

LBR19-2

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**

LBR19-2

IN RESPONSE TO EVIDENCE SUBMITTED BY:

**S-2 W4: TED CREMIN (TWICKENHAM RIVERSIDE TRUST) – CPO –
WELLBEING AND FINANCIAL VIABILITY**

1. INTRODUCTION

- 1.1. This is further proof of evidence (“rebuttal”) by witnesses 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. This rebuttal will address points raised by Mr Cremin by theme and will be 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 Proof of Evidence will be used in this document.

2. PLANNING

- 2.1 These points will be addressed by Ms Johnson. Details of Ms Johnson’s qualifications and experience are set out in her main Proof of Evidence (**LBR – 4A**).
 - 2.1.1 On page 2 Mr Cremin notes that it is his belief that the Scheme fails to comply with site-specific proposals in the TAAP which were adopted for TW7, and which excluded building on the public open space.
 - 2.1.2 On page 6, paragraph 18 Mr Cremin notes that it is questionable whether the Scheme meets the Council’s policy objective for ‘A Greener Borough’ and quotes the removal of 66 trees from the development site.
 - 2.1.3 On page 8, paragraph 21 Mr Cremin notes that the Trust consider the proposed floating eco system not to be suitable for this part of the river, and believe it was only added to compensate for the loss of trees.
 - 2.1.4 On page 13 paragraph 40, Mr Cremin states that the Trust raised concerns about the height of the Wharf Lane building in January 2020.
- 2.2 In response to the first point, an assessment of the Scheme’s compliance with the planning policy framework for LBRuT including the TAAP is set out in Section 6 of Ms

Johnson's statement with a detailed assessment of the Scheme's fit with the TAAP at paragraphs 6.75 to 6.92.

- 2.3 In response to the second point, paragraph 8.176 of the Planning Committee Report summarises the LPA's planning balance considerations with respect to the loss of trees (**CD 3.37**). Conditions NS36 and NS68 secure mitigation through wider planting in the Twickenham Riverside ward to offset the loss of tree cover on the site and details for planting and maintenance of new trees within the Scheme.
- 2.4 In response to the third point, the floating ecology baskets will enhance biodiversity in the river. During the course of the planning application, various details were provided to the LPA to demonstrate that the floating ecosystem can withstand velocities typical for this part of the river, that the structure would have a design life of 20 years and that it can rest on the river bed at extreme low tide or water levels. This is dealt with in section 8.189 of the Planning Committee report (**CD 3.37**). Condition NS73 secures a detailed scheme for the biodiverse floating ecosystem. These details will need to be approved by the LPA before the Scheme can be occupied.
- 2.5 In response to the fourth point, it is assumed that Mr Cremin is referring to the meeting held in January 2020, minutes of which can be found in LBR5 appendix 21 (**LBR – 5**). The minutes make no mention of any reference to the Wharf Lane building, or concerns raised by the Trust. Furthermore, Mr Cremin offers no evidence as to what other correspondence he may be referring to.

3. WELLBEINGS, ECONOMIC SOCIAL AND ENVIRONMENTAL

- 3.1 These points will be addressed by Mr Chadwick. Details of Mr Chadwick's qualifications and experience are set out in his main Proof of Evidence (**LBR – 1A**).
- 3.1.1 On page 2, paragraph 4 Mr Cremin notes that the Trust believe that the Social and Additional Value report is general and not very powerful.
- 3.1.2 On page 3, in paragraph 5 Mr Cremin refers to paragraphs 10.15-17 of the Statement of Case which set out the economic benefits of delivering the Scheme as 'anecdotal' and without compelling evidence.
- 3.1.3 On page 4, paragraph 9 Mr Cremin notes that in paragraph 10.18-10.20 of the Statement of Case, which set out the social benefits of the Scheme, there

is no mention of the benefits of the Wharf Lane building. He also states that the economic wellbeing section of the Statement of Case does not include reference to the Wharf Land Building, paragraph 7.

- 3.1.4 On page 5, paragraph 12 Mr Cremin notes that instances of anti-social behaviour in the Gardens are relatively rare.
 - 3.1.5 On page 5 paragraph 13, Mr Cremin asks why the Council has not already removed the derelict buildings, car parking and disused car park from the Scheme Land, stating that this could have started some years ago.
 - 3.1.6 On pages 10-11, in paragraphs 30-32 Mr Cremin comments that the Trust is of the view that £20m investment into the Scheme is an optimistic figure, and that costs may rise.
 - 3.1.7 On page 12, paragraph 35 Mr Cremin notes that other options could and should have been considered.
- 3.2 In response to the first point, regarding the Social and Additional Value Report (**CD 4.05**), Mr Cremin's comments are not supported by any evidence. The Public Services (Social Value) Act was introduced in 2012 (became effective January 2013) and required public authorities to have regard to economic, social and environmental well-being in connection with public services contracts; and for connected purposes. It is widely accepted that not all benefits delivered by capital projects are financial, and that in fact some of the most important benefits to our residents are social, environmental or health and wellbeing led. The Council meets its legal obligations through making provision within its procurement processes, but also approved further means for securing social value at the 15 January 2020 Finance, Policy and Resources Committee, approving recommendations to give more weight to social value considerations, adopt the National Social Value Task Force 'Themes, Outcomes and Measures' Social Value Framework and to develop local Richmond themes, outcomes and measures to meet Council priorities. The Council further commissioned the Social Value Portal to support commissioners and officers to develop and embed an effective mechanism for managing and reporting Social Value. It is clear that the Council, and the Government, support the measuring of and consideration of social value benefits, alongside financial benefits.
- 3.3 The Acquiring Authority wished to understand the anticipated benefits of the proposed Scheme before taking an informed view on the investment required to deliver the Scheme. The report was commissioned by the Acquiring Authority and completed by Project 00, a collaborative studio of architects, social scientists and economists. The

report refers to the methodology used, citing the National Social Value Taskforce 'Themes, Outcomes and Measures' which are a social value measurement standard across the UK and refers directly to the proposed Scheme. The report transparently sets out how it has measured each benefit, including noting some benefits that cannot be tangibly measured. I find this to be powerful evidence which helps to identify what long-term investment in an under-utilised area can deliver.

- 3.4 In response to the second point, Mr Cremin's opinion is not supported by the evidence. Mr Cremin refers to the economic benefits of delivering the Scheme, as set out in paragraphs 10.15-10.17 of the Statement of Case, as anecdotal. The Statement of Case refers to the additional housing (45 units) which will be delivered as part of the Scheme which will widen the economic base of the area and enhance spending in the local economy. It also refers to the Council's policy in the Local Plan LP 25 'Development in Centres' and LP 26 'Retail frontage' noting how the Scheme would deliver against both these objectives. It further notes that whilst re-providing the existing retail and commercial space, there would also be new commercial and retail units providing employment opportunities. This is as well as the additional economic benefits listed within the Social and Additional Value Report. I would further refer to **CD 4.04** the Report and Advice concerning the Commercial units at Twickenham Riverside, authored by Avison Young a global commercial real estate company. The report concludes on page 11 that 'Twickenham have considered various schemes for this site over several decades and this iteration seems to have found the most favour with a good balance of residential and mixed uses, plus attractive amenity space for local residents and visitors.' It is unclear whether Mr Cremin is referring to the additional units being delivered as 'anecdotal', the associated benefits such as employment and spend in the local area or the evidence supported by specialist consultants. But these are clearly not anecdotal and are supported by strong evidence.
- 3.5 In response to the third point, that Mr Cremin claims that paragraphs 10.18-10.20 of the Statement of Case (social benefits of the scheme) do not mention the benefits of the Wharf Lane building, this is incorrect. Paragraph 10.18 clearly refers to the delivery of housing within the Scheme Land which will contribute to housing required in the Borough and notes the 3,150 net additional homes required to be delivered between 2015-2025, noting that Twickenham itself must deliver 1000-1050 of these homes. Furthermore, paragraph 10.19 states that the Scheme would deliver 45

additional housing units. It is clear that the Acquiring Authority is referring to the total delivery of residential units on the Scheme and not just the 21 affordable housing units. Mr Cremin also states that paragraph 10.15 (economic benefits) does not refer to the Wharf Lane Building. Paragraph 10.15 clearly refers to the additional housing, a range of tenures, increased commercial space for offices and active river frontages. These are all aspects of the Wharf Lane building. Mr Cremin's point is therefore incorrect.

- 3.6 In response to the fourth point, that Mr Cremin claims that instances of anti-social behaviour within the Gardens are relatively rare, The Council disagrees with this. The Gardens are subject to a number of instances, including antisocial behaviour, criminal damage, substance misuse. These instances are regular, with an attempted break resulting smashed windows at the Café Sunshine as recently as the week commencing 8th May 2023. CCTV cameras were installed in the café in 2018 due to ongoing antisocial behaviour at the time and risk to employees working in the café, and while this might act as a deterrent it has not fully stopped instances and it is a continuing issue especially for the café and its staff. The Park Guard Service patrol all of the Council's parks and open spaces, but due to the location and number of instances the Gardens is often on the priority tasking list.
- 3.7 In response to the fifth point, where Mr Cremin asks why the Council has not already removed the derelict buildings, disused car park and car parking from the Scheme Land, the Council has clearly made its case that it believes that the Scheme designed by Hopkins is the best opportunity to maximise the delivery of benefits for the public and is a comprehensive solution. The Council does not consider that a piecemeal approach to development of the Scheme Land is the correct approach, or one supported by the majority of residents given the high level of support for the Scheme shown in the January/February 2021 consultation and engagement exercise (84% of respondents saying they would be more likely or as likely to visit the riverside after the development, with a further 68% of respondents with a disability more likely or as likely to visit than they are now – section 3.9 of the Statement of Case). This would inevitably lead to the delivery of disjointed designs and works with temporary planning permissions so as to not prejudice any comprehensive future regeneration designs. This is exactly the situation and challenge currently faced with the Gardens. The Council has therefore been awaiting the right scheme to be developed, one which meets the Brief for which there is broad support in the community. The Council

considers that it is best managing the Scheme Land by securing the delivery of the Scheme.

3.8 In response to the sixth point, that the Trust consider the £20m of investment an optimistic figure, I refer to paragraphs 10.43-10.47 of the Statement of Case which set out the viability of the Scheme, general funding intentions and the timing of the available funding. The Council viability and cost appraisals have been completed by qualified professionals within external consultancies, making reasonable assumptions using market data. The costs include contingency, inflation estimates and have been scrutinised and approved by the Council's Project Board, Sponsor Board and members of the Finance, Policy and Resources Committee.

3.9 In response to the seventh point, Mr Cremin claims that the Council should have considered other approaches before settling on the Scheme design. He gives some examples which are undeliverable and inconsistent with national and local planning policy such as changing the use of protected ground floor commercial and retail space outside of the Scheme land, into residential properties. It is difficult to see how this would be either deliverable, or beneficial to residents. However, in response to whether the Council has considered other options for the design, I would refer Mr Cremin to the design competition held in 2019, the 5 designs which were considered as part of that competition, and the years of design development and option appraisals which have taken place since then. The approaches considered by the design team are covered in more depth in Mr Bannister's evidence (**LBR – 2A**) in section 7 – the development of the scheme following the design competition.

4. FINANCIAL VIABILITY AND CONSIDERATION OF ALTERNATIVES

4.1 These points will be addressed by Mr Chadwick. Details of Mr Chadwick's qualifications and experience are set out in his main Proof of Evidence (**LBR – 1A**).

4.1.1 On page 15, paragraph 49 Mr Cremin asks 'Has the authority considered, tested and assessed a scheme without the wharf lane building?'

4.1.2 On page 15, paragraph 50 Mr Cremin asks 'What is the cost difference between a scheme with and without the wharf lane building?'

4.1.3 On page 15, paragraph 51 Mr Cremin asks 'To what extent does the wharf lane building contribute to the wellbeings promoted, and what is the cost related to construction of the building?'

- 4.1.4 On page 15 paragraph 54 Mr Cremin asks ‘Has a sava been commissioned for any other scheme than this one?’
- 4.2 In response to the first point, the Design Competition process identified 5 options for the regeneration of the Twickenham Riverside site with the preferred option being the current proposed scheme. The Wharf Lane building is integral to the preferred option identified following the Design Competition. The removal of the Wharf Lane building would undermine the preferred option and solution for the Scheme Land and would result in the scheme failing to deliver its stated objectives or the benefits of the current scheme. There the Council does not consider it reasonable to cost an entirely alternative scheme, which would be a scheme without the Wharf Lane building.
- 4.3 In response to the second point, I have noted within my response at paragraph 4.2 above that the Council considers a whole site solution must be delivered as set out with the Statement of Case. Removing the Wharf Lane building would undermine the Scheme.
- 4.4 In response to the third point, the benefits of delivering the Wharf Lane building are specifically set out in paragraphs 2.10-2.11 Statement of Case, as well as being further detailed in paragraphs 10.15; 10.18; 10.19; 10.24 and 10.32. As explained within paragraphs 4.2 and 4.3 above, the Council considers that delivering the whole Scheme is imperative to maximising the benefits for the public.
- 4.5 In response to the fourth point, I have set out in paragraph 3.2 the Councils responsibility with regards to the Public Services (Social Value) Act and its considerations relating to this. It is Council policy, at the outset of any new procurement exercise, to consider how Social Value might be applied to the project and what degree of weighting should be assigned to Social Value as part of the evaluation of tender submissions. The Council considers the impact and measurement of social value in all its procurement exercises. For example, the Social and Additional Value Report (**CD 4.05**) notes that some of the items are based upon the benefits secured from a project of a similar size commissioned and delivered by the Council in Wandsworth.