

## **Rebuttals (not exhaustive) by the Trust in connection with the Council's timelines in LBR-5**

### **Design Group meetings – Council/Hopkins/Trust**

All of these items are in the Council's LBR5 timeline but important elements are not brought out in the summary text of LBR5. The Trust records these here.

- Item 58      Setting-up of the Council/Trust 'design sub-group' on 28.11.2020. The work of the group has to be seen against the backdrop of the Trust's frequent and recent calls for "urgent dialogue", eg in Item 55:  
"The Trust did not consider itself able to consider the Council's offer, as the proposals for reproviding the Gardens were bound to change. The proposals for the reprovizion of the Gardens was 'fundamentally unacceptable' due to the design changes required as a result of accommodating the flood and rain water storage. The trust questions whether the reprovided Gardens were of equal amenity value due to the fact they include land within the flood plain."  
"The Trust noted that the 'podium plan' was not a plan that could or should be fixed. And suggested that the Council and Trust should engage in urgent and meaningful dialogue on changes to the design."
- Item 60      1<sup>st</sup> meeting of design sub-group on 09.12.2020 = essentially a further presentation by Hopkins (The notes in App 46 were not shared with the Trust). Internal report within the Trust by the lead at the meeting notes: "Whilst the buildings are fixed due a number of complex constraints, we have the opportunity to influence the space between the buildings (which is the majority of the site) to meet our needs".
- Item 63      2<sup>nd</sup> meeting of the design group on 16.12.2020 on landscaping. No minutes, only two slides noted as in App 48.
- Item 77      Meeting between Trust and Council on 26.02.2021 to discuss "the design of the boat storage and riverside activity space to ensure it is fit for purpose and discuss potential management" – no minutes or appendix.

- Item 78      3<sup>rd</sup> meeting of design group on 05.03.2021, again on landscaping. No minutes, but slide deck shared. At this or a previous meeting, one trustee raises the general question of the buildings layout but discussion on that is closed down. Trust notes show that the meeting was informed that a decision is yet to be taken by the Trust on the plan to be attached to the Heads of Terms.
- Item 82      Trust email to Council of 29.03.2021 at App 57 on TRT requirements based on the landscape presentation. Council text fails to highlight crucial caveat made by the Trust at the top of its comments in App 57: “Although a final decision has yet to be taken by the Trust on the re-provisioned space, these are provided on the basis of the Council’s current offer – as requested, to assist the finalisation of the ‘design freeze’ by 31 March 2021.”
- Item 90      4<sup>th</sup> and last meeting of design group on 07.05.2021 (no minutes or appendix). A full note by the Trust records the main points being (1) an update by the architect following further substantial changes to the Scheme suggested by the Design Review Panel, including to the Wharf Lane building and (2) a slide presentation by the landscaping representative on changes including those in response to some of the points raised in the Trust’s 29.03 email.
- At the start of the meeting, “The Trust said that it was appointing an independent surveyor, as required for its engagement with the Charity Commission, who would be asked to report on the comparative amenity value of the Council’s proposal and the existing Diamond Jubilee Gardens; it reiterated that it had not yet taken a view on that and that its input into this meeting – as on the list previously presented – was in response to the Council’s request for comments on the practical elements to be included in the area that it was proposing”. “It was confirmed that the Council is preparing to submit a planning application at the end of June and that further refinements would also follow after that.”

“The Trust expressed reservations whether there would be value in a further meeting before it had received and considered the surveyor’s report”.

## **Brownfield issue**

Only one entry relating to the Brownfield issue appears to be included in the Council’s timeline – Item 123. However, this extensive and contentious sequence of engagements with the Council was a significant part of the Trust’s case to show that the Council had not adhered to the policy and decisions in the 2018 Local Plan, which for this site defers to the 2013 TAAP. It demonstrates that the Council did not give sufficient attention to the Trust’s input on this issue – on which the Council made its volte-face five days before the Scheme planning application was heard and decided upon by the Planning Committee in November 2022, which led to the re-designation of the Diamond Jubilee Gardens as no longer ‘brownfield’ land, as the Trust had requested for some 20+ months.

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| Dec 2017 | Whole TAAP TW7 site entered on Brownfield Land Register, including Diamond Jubilee Gardens (without qualification and without consultation with the current owner of the Gardens, the Trust))  |
| Feb 2021 | First informal enquiry addressed by one of the trustees to AA seeking clarification of status of DJG   |
| Apr 2021 | AA (Planning) replies: “Diamond Jubilee Gardens has not been designated Public Open Space through the Local Plan process and therefore there has not been a change in land designation from a planning perspective”.   |
| Apr 2021 | Brownfield concern raised with AA Director of Environment and Community Services   |
| Apr 2021 | AA Director replies: “What I would like to understand before we can try to help you any more is just what your objectives are against where we are heading with this project in overall terms. At the moment I am at a loss as to understand that and to understand why any more |

information and clarity than you already have is truly, quote “...hugely beneficial to the Trust at this time” and why it is “of the upmost importance that this information is released so that trustees, like myself, can make informed decisions going forward”.

- Jun 2021 Further questions asked by the Trust
- Jan 2022 First formal complaint to the Council against the erroneous entry of the DJG on Brownfield Land Register
- Mar 2022\* (This is the only mention in the Council’s time-line of the extensive exchanges on Brownfield – we think it is referred to under Item 123 dated 25.02.2022 – No appendix is attached – simply: “Without prejudice”.) Planning officer replies: “DJG is not designated Public Open Space within the Adopted Local Plan” and insists that the “site area entered onto the Brownfield Land Register reflects the adopted site allocation boundary as set out in the TAAP” and therefore the original entry was correct. Much of the letter appears driven by ‘political’ considerations and it contains errors on timing.
- Mar 2022\* Formal appeal against rejection of Brownfield complaint, setting out full case. Initially Council says this will go before the Director of Environment and Community Services, but this is changed to the Council’s CEO.
- May 2022\* Brownfield appeal again rejected by the CEO. (The Trust then takes its case to the Local Government Ombudsman. It is turned down at this point because of a “lack of injury”, since the threat is not real as yet since eg planning permission has not been granted. This finding is copied to LBRUT.)
- Aug 2022 Trust formally requests the removal of the DJG from the Brownfield Land Register at the forthcoming annual review of the entries for Richmond.

Nov 2022      Unannounced, in Scheme planning report, AA reverses its position on Brownfield: “existing DJG is not defined as brownfield land” and the BLR entry is amended accordingly. The Trust presses for explanation/ consideration of the potential consequences of and influence of the erroneous entry on the Council’s subsequent decisions relating to the development of the Scheme Land, but receives no reply.