

MRB PRESENTATION ON INTRODUCTION TO THE TRUST AND PLANNING POLICY CONSIDERATIONS

Introduction

My name is Mark Brownrigg. I have been a resident of Twickenham for 44 years. Throughout that time, I have been active in a number of local community initiatives, which have included early on chairing the St Margarets Fair for 4 years and then setting up and chairing for 20 years the ETNA community centre, which – with the Council's support – continues to go from success to success. More recently, my involvement has been more focused on avoiding threats and hopefully finding the right solutions to the future of Twickenham Riverside, first through the Riverside Action Group and now with the Twickenham Riverside Trust.

My professional background was with the national trade association representing the UK's shipping industry, followed by a rather different foray – locally – into the world of artisan chocolate production, sending chocolates all over the country and even to Switzerland.

I have been a trustee of the Trust since October 2020 – one of eight joining just two weeks before the Trust was faced with the explicit threat of a Compulsory Purchase Order on the Diamond Jubilee Gardens. That has had an omni-present, overshadowing and distorting impact both on our ability to move forward in expanding our practical contribution to the local community and on our dialogue and relationship with the Council.

Two parts to this evidence – one introducing the Trust and where we are coming from in general terms as per document on an Introduction to the Trust, S-2 – W3.2, and the second more explicitly on planning policy considerations, in S-2 – W3.1.

The Trust

As you have heard, the Twickenham Riverside Trust was founded in 2011 with the primary purpose of preserving the public open space on Twickenham Riverside for the enjoyment of both local residents and visitors to Twickenham. We have a specific responsibility for the Diamond Jubilee Gardens under the 125-year lease dating from 2014.

We trustees are an eclectic group of nine local residents (including one Council appointee) – all from different backgrounds and with different interests, but all with a shared love of Twickenham's Riverside.

We are a-political and dedicated to fulfilling the Trust's charitable objectives. We do so as unpaid volunteers, with busy lives outside the Trust, and are solidly committed to meeting our fiduciary duty – by ensuring that the open space on the Riverside remains available for residents and visitors alike and that the Diamond Jubilee Gardens continue to be a central and active part of that space in future, as intended in the Local Plan.

We are flexible and responsive to local suggestions for both facilities and events. It was in that spirit that the Trust was open in 2019 to being part of the process launched by the Council to work up new proposals for the Riverside site which have led to the present Scheme. The Trust agreed in good faith to consider (and I emphasise the word 'consider') any proposals to integrate the Gardens into a whole-site design, provided that we found them to be in line with our objects.

We believe that the wider area of Twickenham Riverside, of which the development site of the Scheme is but a part, can help our town become an even more vibrant community, whose continuing use and enjoyment of the river and the Gardens by all ages can improve our physical and mental wellbeing.

Our task was not made easier either by the practical restrictions imposed as a result of the Covid pandemic, which meant that there were no face-to-face meetings of the Trust – or indeed in the sparse consultative process with the Council – for a year or more. It also meant that site visits during critical stages of the debate were either rare or did not take place and that joint visits bringing together the most involved parties also proved impossible – with no willingness on the part of the Council to wait until they were possible.

It is important to see the Scheme site in the context of the wider Twickenham Riverside and the full length of this section of the Thames Path, with its many sights and attractions. Mrs Holman emphasised this yesterday in her evidence and showed a visual of the Path, as well as some of the sites along the way. We contend that all of these sites and the activities organised on them – taken together – already lead to, provide and assure the 'destination' of Twickenham that residents wish to preserve and enhance.

I will dwell on this a little because a central argument in the Council's CPO case is that building on the current open space on the Diamond Jubilee Gardens is essential to creating a 'destination' linking the town centre to the river. The Trust suggests that 'destination' already exists, even more so since the pedestrianisation of Church Street, and that indeed its further enhancement was provided for in the current Local Plan (the Twickenham Area Action Plan). Those further improvements envisaged in the TAAP were intended to open up that 'destination' in the way that the Council and all local residents wish to achieve.

Local activism spanning many decades has served to protect this beautiful and historic stretch of the river. The Trust is merely the most recent manifestation of this.

People reach Twickenham and the Riverside from different starting points. One of the most popular ways – as Mr Bannister also indicated yesterday – begins on the 'towpath' directly adjacent to the Thames, which connects Twickenham and Richmond. This riverside walk showcases and characterises Twickenham's river. Joining it on the river frontage of the early 18th century Marble Hill House and Park, we are a 5-10 minute walk from Twickenham's Embankment. The walk passes Hammerton's Ferry and boat-hire (one of the last remaining foot ferries on the Thames) and the 17th century Ham House on the opposite bank. It then runs through Orleans Gardens in front of nearby early 18th century Orleans House (now a gallery) with its iconic Octagon Room – both Gardens and House with popular outdoor cafes.

Leaving the towpath, the walk continues down a road called Riverside. The actual river frontage is now occupied by houses or the gardens of houses which sit across the road from the river. It follows a public right of way (originally for herding animals and for access to grazing land) that is mentioned in the Domesday Book. It leads past the 18th century Grade II listed White Swan public house, with its adjacent pebble 'beach', together with the adjoining slipway by Ferry Cottage).

Off Riverside are the 18th century Sion Row, York House Gardens (with their Naked Lady statues), St Mary's Church, Church Lane and its slipway, and the first of many little 'village' lanes that lead off the riverfront towards the newly pedestrianised Church Street that runs parallel to the Embankment. It is Church Street and its confluence with Water Lane and King Street which probably best represents Twickenham's town centre.

Along the route are several children's play areas. The White Swan beach and the many slipways facilitate the use of canoes and paddle boards and are much used by leisure users of the river. Slipways allow, by their very nature, sloped or staggered access into the water and provide – more

than pontoons – by far the easiest way to enter the water, especially for inexperienced or differently abled users. The vehicular access to the Church Lane slipway also enables the launching and use of larger craft.

Continuing along the Embankment promenade with its many benches and landscaped flowerbeds, past the Barmy Arms pub with its extensive outside seating area, brings one to the slipway at the bottom of Water Lane, just next to the footbridge over to Eel Pie Island. And then to the wide riverfront promenade in front of the Embankment-level Jubilee Gardens, with the raised Diamond Jubilee Gardens overlooking the river.

Connecting the existing raised gardens to the lower level Embankment, the removal of the derelict former pool buildings and development of the disused carpark and the buildings at 1-1c King Street – as proposed for the eastern side of the Scheme Land – would undoubtedly represent both an enhancement and an extension of the existing open space in this location, as would the removal of the car parking on the Embankment. The scale, variety and history of all the different elements along the Thames Path, finishing up in and below the existing Gardens, are what underpin the compelling uniqueness of Twickenham and its Riverside.

The ‘destination’ of a riverside park was what was intended by those who wrote and adopted the current Local Plan – the TAAP. Locating a 5-storey building on that open space towering over the riverside was not.

Add to that the fact that the Diamond Jubilee Gardens are the venue for a wide range of outdoor events, complementing those already hosted nearby. Again, as highlighted and demonstrated by Mrs Holman yesterday, there are also many other places in the Twickenham village where people gather for events and other activities – including for example, markets and open-air dining in Church Street, mini fairs and shows in St Mary’s Churchyard and in the ‘square’ outside Tsaretta Spice, theatre and outdoor cinema in York House gardens, the farmers’ market in Holly Road carpark, the space outside Civic Centre and others).

It is clear that Twickenham town centre is already a ‘destination’ for residents and for many thousands of visitors every year.

The Gardens themselves are an all-year-round, multi-use open space, all of whose sections come together to provide an excellent, safe, light, and flexible area for organising many different events – from providing the jazz stage for the very successful and expanding High Tide festival to

children's Hallowe'en and Christmas discos. Most recently, in April, a very successful fundraising event was run by the local Turkish community in aid of the Turkish and Syrian Earthquake victims. Many of these are successful in drawing visitors not only from the wider borough, but also from across London and beyond.

The Trust also has an important role as the 'guardian' of this section of Twickenham Riverside, exercising a regular 'estates' role, with Trustees and other volunteers very involved in the practical management and maintenance of the Gardens for the benefit of the public, both for general usage and in readiness for events.

Moving now to planning policy considerations ...

There is a fiction which is regularly promoted by the Council and other supporters of the Scheme, which is simply untrue. It is repeated in document LBR4A and in several supporter statements. To take just one example, I quote from the recent leaflet put out by the Riverside ward councillors in the last month. It begins: "After 40 years of dither and delay, exciting plans for Twickenham's Riverside between Water and Wharf Lanes are at last approaching the final hurdle with a public inquiry set for June" and it goes on to make several of the points made in S2-LBR-50 which are disputed in the Trust's rebuttal, S-2 REB1.

What is true is that there was indeed a 20-year hiatus following the closure of the Lido in 1981. This may have been unsurprising as people tried to figure out the best way forward. However, since then, the situation changed radically. This truth is both ignored and consistently dismissed by those commentators. The delay over the last decade has been in deciding how to complete the job – what should happen to develop the remaining areas of dereliction and disuse and how to better link the town centre to the river, which is something all residents support.

Clear sequence of intention

The suggestions that there have been 40 years of decline and neglect misrepresent the situation. They do not do credit to the efforts across different administrations to begin the task of redeveloping this complex and sensitive site. Successive administrations from the early 2000s onwards were committed to gradually reinstating the area as public open space, reflecting and complementing the riverine character of this unique and historic stretch of the Thames.

I'll come to the time-line of these decisions and actions shortly. What is clear is that there was an undeniable sequence of policy intention between the early 2000s and the mid-2010s that the open space that became known as the Diamond Jubilee Gardens should be preserved and enhanced for the long term for the benefit of the public.

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. However, the many references to the Local Plan throughout the Statement – as in the planning report of November 2022 – draw on largely generic elements while ignoring and failing to confront the core issue.

The 2018 Local Plan defers to the 2013 Twickenham Area Action Plan (the TAAP) and does not address the geographical area covered by the TAAP. The TAAP, and therefore the current Local Plan, makes a number of area-specific proposals including in relation to the Riverside, which is identified as site TW7.

In practice, the Scheme fails to comply with the area-specific provisions of the Plan for site TW7, since those expressly call for there to be no development or building on the then recently created Public Open Space of the Diamond Jubilee Gardens.

Indeed, here – and I am grateful to Ms Johnson for highlighting this point – the Planning report makes a fundamental error in its description of the status of the TAAP, listing it as a 'supplementary planning document' when it is de facto an integral part of the Local Plan. In section 5 of the planning report, the content of the Local Plan stops short, with the TAAP relegated to section 6 listing 'material planning considerations'. The 2018 Local Plan states (para 1.2.4): "The Council adopted the Area Action Plan (AAP) for Twickenham centre in 2013, which sets out detailed policies and proposals for Twickenham centre. The NPPF was fully taken into account during the development of the AAP, and due to its relatively recent adoption, the AAP will not be reviewed or amended as part of this Local Plan." (Para 23 of the Trust's evidence)

The comprehensive Twickenham Village Planning Guidance (also adopted in 2018 but not listed in the report as a 'material planning consideration'), equally, did not comment on Twickenham Riverside on the grounds that it was already covered by the existing statutory development plan. It too deferred to the TAAP – "in order to ensure that there is no confusion during the planning process".

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

Moreover, the Council has insisted in correspondence with the Trust that "once a plan has been adopted, it can only be amended as part of a formal review of the plan, or through the development of a new plan that would supersede the existing plan". There is as yet no new plan.

The Local Plan/TAAP

The TAAP was not an instrument developed in isolation, The Statement of Case notes the detailed consultations that preceded it but does not record the sequence of practical actions taken by those successive administrations and their prescient vision for the future of the site. The TAAP 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. My evidence shows the detailed time-line and the policy emerging between the early 2000s and 2014 to improve this area of the Riverside, and the practical incremental steps taken towards the achievement of that goal.

I'll repeat a brief summary:

2005 – the important first step creating the limited landscaped space of the Jubilee Gardens on the Embankment with two raised areas of planting (and with the café and the play area)

2008-09 – the discharge of the then affordable housing requirement for the site, through a 'linked sites' strategy

2010 – the creation of the raised-terrace garden on the corner of Water Lane and the Embankment – in plot 48 in front of the insect 'hotel'

2011-12 – the emergence – responding to the 8000-strong petition by residents presented to No. 10 Downing Street – of practical plans to create and preserve an area of open space on part of the old pool site

2011 – the Council encourages the setting-up of the Twickenham Riverside Trust with the explicit mandate to protect this open space for the public benefit

2012 – expansion of the Gardens to their present size and arrangement, to create the Diamond Jubilee Gardens

2013 – a major upgrade to the promenade and road on the development site between Water Lane and Wharf Lane – following on from other work done further along the Embankment

2013 – adoption of the TAAP, followed by the Council’s serving of a Public Notice confirming its intention to protect the Gardens from development by designating them ‘a public garden’ under Section 122 of the Local Government Act 1972.

2014 – formal designation of the Gardens as ‘public open space’ in the Council’s Cabinet reports. The intention is for the Gardens to be held as public open space “in perpetuity” for the benefit of local residents and the Council records that this decision has wider policy implications and considerations for the TAAP.

May, 2014 – concrete effect given to this intention by granting the Trust a 125-year lease providing long-term legal title to the bulk of the Gardens until 2139 and explicitly requiring both parties to preserve them as public open space.

2015 – the Council carries through the TAAP proposal to purchase the retail units at 1-3 King Street and the car park behind them.

From this sequence, it is plain that there was – right up to this point in time – a deliberate policy to create, enhance and extend this open space on Twickenham Riverside for the benefit of residents for the longterm future. And practical action was taken to implement that policy.

More detailed considerations

The TAAP was a carefully considered plan with general opening sections 2 and 3 on ‘Purpose and scope’ and on ‘Vision, objectives and strategy’. These are then followed later by a series of area- or site-specific proposals for five “key opportunity areas” identified as “reflect[ing] the varied character and functions of the town centre”. One of these is “Twickenham Riverside and Embankment”, which follows immediately after another – “King Street/York Street/London Road/Church Street – the main focus of retail activity”.

The section on the Riverside is 7.5, which – as the other area-specific proposals – follows the structure of listing “General Principles”, Transport proposals and Environment proposals, before addressing the “aims”, “key objectives”, “uses”, and then specifics such as “Design guidelines” and “delivery strategy”.

Section 7.5.2 states that: “The future use and appearance of the Riverside is critical to the success of Twickenham as a destination. Any proposals will be required to meet key design principles to ensure they do not adversely impact on the character of the Riverside and provide high quality facilities for the local community. A comprehensive approach is proposed in order to ensure connections to the Riverside are enhanced and to make Twickenham a more attractive destination.”

Para 7.5.5.1 describes the TAAP’s 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”.

The site-specific “key objectives” apply the principles set out in the opening sections to the TW7 site. They 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 confined areas on the east side of site TW7 along Water Lane – leaving the Diamond Jubilee Gardens untouched.

This was based on the judgement that the ‘destination’ for Twickenham, that would strengthen the town centre and improve links between the high street and the river, could and should be achieved by continuing to expand the Public Open Space that the agreed staged policy was already providing.

Effectively, this acknowledged that the town centre – represented by Church Street and the King Street/Water Lane/Church Street junction – and Twickenham Riverside were already a significant destination in their own right, at the end of the Thames Path leading from Richmond.

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”.

Let’s look at the specific plans envisaged for this site:

Map 7.12 Twickenham Riverside and Approaches Principles



As we can see, the site is the same as the Scheme Land, but also includes the approaches or circulation areas and the Embankment up towards the Barmy Arms. The two development sites are indicated as “Phase 1” and Phase 2”. Note also the hatched area on the green space, being the old pool buildings.

Map 7.14 shows the planned mix of uses:

Map 7.14 Twickenham Riverside, areas referred to below



Notes to Map 7.14

- (A) Open space (excluding the area where there are currently buildings), a mixture of hard and soft landscaping to allow a variety of leisure activities, playground and café;
- (B) Reuse or replacement of existing buildings to provide mixed uses with active frontages at ground floor level;
- (C) In long-term, subject to agreement of the community, potential low rise leisure and community pavilions closer to the service road area, to enliven the area and allow public enjoyment of the riverside open space;
- (D) Redevelopment or reuse of former public toilets fronting Water Lane for residential, leisure or café use;
- (E) Redevelopment or partial redevelopment of 1, 1a and 1b King Street 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;
- (F) Redevelopment of 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.

Two areas (E) and (F) are considered right for development/housing – both on Water Lane. A third – (B), the former pool buildings – is also highlighted for “re-use or replacement”.

In both of these maps, the intention is clear – to preserve the open space in which Diamond Jubilee Gardens sit – the green space in Map 7.12 and area A in Map 7.14. The intention is for this area of green space to be expanded and to become better integrated into the wider site, with improved access both to King Street and to the riverfront once the derelict, disused and King

Street areas are re-developed. The intention is explicitly to open up the town centre focusing on Water Lane and its junction with King Street and Church Street.

Note the intention also to increase pedestrian priority, review/remove car parking, provide active retail frontages, and toilets, and improve the public realm including the widening of pavements.

The intention was deliberately not to dilute that focus by seeking to stretch the town centre further along the Embankment on the west side of the site. Rather it was to continue the project of expanding and enhancing the open space to develop the existing Gardens into a true riverside park, providing a tranquil place for relaxation and enjoyment, with even better views of the river and Eel Pie Island – while preserving the look and character of this unique setting.

Some supporters of the Scheme have pointed to the example of Richmond and the value of creating an area based around the proposed pub/restaurant, where the public can “throng”. That is of course a matter for individual subjective judgement. The Trust notes that this was not the intention of the TAAP which expressly excluded building on the western, Wharf Lane side of the site. It intended the bookend at the western side of the site and the Thames path to be public open space.

The Trust understands and shares the frustration and concern about the continued existence today of the derelict and disused areas on this central section of the Twickenham Riverside Conservation Area and the time being taken to find a scheme which can marry change with the retention of the inherent character of this part of the river. However, the authors of the TAAP and the decision-takers at the time were fully aware of the importance of addressing this challenge and of the fundamental objective of creating a ‘destination’ for Twickenham and they adopted practical proposals which they believed would realise that fundamental objective.

However much the proponents of the present Scheme argue that the Scheme meets the general principles of the TAAP and that the balance of the TAAP’s intention is preserved in the Scheme, that rings hollow and false in the light of these area-specific decisions.

The proposal to build the Wharf Lane Building – with its current mass and height and in its present location – is in direct conflict with the TAAP and therefore the Local Plan.

It is not sufficient for the Planning report to argue that the overall balance is such that “the proposal complies with the Development Plan when taken as a whole”. Section 11 of that report

then goes on to identify shortcomings and concerns with the Scheme in respect of urban greening, loss of light, CO2 emissions reduction, housing space standards, ecology and trees. It argues the Scheme would “deliver enhanced public realm above policy requirements which is a significant benefit” and provides “an overall uplift in open space and public open space by area and in qualitative terms”, including improved events and play areas. All of these and more are disputed by the Trust in other proofs of evidence.

The Trust notes that in many of its paragraphs justifying its position on the overall balance, the report relies on the achievements of the Water Lane building – which the Trust accepts! – with little reference to the benefits arising from the Wharf Lane building.

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. The TAAP remains the current Local Plan. No explanation has been 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 intend any building on the existing Diamond Jubilee Gardens.

The Trust has asked many times over the last year – both directly and through the ward councillors – 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 to refer us to the planning report and the Statement of Case, neither of which address the central issue.

Other aspects

Grant of lease

In the Council’s rebuttal at LBR18-1, the comments on the Local Plan and the TAAP merely refer back to the Council’s primary evidence in LBR4A and the Planning Committee report from November 2022, on both of which I have already commented. However, both in regard to the lease granted to the Trust and on the brownfield issues, it states: “At the outset of the process the Trust agreed to the Gardens being part of the Scheme Land”.

This is disingenuous. The Trust did not agree to the Gardens being part of the Scheme Land – without qualification. The Trust had been clear from the start that, while it was willing to consider such inclusion, that was subject to the Trust in due course agreeing that the Scheme, when developed, was in accord with its objects. The Trust also shared a list of “principles for

development' with the Council, which then formed part of the RIBA design brief (p11 of CD-3.01) and against which the Scheme would also be considered.

Brownfield

With the adoption of the brownfield regulations and the rushed requirement for Councils to identify areas of 'previously developed land' for inclusion on the Brownfield Land Register, the TAAP vision appears to have been overlooked or disregarded. In December 2017, the full TW7 site was included on the BLR, including the Diamond Jubilee Gardens, without any qualification. The Council appears to have ignored – or at least not to have followed – the required legislative process. The entry was made without notification to the Trust, which had legal title to part of the area in question, and failed to disclose the ownership interest of the Trust (as required for interests of more than 21 years). It was made without our consent and without the Trust showing any indication of a willingness to dispose of its property.

The Trust believes that, from shortly after that, this error shaped the whole manner in which the future improvement of the site was approached.

The entry was plain wrong. No account was taken of the conversion already of part of the site to become public gardens or of their re-designation in 2014 as 'public open space'. The clear consequence of the Council's earlier actions was to take the Gardens out of the definition of the Gardens as 'previously developed' and 'suitable for inclusion in the BLR' under the definition of these terms in the 2012 National Planning Policy Framework. The Gardens should therefore no longer have qualified for entry on the BLR.

Despite the clear instruction to Council officers within the 2014 Cabinet reports to take the new status of the Gardens into account in the context of the TAAP and the legal obligations upon both the Council and the Trust (under the lease on the Gardens), no action appears to have been taken to carry across the changed status of the Gardens as 'public open space' into other relevant planning contexts.

Nor was this aspect remedied during the formal annual reviews (in December) of the Council's entries on the BLR, required by the 2017 regulations. The Trust first raised this issue in February 2021 and on several occasions, including through the Council's complaints process. Our appeals were simply and persistently dismissed.

The original entry demonstrated that the Council had taken its eye off the ball as early as 4 years after the TAAP and 3 years after the establishment of the lease on the Gardens. This resulted in a

lack of proper recognition within the Council of the need to ensure that the true status of the Gardens was secured into the future.

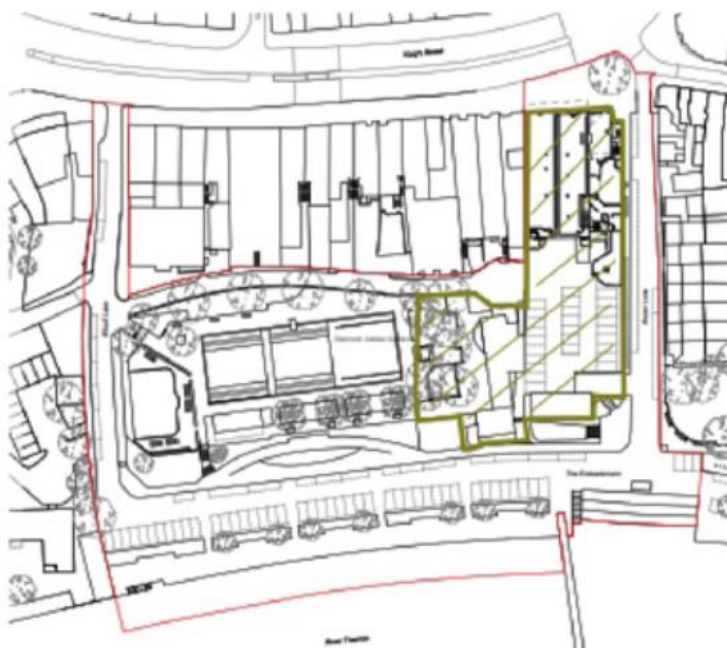
The situation was only corrected in the Planning report issued less than a week before the Planning Committee meeting which approved the Scheme. All of a sudden, the Trust and wider public discovered – from two paragraphs (8.6-8.7) of a 190-page report – that the Council had reversed its earlier line, insisted upon in its rejections of the Trust's various appeals. It now considered that part of the site – the Gardens – was not 'previously developed land' or therefore 'brownfield'.

That the 2017 BLR entry was recognised at 5 minutes to midnight as wrong has potentially significant implications for the present Scheme proposal and for current and future thinking in regard to Twickenham Riverside. The Trust asked for full consideration of those implications before planning permission was granted, but this did not happen.

Let's look at the practical position.

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Official



- 8.8 The hatched area contains:
- 1-1b King Street (2-3 storey buildings fronting King Street and Water Lane).
 - Hard standing car park associated to 1-1b King Street.
 - Substation to the south of the service road.
 - The former PC on the corner of Water Lane and The Embankment.
 - The former Bath House and land within the curtilage of this building (contained behind fencing).
- 8.9 The proposed Water Lane building is therefore sited wholly on brownfield land.

The plan shows the extent of the brownfield classification in the changed BLR entry submitted in December 2022. The area identified as ‘brownfield’ is edged in brown and is less than half the original entry.

This is important because the planning statement of June 2021 and several of the core documents referred to by the Acquiring Authority and listed on the Gateley Hamer website contain multiple mentions of the site’s brownfield status. These persist in the Statement of Case, eg in Para 6.3 noting the “substantial weight” that the NPPF requires “should be given to the use of brownfield land to meet demand for new housing” and in Para 6.13 emphasising that “the Scheme Land includes areas of brownfield land” which is highlighted to demonstrate that it “meets the policy criteria for accommodating new housing”.

The clear implication is that this was a powerful justification for the quantum of building that is in the Scheme design. Had the Council started from the position that the area that it was seeking to develop – albeit within a whole-site approach as insisted upon by the TAAP – was confined to the true brownfield land, again as insisted upon by the TAAP, its approach might well have been completely different. Yet its original designation was revoked unannounced and without discussion with the Trust. It seems that the matter was only taken seriously by the Council, and the reversal decided, for tactical reasons after the Trust took its case to the Local Government Ombudsman in Summer 2022.

The response in the Council’s rebuttal in LBR18-1 is that “the issue of the Gardens being added to the Brownfield Register was dealt with during the determination process”. Yes, it was dealt with, but without any communication with the statutory party involved (as indeed the original entry).

The errors and potential for confusion continue. The scheme site is still identified as brownfield in the Draft Local Plan that was approved for Public Consultation by a meeting of the Full Council on 27 April 2023, in spite of having been corrected by the Council on the BLR following the November 2022 planning report.

Conservation appraisal

The references in the Council’s material to the current Conservation draft appraisal gloss over some key issues. The Trust welcomes the continued inclusion of the Riverside as a key conservation area for Twickenham and the appraisal is clearly a substantial and important piece of work, picking up on the earlier conservation studies of the Twickenham area some years ago. The Trust commends the general approach and the sensitivity to context that the new appraisal displays through its descriptions and photographs of local features.

However, the Trust does not consider that it has summarised fully and accurately the strengths and weaknesses of the part of the Twickenham Riverside character area known as the Diamond Jubilee Gardens and the riverfront immediately below them. In this one area, the draft appraisal does not do justice to the vision of the Council in 2013-14. Nor does it take sufficient account of the evolution of the public open space in this unique area on the Thames Embankment that was planned in the TAAP or the practical improvements that have been made to the Riverside and Embankment since the last appraisal. The draft appears written with the intention of welcoming the new Scheme.

On this point, the rebuttal LBR18-1 refers to “the sense of openness with the Thames” which would be delivered “by virtue of the set back from the river and the removal of cars from the embankment” and to “the double curve of the river [which] gives continuing unfolding views of both banks framed by mature trees and foliage”. This contrasts with the stark fact that so many mature trees on the Riverside site itself will be removed, to be replaced essentially by fewer saplings which will take decades to mature. From a conservation point of view, both of these features can be achieved by the removal of the derelict and unused areas of the site without erecting the Wharf Lane building and without the CPO required to facilitate that.

Wellbeings

Section 7 of Ms Johnson’s evidence places considerable emphasis on the suggestion that the Scheme meets the economic, social and environmental wellbeings required under Paragraph 106 of the CPB Guidance. These are addressed in other evidence provided by the Trust. I will not go into this in detail here other than to log again the fact that almost all of the true wellbeings – with the exception of the private housing and the ground-floor features of the Wharf Lane building – can be achieved, as envisaged by the TAAP, without building on the Diamond Jubilee Gardens.

Concluding remarks

Throughout the Statement of Case, the Council prays in aid a range of relevant planning policy instruments in support of its case, specifically the 2018 Richmond Local Plan and the 2013 Twickenham Area Action Plan (TAAP). These are designed to reinforce the assertion that, on balance, the Scheme accepts and takes further the direction set in the TAAP.

This is a central plank of its case for a Compulsory Purchase Order on the Diamond Jubilee Gardens. The Statement is predicated on the suggestion that the Richmond Council Scheme is in compliance with, and builds on, the provisions of the current Local Plan and the TAAP.

While the Trust accepts that many of the underlying principles in the TAAP are met in the Scheme, there are a number which are not. What's more, the TAAP had a whole-site vision, which was already being implemented in stages, and it set out the next practical steps to take that vision forward. The present Scheme adds little that was not in that vision – with one major exception.

The site-specific provisions excluded any major building on the public open space of the Gardens that had already been created and made specific proposals as to where future development and building should be located within the site, together with a mix of uses which are largely reflected in the present Scheme.

It makes no sense for the site-specific provisions not to be carried forward in a scheme which purports to be in compliance with the TAAP.

The Council has not respected those elements of the TAAP vision and is now proposing precisely to build on the public open space that the TAAP and other Council actions at that time intended to preserve into the long-term future. And to extend and enhance so as to move to the next stage of re-affirming a genuine riverside park connecting town to river – with more openness than the dereliction and disused areas allowed, removing car parking, creating better access and accessibility, and reaffirming the town centre focused around the King Street/Water Lane/Church Street junction.

That and the establishment of a haven of peace in the unique and characterful context of the Riverside opposite Eel Pie Island was the 'destination' for Twickenham that the TAAP envisaged. And that is what the Scheme contradicts, in the interest of the Council meeting its private housing targets. With the affordable target met on the eastern side of the site along Water Lane, the choice is whether to change the unique context and character of this location for ever in order to meet those targets or to recognise that this is not the right location for the Wharf Lane building and preserve it as the TAAP intended.

The Scheme as presented chooses the former, which the Trust argues is in direct contradiction with the current Local Plan. On that basis, as well as for open space and other considerations which are being discussed in other sessions, the CPO should be rejected.

