

SUMMARY OF MARK BROWNRIGG'S PROOF OF EVIDENCE REGARDING PLANNING POLICY

INCOMPATIBILITY OF THE SCHEME WITH THE ADOPTED LOCAL PLAN AND THE 2013 TWICKENHAM AREA ACTION PLAN (TAAP)

EXECUTIVE SUMMARY

1 Richmond Council's case for a Compulsory Purchase Order on the Diamond Jubilee Gardens is predicated on the suggestion that the Scheme is in compliance with, and builds on, the adopted proposals in the current Local Plan.

2 However, the many references throughout the Statement – as in the planning report of November 2022 – are selective, drawing on largely generic elements designed to strengthen its case, but ignoring and failing to confront the core issue. **In practice, the Scheme fails to comply with the area-specific proposals in the current Local Plan relating to the Riverside site (TW7), which explicitly exclude development or building on the then recently created Public Open Space of the Diamond Jubilee Gardens.**

3 The 2018 Local Plan (as well as other relevant local planning documents such as the 2018 Twickenham Village Planning Guidance) defer to the 2013 Twickenham Area Action Plan (the TAAP) and do not cover the geographical area covered by the TAAP, on the grounds that it set out detailed policies and proposals for Twickenham centre, was recent, and “to ensure that there is no confusion during the planning process”.

4 These statements make it all the more important that full account should be taken of what the TAAP actually recommended and the Council's decisions and actions which led up to the making of those recommendations.

5 The TAAP identified the TW7 site as a potential site for improvement, looking specifically “to open up and redevelop/refurbish the **remaining area of the former pool site, which adjoins the recently refurbished Diamond Jubilee Gardens**” so that future development of the wider site would “**enhance and extend** Diamond Jubilee Gardens” (our emphasis). It deliberately designated two areas of the site which it considered right for development/housing – both on Water Lane. These are shown below in Maps 7.12 and 7.14, in Paras 37 and 39:

- (E) “I, Ia and Ib King Street (the ‘Santander block’) with setback or inset to create a public square or other civic space with active frontage at ground floor level and residential development above of a height and design appropriate to the location of the site”; and
- (F) “the car park in Water Lane with residential and/or town centre uses together with the continuation of the service road between Water Lane and Wharf Lane”.

6 The history of the Diamond Jubilee Gardens is one of the gradual creation and safeguarding of an area of Public Open Space on the historic Twickenham Riverside, for public recreation and enjoyment. With no simple answers to the emotional issue of how to re-purpose the former Lido pool site, **successive Council administrations** showed both vision and prescience by setting about that task on a stage-by-stage basis.

7 The TAAP was not an instrument developed in isolation, The Statement of Case notes the detailed consultations that preceded it and the Plan represented the culmination and consolidation of a sustained series of decisions and actions over a decade to address the matter of the former swimming pool site. A detailed time-line is included below in Para 33 and shows a clear course and policy emerging between the early 2000s and 2014 for the future improvement of this area of the Riverside, with the Council taking significant incremental steps to achieve that goal. In 2013, the TAAP followed on from the formal designation of the Gardens as ‘Public Open Space’

and confirmed the **undeniable and deliberate sequence of intention for the Gardens to be held as public open space “in perpetuity”** for the benefit of local residents.

8 That intention was set in concrete in May 2014 with the granting to the **Trust of a 125-year lease providing long-term legal title to the bulk of the Gardens until 2139** and requiring (with three separate direct mentions and one indirect mention within the lease) the Trust and the Council to preserve them as Public Open Space.

9 Para 7.5.5.1 of the TAAP describes the Aims as: “to bring this derelict site back into active use, taking advantage of its riverside location and improving links between this area and the core of the town. A substantial area of open land to be retained and some of this to be green space. **Bringing the site back into use will be key to the regeneration of the town.** The Council will work with the owner of 1-33 King Street and the private car park in Water Lane to improve the whole area through a comprehensive, phased programme of change” (our emphasis).

10 The “key objectives” set out in the next paragraph are essentially the same as those described for the present Scheme, even though written ten years ago – but with one fundamental distinction. The underlying principle in the TAAP for this site was founded on building solely in two deliberately earmarked and defined areas on the east side of site TW7 along Water Lane – leaving the Diamond Jubilee Gardens untouched.

11 This was based on the judgement that the ‘destination’ for Twickenham that many were seeking and that would strengthen the town centre and improve links between the high street and the river, while maintaining the unique character and feel of Twickenham Riverside, could and should rather be achieved through improvements which continued to preserve and extend the Public Open Space that the established staged policy was already providing. Effectively, this acknowledged that Twickenham Riverside was a significant destination in its own right, at the end of the Thames Path leading from Richmond and Marble Hill past several of the older sites and buildings of Twickenham.

12 However, at the end of 2017, the sequence begins to fracture and the Council then allows the policy of protecting the designated Public Open Space of the Diamond Jubilee Gardens to fade. With the adoption of the The Town and Country Planning (Brownfield Land Register) Regulations, this vision was overlooked or disregarded and the full TW7 site was entered that December – unbeknown to the Trust – on the Brownfield Land Register as ‘previously developed land’. That included the Diamond Jubilee Gardens, without any qualification that the land was a park and no longer ‘previously developed’. The Trust believes that, from shortly after that, this error shaped the whole manner in which the future improvement of the site was approached.

13 The Council itself has insisted that, once the Local Plan has been adopted, it can only be amended as part of a formal review, or through the development of a new plan that would supersede the existing Plan. Although consultation is shortly to begin on an updated draft Local Plan with adoption scheduled for winter 2024-25, it is clear that this is not yet in place and that, until such time as a new Plan has been adopted, the existing Plan should be observed. In practice, the draft adds little to the philosophy underpinning the TAAP ten years ago in regard to the open space on Twickenham Riverside, although the relevant section is – self-evidently – written in light of the Scheme.

14 At no point in the planning report or at the Planning Committee was the compatibility of the Scheme with the site-specific proposals within the TAAP discussed. No explanation was given on the acceptability of the Scheme’s departure from the explicit proposals within the Local Plan/TAAP regarding the locations for future development within site TW7 and the undeniable fact that the TAAP did not envisage or intend and building on the existing Diamond Jubilee Gardens. Para 25 above set out the clear sequence of intention in the Council at that time which found its practical expression in the TAAP – which remains the current Local Plan.

15 The Trust has asked many times over the last year for a clear and unequivocal explanation of how the Scheme complies with the site-specific proposals of the TAAP. No answers have been given other than in the planning report and the Statement of Case, neither of which address the central issue.