw it to have the most engaging activities.

2.7 It is important to note that the level of support for each design, and the engagement process itself, was not a criterion of the design competition. This was additional information for the Design Panel only. The published Children and Young people's Engagement report was largely the same as the report for the Design Panel but did not include the section on the vote carried out, as this was an additional exercise carried out purely to inform the Design Panel. As the wider public consultation and engagement was specifically not a vote or referendum on the designs, but to inform the Panel about aspects of the designs which were supported or disliked, the vote carried out by the children was not considered to be useful for wider dissemination as it would give the impression of a public vote.

2.8 In response to the fifth point, the Trust's Principles for RIBA design brief regarding the Gardens are set out below, alongside commentary on how these have been met by the Scheme. The requirements are in italics.

2.8.1 *Footprint: maintain/extend existing surface area for the benefit of the public.*

The simplest way to demonstrate how this has been met is via a table.

Existing	Proposed	Difference
Existing Designated Open Space 3,370sqm CD4.03A	Future Designated Open Space 4,387sqm CD4.03C	Proposed +1,017sqm
Existing Functioning Open Space 4445sqm CD4.03B	Future Functioning Open Space 6005sqm CD4.03D	Proposed +1,560sqm
Existing Trust Lease area 2,510sqm CD4.03K	Proposed Trust Lease and Licence Area 3,811sqm CD4.03L	Proposed +1,301sqm

2.8.2 *Dimensions: of proportions that can support community events and be enjoyed by a wide range of groups and communities.* The design of the open space and its ability to support community events is set out within Mr

Bannisters Proof of Evidence in section 8, paragraphs 8.22-8.23 and further in section 10 (**LBR - 2A**).

Other material considerations – any development ideally would:

- 2.8.3 *Not be overbearing/towering over DJG and in doing so negatively impact upon the usage and enjoyment thereof.* This was considered during the planning process as noted in the planning committee report (**CD 3.38**) as summarised in section 1. The Scheme is not considered to be overbearing or negatively impact on the usage and enjoyment thereof.
- 2.8.4 *Not restrict the river view from the Gardens, but rather enhance the public's view of the river and their enjoyment of riverside.* The design of the open space and how it enhances the connection with the river is set out within Mr Bannisters Proof of Evidence in section 10 (**LBR – 2A**).
- 2.8.5 *Not compromise access to DJG, but rather improve access to the Gardens.* The improved accessibility of the proposed Designated Open Space is set out within Mr Bannister's evidence at paragraphs 6.6 - 6.7, 9.2, 10.10 and 10.46 (**LBR – 2A**).
- 2.8.6 *Be complementary to the Gardens in such a way as to enhance them and promote the public's enjoyment thereof but certainly not reduce their enjoyment and use thereof.* The Statement of Case sets out in section 3, the results of the consultation and engagement period in January/February 2021 regarding the Scheme, noting that 820 responses were received and 84% of respondents said they would be more likely, or just as likely, to visit the riverside after the development. The public benefit of delivering the Scheme is set out in Mr Chadwick's Proof of Evidence in section 9 (**LBR – 1A**).
- 2.8.7 *Provide adequate storage facilities for Trust equipment used for community events.* Storage has been provided within the upper Gardens for the Trust, as shown within the design and described in paragraph 10.9 of Mr Bannister's Proof of Evidence (**LBR – 2A**)

2.8.8 *Provide access to both water and electricity, the latter of a supply able to support large community events without the use of generators.* Utilities including water and electricity were designed into the scheme in accordance with the Trust's requirements. This is set out in Mr Chadwick's Proof of Evidence in paragraph 11.33 (**LBR – 1A**).

3. PLANNING APPLICATION – TRUSTS OWN ANALYSIS

- 3.1 This document contains the Trust's own analysis of the comments made on the planning application. On page 9 Mr Cremin states that 'whilst we make no claims to be experts in this matter' the analysis 'clearly indicates the path for an elegant detour [from the proposed Scheme].'
- 3.2 In response to this, the analysis does not clearly indicate anything except that a number of comments were received with regards to the planning application and the proposed Scheme. Comments in support and objection to the planning application were considered by the Local Planning Authority during the planning process, as summarised within the planning report in section 7 (**CD 3.37**).
- 3.3 The Trust themselves admit that they are not experts in the matter, as opposed to the Council's own Consultation Team who are qualified researchers and certified members of the Market Research Society, bound by the MRS Code of Conduct when conducting research. The team are also members of the Consultation Institute, a consultation best practice institute, which promotes high-quality public and stakeholder consultation.
- 3.4 As well as the Trust's lack of qualification to undertake analysis, the conclusions which are drawn, are neither reliable nor robust. A scheme with different heights, layout and scale of buildings would be an entirely different scheme to one proposed, and one cannot possibly infer how individuals would respond to a different scheme that they have not been asked to comment on and doesn't exist. It also does not follow that all objection representations which included a comment on the buildings within the Scheme, would 'be turned to approvals only by scaling back the buildings.' This simply cannot be inferred from the data available and without asking the individuals that question within the correct context.

- 3.5 In addition, the conclusion made on page 10 that '95% of the approval comments do not rely on the buildings as laid out in the Scheme' is also fundamentally flawed in that it assumes that everyone who approved of the building lay out would have made a comment explicitly stating this. It is widely known, that in most consultations there is usually a negative bias, as people are more motivated to respond to something if they disagree with it. One cannot infer from that, that people who support a proposal or scheme will make a comment to say so. Most people in support of a proposal will not see a need to comment and say so. It is also clear that the benefits cannot be achieved within delivering the Scheme as proposed, as designed and with the buildings. The Trust's analysis is based upon biased assumptions, presenting data in a way that it was not intended to be used, or collected for.

4. PETITION IN SUPPORT OF SCHEME

- 4.1 Section 3, page 11 refers to petitions. The Trust reference the Acquiring Authority's Statement of Case and a public petition of support for the Scheme. The Trust states that this is factually incorrect and notes their own public petition 'Stop the land grab.'
- 4.2 In response to this, the Acquiring Authority assumes that the Trust are referring to paragraph 11.303 of the Statement of Case, which is the summary of the themes within the statements of support for the Acquiring Authority's case. The Trust are therefore referring to a petition referenced by a number of supporters for the Scheme, as opposed to material produced by the Acquiring Authority. Paragraph 11.303 is simply summarising the themes within the statements of support.