

## TWICKENHAM RIVERSIDE CPO

## ACQUIRING AUTHORITY AND TRUST

## SECTION 19 AREAS OF AGREEMENT &amp; DISAGREEMENT

No.	issue	Agreed	Not Agreed
1.	Methodology for map measurements	Whilst the Trust has not independently verified the measurements the methodology for the measurements of areas on Maps A to T has been discussed and agreed. Accordingly, the measurements of the areas contained in CD4.3A to L (Maps A to L), LBR1B Appendices 5 to 8 (Maps M to P), LBR2B (Maps 14 to 17 (Maps Q to T) are agreed and LBR22 (Map U) are agreed.	
2	Quantum of proposed open space		The precise area of Future Designated Open Space and Future Functioning Open Space (and their relevance to an assessment under s19(1)(a)) is not agreed. It is not agreed that the Scheme will deliver Future Designated Open Space and Future Functioning Open Space that is greater in quantum than the Existing Designated Open Space and Existing Functioning Open Space bearing in mind points 3 and 4 below.
3	Quantum of Lost Open Space		Whether the following plots should be included in the calculation of Lost Open Space:  (a) Land in front of the Wharf Lane Building (part plot 87) (b) Land comprising the Embankment flowerbed (plots 27 and 85)
4	Quantum of Exchange Land		Whether the following plot should be included in the calculation of Exchange Land:  (a) Land in the south east (plots 52 and 83) (b) Land on Water Lane.

			As a consequence the parties are not agreed as to whether there is sufficient Exchange Land qualifying as open space regardless of considerations as to whether it is equally advantageous.
5	Approach to assessing equality of advantage of the Exchange Land under section 19(1)(a)	The test to be applied is whether the Exchange Land is "equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public" (section 19(1)(a)).	Whether regard can be had to open space beyond the Exchange Land when assessing equality of advantage. Who the relevant sections of the public are for the purposes of assessing equality of advantage and how they will be affected.
6	Quality of Exchange Land		<ul style="list-style-type: none"> <li>(a) Comparative quality and amenity of the Events Space</li> <li>(b) Comparative impact of flooding on the existing and proposed open space</li> <li>(c) Comparative quality of the play space</li> <li>(e) Comparative amenity value of the open space, including the impact of overshadowing, sunlight levels and the impact of the Wharf Lane building.</li> <li>(f) Impact of surrounding uses on proposed open space</li> <li>(g) Impact of traffic and cyclist movements on users of proposed open space</li> <li>(h) Comparative quality of the exchange land as a functioning part of the open space as a whole.</li> <li>(i) Proximity of Exchange Land to riverside compared to Lost Open Space</li> </ul>
7	Availability of section 19(1)(aa) in respect of Retained Open Space		<ul style="list-style-type: none"> <li>(a) Whether the power in section 19(1)(aa) of the ALA 1981 is available in all the circumstances</li> <li>(b) Whether the AA's use of the power in s. 19(1)(aa) runs counter to the intentions of the legislature in introducing the power.</li> <li>(c) Whether even if s19(1)(aa) applies, the Scheme would improve management of the open space or not.</li> </ul>
8	Meaning of 'rights, trusts and incidents' in section 19(1)(a) and 19(3)		Whether the Trust's lease is a "right, trust or incident' within the meaning of section 19(1)(a) and 19(3).

