

**LONDON BOROUGH OF RICHMOND UPON THAMES**

**REPORT TO:** Finance, Policy and Resources Committee

**DATE:** 28 June 2021

**REPORT OF:** Director of Environment and Community Services

**TITLE OF DECISION** Twickenham Riverside Scheme– use of compulsory purchase powers

**WARDS:** Twickenham Riverside; South Twickenham; St Margarets and North Twickenham; West Twickenham

**KEY DECISION? YES**

**IF YES, IN FORWARD PLAN? YES**

**For general release**

**1. MATTER FOR CONSIDERATION**

- 1.1 On 16<sup>th</sup> November 2020 this Committee agreed to the principle of using the Council's compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 (as amended) to acquire the land and any rights within the area described in the report and shown on the plan attached to the report. The Council being of the view that compulsory acquisition of the land may be necessary in order to secure the delivery of the Scheme and to bring forward its benefits in a timely way.
- 1.2 This report provides an update on the negotiations with the landowners and lease holders and asks the Committee to resolve to make a Compulsory Purchase Order (CPO) to facilitate the delivery of the Twickenham Riverside Scheme.
- 1.3 Given the anticipated development programme and the need to press on with the development and its construction without further delay, it is necessary to resolve to make a CPO to enable vacant possession to be obtained and the land brought into Council ownership.
- 1.4 This report recommends that a CPO is made to acquire the freehold, leasehold and any other land interests within the site boundary as shown outlined on the enclosed Order Map attached at Appendix A.

## **2. RECOMMENDATIONS**

The Committee is asked to:

- 2.1 Note the update given in this report.
- 2.2 Resolve that the Council makes a Compulsory Purchase Order (CPO) under section 226(1) (a) of the Town and Country Planning Act 1990 (in respect of acquiring land), Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 (in respect of acquiring new rights) and the Acquisition of Land Act 1981 for the acquisition of all freehold and leasehold interests (and any other interests and rights as may be required) in the land and buildings required to deliver the Twickenham Riverside redevelopment proposal, as shown on the plan attached to Appendix A for the purpose of securing the comprehensive redevelopment of the Twickenham Riverside site.
- 2.3 Authorise the Director of Environment, in consultation with the Managing Director of the South London Legal Partnership, to: -
  - (a) take all necessary steps to proceed with and secure the making, confirmation and implementation of the CPO including land referencing, serving any requisitions for information on affected parties, preparing all necessary documentation (including the CPO, the Order Map and the Statement of Reasons), submission of the CPO to the Secretary of State for confirmation, the publication and service of all requisite notices, and preparing for and presentation of the Council's case at any Public Inquiry;
  - (b) negotiate terms for the acquisition of the interests in the properties to be acquired by agreement or to affect the withdrawal of objections to the CPO; and
  - (c) amend and finalise the draft Statement of Reasons annexed at Appendix B to this report as considered necessary prior to its submission to the Secretary of State.
  - (d) make reductions, if necessary, to the extent of the land included in the draft Order Plan (annexed at Appendix A) prior to the CPO being made.
  - (e) take all necessary steps to confirm the CPO if granted the power to do so by the Secretary of State.
  - (f) to remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily, to amend the interests scheduled in the CPO (if so advised) and to request that the Secretary of State makes any changes to the CPO prior to confirmation as may be appropriate;
  - (g) if the CPO is confirmed, to issue confirmation notices, to proceed with acquisition of the interests by use of a General Vesting Declaration and/or Notice to Treat (and Notice of Entry), and to obtain and enforce vacant possession of the land pursuant to the CPO powers and contractual and other powers which the Council may have;
  - (h) settle the compensation payable in acquiring the interests including entering into compensation settlement agreements or undertakings (where such agreements or undertakings are appropriate).

2.4 Note the overall cost estimates, including the estimated acquisition costs of those interests which are still to be acquired and fees for making the Order which will be met from existing budgets.

## **GLOSSARY**

<b>CPO</b>	Compulsory Purchase Order
<b>GLA</b>	Greater London Authority
<b>LPA</b>	Local Planning Authority
<b>Order Land</b>	Means the land shown on the Order Plan
<b>Design Panel</b>	The decision-making body which evaluated the design competition entries
<b>SRG</b>	Stakeholder Representative Group – a group made up of representatives from over 20 local organisations
<b>Order Plan</b>	Plan showing the area of land comprised in the CPO at <a href="#">Appendix A</a>
<b>PAC</b>	Planning Applications Committee
<b>Scheme</b>	Twickenham Riverside Redevelopment
<b>Exchange Land</b>	Is the land numbered 1-5a in Appendix E totalling 3,085 sqm
<b>Trust negotiated land</b>	Is the land numbered 1-5b inclusive in Appendix E totalling 3,469 sqm
<b>Statement of Reasons</b>	Means the Statement of Reasons prepared in support of the CPO at <a href="#">Appendix B</a>
<b>EINA</b>	Equality Impact and Needs Assessment found at <a href="#">Appendix C</a>

## **3. INTRODUCTION**

- 3.1 The Twickenham Riverside site (the “Site”) comprises approximately 1.22 hectares and is made up of 3 retail and office units at the northern end of Water Lane, the Diamond Jubilee Gardens (the “**Gardens**”) which is subject to a 125 year lease granted by the Council to the Twickenham Riverside Trust (the “**Trust**”) in 2014 and designated as public open space; a public car park at the southern end of Water Lane (closed in 2018 and no longer accessible to the public); part of the Embankment which is used as highway, maintained by the Council but owned by the Port of London Authority (PLA); Wharf Lane and Water Lane which are maintained as public highway; and a number of derelict and disused buildings.
- 3.2 The Site is situated in the area bound by King Street, Water Lane, Wharf Lane and the Embankment. Twickenham Riverside runs parallel with the River Thames connecting Richmond through Twickenham and flowing down through Teddington to the south of the borough. Twickenham is well connected by air, rail, and road within close proximity of London Heathrow Airport. Twickenham Railway Station offers quick connections to London Waterloo, Reading, Windsor and Richmond, the latter of which offers regular services on the London Overground towards Stratford and the District Line on the London underground. By road, Twickenham is served by several local bus services and can easily access both the M4 and M25 motorways. The Site is opposite Eel Pie Island, with the footbridge for access to the island falling within the Site boundary.

- 3.3 The Council's regeneration aspirations for the Site date back to the closure of the public swimming pool in 1980. Over the near forty-year history of the Site, there have been a number of proposals brought forward to develop the Site, but none have fully matched the policy objectives of the Council and desires of the local community and therefore none have been successful. However, the Council believes that the Riverside should be a flourishing centre for Twickenham and the local area, and that a design solution can be found, and so ran a public design competition with the Royal Institute of British Architects in order to attract some of the best expertise to design a scheme for this complicated Site. Public engagement and consultation were built in as an integral part of the design competition from the start so that the community could be part of the iterative process to finding a solution.
- 3.4 The design competition led to the unanimous appointment of Hopkins Architects, with their concept design most successfully meeting the design brief co-created by the Council and the community. Having run a further consultation on the developed design in January 2021, the Council is confident that the design proposal for the Site is the most widely supported scheme in the history of the Site, whilst meeting the significant requirements of the statutory stakeholders such as the Environment Agency and delivering affordable housing. Further information on consultation can be found in section 8 of this report.
- 3.5 The Finance, Policy and Resources Committee is being asked to resolve to make a Compulsory Purchase Order in order to facilitate the comprehensive redevelopment of the Site. Given the anticipated development programme for the Scheme, it is considered that the use of compulsory purchase powers is necessary to effect the delivery of the proposed Scheme, enable the Council to materialise the scheme in a timely fashion and to deliver the wider regeneration benefits. It remains the Council's preference and intention to secure interests by negotiated agreement rather than the use of CPO powers and it is hoped that negotiations can conclude prior to making the Order.

#### **4. BACKGROUND**

- 4.1 A report to the then Cabinet on 15 November 2018 set out the proposed approach to the regeneration of Twickenham Riverside including details of a public Design Competition for the selection of a new architect; arrangements for community involvement and the process for developing the design brief. Following approvals, officers established a Stakeholder Representative Group (SRG) and worked closely with the community stakeholders through a series of workshops, to establish a brief for the Site. A representative of the SRG was also nominated by the group to sit on the Design Panel. The Twickenham Riverside Trust who hold a lease for the Diamonds Jubilee Gardens were both part of the SRG workshops and were consulted separately about their requirements within the new scheme.
- 4.2 The Design Competition was launched in January 2019. In Summer 2019 the Council undertook a period of engagement showcasing the five shortlisted concept designs and through this process received several letters of support (including a letter from the Trust) for the Hopkins scheme.
- 4.3 Following the successful delivery of the design competition a further report was taken to this Committee on 20 February 2020 announcing the outcome of the design competition (the appointment of Hopkins Architects) and detailing; scheme

viability, site assembly, governance arrangements, funds required until Stage 4 (delivery), next steps and community involvement and engagement.

- 4.4 Since February 2020 the Council has been working with the Design Team to develop the design in consultation with statutory and non-statutory stakeholders to ensure that it meets the requirements of the brief and planning policy. This included extensive engagement with the Environment Agency as flooding has always been a key consideration for the Site. Conversations with the EA regarding the flood storage requirements and the design of the flood defence wall have resulted in a significantly reduced building footprint and increase of public open space amongst other important design requirements.
- 4.5 Following the progression of the design development and programme, a report was considered by this Committee at its meeting on 16<sup>th</sup> November 2020 which agreed the principle of using compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 (as amended) to acquire the land and any rights within the area described in the report and shown on the plan attached to the report, the Council being of the view that compulsory acquisition of the land may be necessary in order to secure the delivery of the Scheme and to bring forward its benefits in a timely way. The Committee agreed, in principle, to use its compulsory powers to acquire the following areas of land:
- Part of the Embankment owned by the Port of London Authority
  - 1 and 1B King Street which are currently held subject to leases
  - Any third-party rights such as informal easements and rights of light which will need to be addressed before development can proceed.
- 4.6 The Committee, at its meeting on 16 November 2020 resolved to exclude the Gardens, from the in-principle decision to use CPO powers. This decision was based on the understanding that both parties would progress negotiations for the acquisition of the Gardens (and subsequent lease of replacement open space to be delivered as part of the Scheme), with the aim of reaching agreement within the following weeks, with a further update to be provided to the Committee in January 2021.
- 4.7 Although the Council holds the freehold interest in the diamond Jubilee Gardens, it is subject to a 125-year lease granted to the Trust in 2014.
- 4.9 As requested, a further report was submitted to this Committee in January 2021 detailing an update on the negotiations and the outline Heads of Terms agreed with the Chair of the Trust. The report requested delegated authority to conclude the negotiations and recommended that the Gardens continue to be excluded from the in-principle decision to use CPO powers based on the assumption the Council and Trust were close to concluding the final agreement.
- 4.9 This report provides an update on the progress of negotiations with those parties with an interest in the land required for the Scheme and requests that the Committee resolves to formally agree that the Council makes a CPO – including of the Trust's leasehold interest - in order to facilitate the timely, comprehensive regeneration of the Site.

## **5. PROGRESS ON THE ACQUISITION OF FREEHOLD AND LEASEHOLD PROPERTIES**

5.1 The interests in the Site that may need to be acquired are as follows:

- two leasehold interests at 1 and 1b King Street. 1 King Street expired 31.12.20 and 1B is due to expire 03.09.21
- The Gardens leasehold interest
- Part of the Embankment owned by the Port of London Authority – freehold interest
- Any third-party rights such as informal easements, rights of light and oversailing rights

The remainder of the land required is already in the Council's ownership or is public highway.

5.2 The Council commenced negotiations with third party owners in 2018 and although some progress has been made, it is considered necessary for the Council to initiate the process of utilising its CPO powers in parallel with those negotiations. This is considered both sensible and necessary and should enable the Scheme to progress in a timely manner should a negotiated settlement with those parties with interests in the Site prove unsuccessful. It remains the Council's preference and intention to secure interests by negotiated agreement rather than by the use of CPO powers where possible. The approach is recognised as appropriate in the MHCLG Guidance on compulsory purchase and the Crichel Down Rules (the MHCLG guidance, 2019).

5.3 The Council has agreed Heads of Terms with the Port of London Authority in relation to the acquisition of its freehold interest. However, the transaction has not yet been completed and the subject land has, therefore, been included within the Order Land but will be removed if necessary.

5.4 In 2020 the Council appointed specialist surveyors AspireCP to advise on the land acquisition strategy. More specifically, the land acquisition strategy was focused on two leasehold premises that are occupied by Santander (whose lease expired on 31 December 2020) and Superdrug (whose lease expires on 3 September 2021). Officers believe that the best solution for the Council is to serve notices to bring both leases to an end on 19<sup>th</sup> January 2022. The two commercial leasehold premises on King Street have a statutory right to apply to the court to renew their leases from this date. Santander have advised their branch will close on the 7<sup>th</sup> July 2021, but Superdrug have yet to respond to the notice.

5.5 It is however prudent to also include both leasehold interests in the King Street properties within the CPO, to ensure that they can be acquired should acquisition via the Landlord and tenant route be delayed or not succeed.

5.6 Following the update to Committee in January 2021 the Council has continued negotiations with the Trust through an established process including multiple design meetings with a sub-group of the Trust, several legal meetings with a sub-group of the Trust and regular meetings between the Director of Environment and Community Services, Programme Manager and the Chair of the Trust. The design meetings in particular have been helpful in facilitating progress with meeting and reviewing the Trust requirements. The Council has made a number of concessions to try to reach a resolution, including additional land, but whilst useful discussions have been had, the Council are legally no further forward than January 2021 as the

formal legal agreements have not yet been drafted. Please see Appendix E for the Trust negotiated land. Whilst the Trust have appointed solicitors to act for them, there are still a number of steps which need to be taken in the process of acquiring the land, including:

- The Trust have appointed a surveyor to advise on the value of their current and future leasehold interest and this report is expected to be discussed mid-July.
- The legal agreement mentioned above must be drawn up and signed.
- The approval of the Charity Commission is to be obtained – this is a 4-6-week process and can only be initiated once the legal agreement is drawn up

- 5.7 Furthermore, following the Council consultation period in early 2021 the Trust informed the Council that it will be running its own consultation event regarding the public open space. Any additional consultation carried out by the Trust could be subject to a minimum estimated two-month programme to run consultation and complete analysis with the Trust hoping to reach 8000 people. Whilst the Council fully supports of the Trust's ambition to further engage with park users, as the consultation has not yet been started it would almost certainly delay the timetable for achieving a negotiated agreement if this was made a requirement prior to the Trust signing the legal agreement. Therefore, whilst negotiations continue with all freehold and leasehold interests, it is apparent that it may not be possible to acquire all of the interests required (through negotiation) in a timely manner. The Council must resolve to make use of its CPO powers in order to ensure that it can obtain vacant possession of the Site within the programme established in order to deliver the Scheme and its wider associated benefits. Efforts to acquire interests by agreement will continue, notwithstanding, the making of the CPO. The use of compulsory purchase powers is also considered necessary to deal with any rights that exist over the land such as easements and rights of way, and to acquire new rights to allow crane oversailing.
- 5.8 The Council has commissioned a right of light survey which suggests that the new development will have an adverse impact on some of the properties that adjoin the proposed redevelopment area. Once planning consent has been obtained the Council will engage with the affected owners to negotiate and agree the terms of compensation which will be based on the diminution in value of those properties as a function of any interference with their rights to light.
- 5.9 The Council has considered the need to acquire rights outside the development site to allow cranes required to construct the Scheme to over sail that land and has included these within the land shown on the appended plan (shown shaded blue). The Council will seek to negotiate the right to over sail cranes over relevant properties by agreement.
- 5.10 The Guidance states acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a CPO should only be made where there is a compelling case in the public interest.

## **6. THE CASE FOR THE COMPULSORY PURCHASE ORDER**

- 6.1 The success of any compulsory purchase action is dependent on demonstrating a compelling case in the public interest for the CPO, in accordance with the relevant guidance referred to above. This requires in relation to CPOs promoted under Section 226(1)(a): -

- that the scheme has clear public benefits.
- that there is clarity on the acquisition powers to be used.
- that planning permission for the scheme is or can be secured.
- that there is clear planning policy support for the scheme.
- that there is clarity on the funding for the scheme.
- that the human rights and equalities impacts have been considered.
- that alternatives to compulsory acquisition have been considered; and
- all other matters as set out in the Guidance, including any impediments to delivery.

6.2 A detailed Statement of Reasons has been prepared in support of the CPO, addressing all these considerations and is enclosed (draft found at Appendix B). In summary, the key matters in demonstrating the compelling case in the public interest are set out below.

**THE EXTENT TO WHICH THE PROPOSED PURPOSE WILL CONTRIBUTE TO THE ACHIEVEMENT OF THE PROMOTION OR IMPROVEMENT OF THE ECONOMIC, SOCIAL OR ENVIRONMENTAL WELLBEING OF THE AREA (CPO GUIDANCE PARAGRAPH 13)**

6.3 The Site currently comprises the existing commercial units with frontage on King Street (1 and 1b), a disused car park within the Council's ownership, the Embankment which is owned by the PLA and currently used as a car park and highway managed by the Council, and an area of open space known as the Diamond Jubilee Gardens which includes a children's play area and café which is owned and managed by the Council. All other buildings within the Site are disused, vacant pool buildings, hoarded up and inaccessible to the public and which invite anti-social behaviour including arson and squatting in recent times. The King Street buildings within the Order Land are two storeys in height, brick built and date from the 1950s and 1960s and are considered to be of limited architectural merit.

6.4 The Order is being sought to enable the redevelopment of the area by demolition of all the buildings on the Site, and the reprovion of the Gardens which will be designated public open space, alongside a mixed-use development. The following is proposed on the Site:

- a mixed-use development comprising of 45 residential units, retail and hospitality space alongside the provision of green space through the relocation and reprovion of the Gardens.
- The development consists of two residential blocks, Water Lane Building and Wharf Lane Building. The Wharf Lane Building is to be provided on the south west corner of the Site and will deliver 24 units which are proposed for private sale. The Water Lane building is proposed towards the north east of the Site and is anticipated to comprise 21 units to be sold for affordable housing. The scheme will deliver 5 accessible housing units. The tenure mix of the affordable units is to be confirmed. The affordable housing units comprise approximately 46% of the overall scheme. However, when expressed or calculated based on habitable rooms, the affordable units comprise 50% with associated amenity space including gardens, balconies, and terraces.
- A minimum of 3,811 sqm of public open space including a new Gardens and children's play space.
- 1 commercial unit providing 429 sqm of office/retail (Use Class E).
- 5 retail units providing 359 sqm of retail space (use Class E).



- two food and beverage units (café and a pub/restaurant) covering 637 sqm.
- Boat storage in the south west corner of the site.
- A pontoon.

6.5 Officers are satisfied that the Scheme (the purposes of which approval of a CPO is sought) represents a significant investment in the area, the benefits of which will be considerable to the economic, social and environmental wellbeing of the Borough. Paragraph 103 of the Guidance is clear that “the benefit to be derived from exercising the [wellbeing] power is not restricted to the area subject to the compulsory purchase order, as the concept is applied to the wellbeing of the whole (or any part) of the acquiring authority’s area.” As such, the Council is entitled to consider the benefit to the Borough when assessing whether, and to what extent, the redevelopment is likely to achieve the promotion of the economic, social or environmental well-being of the areas.

6.6 The CPO will facilitate the following benefits:

#### **Economic**

- provide employment and apprenticeship opportunities during construction
- attract investment
- deliver modern retail accommodation; and
- the re-provision of retail uses

#### **Social**

- bring additional good quality housing to the area, including the delivery of 50% affordable housing within a prime location
- improvements to the public realm
- provision of a café and restaurant/pub
- reducing impact of motorised vehicles on the Embankment

#### **Environmental**

- Removing aged and poorly designed existing buildings and replacing them with new dwellings and buildings that meet modern standards
- provide new high-quality housing in a sustainable town centre location and on a brownfield site
- the Site is listed as a strategic brownfield site within the Borough and the London Plan seeks to optimise development on brownfield sites to meet housing targets.
- Addressing current and future flood risks by designing the scheme in line with the fluvial 100 year + 35% climate change level and the TE 2100 tidal flood level and maintaining or improving on the current flood storage capacity within the Site boundary

6.7 Further details on the economic, social and environmental benefits of the Scheme (and the CPO) are set out in section 5.9 of the Statement of Reasons.

### **COMPLIANCE WITH THE DEVELOPMENT PLAN AND THE NPPF (CPO GUIDANCE PARA 106 BULLET POINT 1)**

6.8 The Council’s Local Plan was adopted in July 2018 and March 2020. The Riverside/Site is recognised in the Local Plan as one of the sites in Twickenham that provides an excellent opportunity to rejuvenate and contribute to the vitality and viability of Twickenham Centre. The Site offers the opportunity, in a constrained borough, to provide more housing, retail, business, leisure and

community services that the Local Plan identifies as needed to support growth in the borough. The Local Plan also identifies Twickenham as one of the keys areas of the borough expected to deliver the highest number of new housing units as part of the targets set out in the London Plan. Residential units delivered as part of this regeneration would help meet the overall demand for homes.

- 6.9 The Site is also identified as an opportunity area (TW 7) in the Twickenham Area Action Plan (TAAP). The plan provides a framework for development and change and has revitalising the town centre at the heart of strategy. The TAAP details how the future use and appearance of the Site is critical to the success of Twickenham as a visitor and tourist destination and that a comprehensive approach is required to ensure enhanced connections between the Riverside and the town. The TAAP states that the Council will consider use of its CPO powers to deliver proposals set out in the TAAP. The extent to which the development complies with planning policy, including the TAAP, is explored further in section 8 of the Statement of Reasons. However, it is considered by officers that the proposals for the redevelopment of this area are consistent with the site allocation in the TAAP and with the wider planning policy context for the area.
- 6.10 The proposed Scheme is consistent with planning policy by virtue of the proposed re-use of this derelict, highly accessible brownfield site, the provision of new homes including 50% affordable housing, new green space and public realm and retail and commercial uses. The scheme delivers sustainable development in that it optimises a town centre site and mitigates impacts of change through flood risk mitigation, sustainable design measures and the energy strategy. The proposed Scheme is also considered to accord with the TAAP site specific policies and the Council's strategic objectives for the regeneration of Twickenham town centre. There is no reason to think that planning permission will not be obtained for the scheme.

### **ALTERNATIVES (CPO GUIDANCE PARA 106 BULLET POINT 3)**

- 6.11 In light of the multiple ownerships within the Order Land and the efforts already made to date (unsuccessfully) to acquire all relevant interests, it is considered that the only certain way of securing development of the Scheme within a reasonable time and in accordance with the relevant policies, is for a compulsory purchase order to be made. This approach is supported by the planning policy framework of the area, the potential to deliver the regeneration well-being benefits, and the fact that alternatives that are not comprehensive would not deliver the range of regeneration benefits that are required.
- 6.12 Although the majority of the Site is in the freehold ownership the Council, the implementation of the Scheme requires the acquisition of further land interests currently owned by third parties such as freehold and leasehold interests as noted above. Given the extent of redevelopment required and the comprehensive design approach adopted across the Site, it is not possible for individual owners to achieve appropriate redevelopment of the Site (or parts of it).
- 6.13 Single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the third-party interests identified in the Schedule to the CPO it is unlikely that the Council will be able to acquire all of the necessary interests by agreement within a reasonable timescale. Officers are of the opinion that the Council therefore needs to make the CPO to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst negotiations to acquire all interests by agreement, wherever possible, will continue, given the

fragmented nature of the Order Land, the CPO is required to achieve vacant possession of the land where necessary.

#### **FUNDING AND VIABILITY (CPO GUIDANCE PARAGRAPH 14)**

- 6.14 The Council will deliver the Scheme, retaining control and negating the need to bring a developer partner on board. The Council has completed several viability assessments of the Scheme and will be contributing a significant amount of funding to the Scheme to enable the economic, social and environmental benefits including delivery of public open space and affordable housing. The Council has already made several public and financial commitments to this Scheme, both at Council Committees and in public engagement sessions, and intends to do everything within its power to deliver the Scheme. The viability position of the Scheme has been assessed and allowance for capital funding has been made in the Council's forward financial plan. Furthermore, the Council will be contributing funding from its Housing Capital Grant programme to maximise the delivery of affordable rented housing as well as considering a contribution from the strategic Community Infrastructure Levy fund as detailed within the finance comments of this report. A report detailing a financial update on the Scheme has also been included on the agenda to this Committee 28 June 2021.
- 6.15 Further details on how the CPO will be funded are set out in Section 5.10 of the Statement of Reasons in Appendix B to this report.
- 6.16. The Scheme will be delivered at a viability deficit, with an estimated funding gap and updated viability assessment included within the accompanying report on this same agenda. However, the Council is nonetheless committed to delivering the Scheme given its importance and the benefits it will realise.
- 6.17 The cost of acquiring the outstanding acquisitions and fees associated with making the Order will be met by the Council from approved funds.

#### **NO IMPEDIMENT TO THE SCHEME GOING AHEAD (CPO GUIDANCE PARA 15)**

- 6.18 Officers will shortly be submitting planning permission for the Scheme. A pre planning application consultation was undertaken in January 2021 and the feedback was positive, with 84% of respondents stating they would be more likely (54%) or as likely (30%) to visit the riverside following the redevelopment. Further detail can be found in Section 8 of the Statement of Reasons. The project officers and consultants have had several meetings and pre application consultations with the local planning authority, including two reviews of the Scheme by the Design Review Panel, which is part of the Council's planning process for major schemes. This process had led to a number of iterative design changes resulting in an exceptional design for the Site. Following this Committee meeting, a planning application will be submitted imminently with approval expected to be granted by September 2021.
- 6.19 The Council may require additional detailed consents in order to construct the Scheme, such as an environmental permit from the Environment Agency (to permit works next to a main river) or a licence from the PLA. There are no other licences or consents required to implement the Scheme.

- 6.20 In order to implement the Scheme it is possible that sections of the following highways will need to be stopped up pursuant to a Stopping Up Order. The Council is taking legal advice from South London Legal Partnership regarding the process for stopping up for the following highways:
- The Embankment. Which will be pedestrianised but will retain access as a highway for limited vehicles which will be subject to a traffic management order. The Embankment may need to be temporarily stopped up during construction.
  - Wharf Lane. The southern end of Wharf Lane will be pedestrianised but will retain access as a highway for limited vehicles which will be subject to a traffic management order. The southern end of Wharf Lane may need to be temporarily stopped up due to construction.
- 6.21 Officers are satisfied that there are no legal or physical impediments to the Scheme progressing.

### **LAST RESORT (CPO GUIDANCE PARA 2)**

- 6.22 The CPO is to be made in relation to the Order Land under the provisions of section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981. It will also be made pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to the extent that it is necessary to authorise the acquisition of new rights over land.
- 6.23 Under section 226 (1)(a) of the Town and Country Planning Act 1990, (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) a local authority may compulsorily acquire any land in its area if it thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. This power is designed to facilitate regeneration projects and is the most appropriate power available to the Council in the context of the proposed development.
- 6.24 The Council, in exercising its power under this Section must also have regard to Section 226 (1)(A) which states: -
- “But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects:-
- (a) the promotion or improvement of the economic well-being of their area.
  - (b) the promotion or improvement of the social well-being of their area.
  - (c) the promotion or improvement of the environmental well-being of their area”.
- 6.25 It is considered that the use of this CPO power is the most appropriate having regard to the aims sought to be achieved by the development proposed to be carried out on the Twickenham Riverside site. Paragraph 1 of the Guidance states that: -

“compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life”.

- 6.26 The Order Land includes the Gardens which is 'open space' as defined in section 19(4) of the Acquisition of Land Act 1981 ("ALA"). Section 19 of the ALA requires that where an Order includes open space it must be subject to Special Parliamentary Procedure unless a certificate under section 19 is obtained from the Secretary of State. Section 19(1) provides that:

**19 Commons, open spaces etc.**

*(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied-*

*(a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased.*

- 6.27 Section 19(1)(a) of the ALA requires three matters to be met in respect of any open space exchange land:

- a. it must be of an area that is not less than the open space land to be acquired.
- b. it must be equally advantageous to the persons with a right to use the existing open space land and the public; and
- c. it must vest in the persons in whom the acquired open space land was vested.

- 6.28 In respect of the first test, the open space land to be acquired is 2,513 sqm. The proposed scheme will deliver 3,811 sqm of public open space, [Of that, 3,085 sqm are shown numbered 1-5a on the Proposed Open Space plan and are designated as the exchange land]. The proposed open space exchange land therefore clearly meets the requirements of the first test. The existing open space can be seen at Appendix D and the proposed exchange land at Appendix E.

- 6.29 In respect of the second test, the Council must demonstrate that the exchange land is equally advantageous to those entitled to use it and the public. In assessing whether or not the exchange land is "equally advantageous", the Secretary of State will have regard to the functionality, including the quality, of the replacement land, its environment, the access to it and its overall size compared to the acquired open space, together with its proximity to that acquired land. The proposed scheme will deliver **3,085 sqm** of exchange land. This is 572 sqm more than the current Gardens. The re-provided Gardens are in the centre of the scheme and include: a larger children's play area, two pétanque pitches, three terraced lawns and seating, a play area with climbing nets, tree house and slide and a Garden room as well as storage for the Trust. Further to the Gardens there an additional 342 sqm in the south west corner of the site which will be used for river activity and recreation and includes access to a pontoon and hireable boat storage, and 385 sqm of existing public open space which is used as a promenade and will be reprovided.

- 6.30 In terms of location, the exchange land is partially overlapping with the existing open space and is otherwise immediately adjacent to it. The exchange land is clearly therefore equally advantageous in terms of its location.
- 6.31 The date for assessing equality of advantage is the date of exchange i.e. the date on which the existing open space is to be acquired under the Order, being the same date that the open space exchange land must vest in the person(s) in whom the existing open space is vested.
- 6.32 On the date that the exchange is made, the open space exchange land will not have been subject to the improvements identified at paragraph 7 above (these can only be delivered once the Council has acquired the interests in the Site pursuant to the CPO or agreement, and then implemented the Scheme). These improvements will be delivered as part of the Scheme and are anticipated to be completed by June 2024. However, the courts have held that regard may be had to improvements to the open space exchange land that are committed, (i.e. for which there are committed proposals), as part of the assessment of equality of advantage at the exchange date. The Secretary of State can therefore consider the improvements to the exchange land proposed within the Scheme which are to take place after the date of the exchange.
- 6.33 On the basis of the details set out above, officers are of the view that the proposed open space exchange land is not only equally advantageous, but is in fact more advantageous to those with a right to use the existing open space and the public, taking into account the improvements to be delivered as part of the Scheme.
- 6.34 In respect of the third test once the existing open space is acquired by the Council the exchange open space land will simultaneously vest in the Council. The existing open space land is currently vested in the Council as freehold owner and on this basis the requirements of the third test are also met.
- 6.35 As part of making the case for the CPO, the Council will seek a certificate under section 19(1)(a) of the ALA. The proposals contained in the section 19 Certificate will not, in the Council's opinion, detrimentally affect the public in any way as the amount of public open space will not decrease; indeed the open space exchange land will provide significant improvements to the quantity, quality and amenity of the space available compared to that which is currently provided at the Gardens.
- 6.36 Officers are asking the Council to consider exercising its compulsory purchase powers to ensure the comprehensive development of Twickenham Riverside and enable the proposals to proceed within a reasonable timeframe.
- 6.37 It is considered that the acquisition of the interests in the land and buildings comprised within the CPO will contribute to the improvement of the social, economic, and environmental well-being of the area in and around the heart of the Borough.
- 6.38 Compulsory purchase is essential to enable the Scheme to take place and for the Council to achieve its policy objectives. Whilst the Council is the freeholder of the majority of the Site, there are various freehold and leasehold interests over the Order Land. The Council needs to ensure that it secures unencumbered freehold title to the Order Land, free of subsidiary leasehold interests, subject to payment of compensation. Without this it is very unlikely that the Scheme could proceed.

- 6.39 It is understood and acknowledged that the compulsory purchase of land involves interference with human rights and should be a measure of last resort where negotiations have been unsuccessful. It is also understood and acknowledged that there must be a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land. Details of the negotiations that have been undertaken with those affected by the CPO can be found in Section 6 within the Statement of Reasons. A summary of the considerable public benefits of the Scheme are set out at paragraphs 6.3 - 6.7 above. Consideration of the impacts of the CPO on human rights is set out in the section below.
- 6.40 Officers believe that the Scheme meets these objectives and satisfies the “wellbeing” power. Officers have also has considered the Guidance on the use of the Council's compulsory purchase powers in making the CPO. Officers believe that the proposed use by the Council of its powers under Section 226(1)(a) are necessary because achieving the voluntary transfer of the ownership of and interests in the Order Land is uncertain and the Council needs to ensure that ownership of the Order Land is vested in it so that it provides vacant possession of the Order Land to build out the Scheme
- 6.41 Paragraph 95, 96 and 97 of the Guidance make it clear that, although the power under Section 226(1)(a) should not be used in place of other more appropriate enabling powers, the general power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where there are strong planning justifications. The Guidance also notes that the power can be used “to assemble land for regeneration” and where it will facilitate redevelopment or improvement on land being acquired and it is not certain that they will be able to acquire it by agreement. As such (and on the basis of legal advice obtained), officers consider that the power under Section 226(1)(a) is the appropriate power to use.
- 6.42 Part of the justification for obtaining confirmation of a CPO would involve demonstrating that compulsory powers are necessary because the land required cannot be acquired by agreement. Compulsory purchase is seen as a last resort and the acquiring authority must be able to show that it has made genuine attempts to acquire the land by negotiation. The Council has made significant efforts to acquire all interests by voluntary agreement. The Guidance expects that the Council will continue those efforts and detailed evidence of those further efforts should be available prior to the making of a CPO.
- 6.43 The Council must also demonstrate that there are no other impediments to proceeding with the Scheme, for example the need for planning permission, other consents, or physical constraints. The planning application in relation to the proposals is due to be submitted for determination by the end of June 2021. It is anticipated that the Local Planning Authority will have determined the application by September 2021.
- 6.44 The Council would have to demonstrate that it has, or will obtain, the resources necessary not only to pay compensation for the land but also to implement the Scheme. A report was submitted to the February 2020 Finance, Policy and Resources Committee which approved the capital budget required to take the project up to the award of a construction contract and noted the estimated overall scheme viability. A further update report has been submitted to Committee on this

same agenda and sets out an updated viability position. A report is due to come to this Committee later in the year seeking the required funds to deliver the scheme.

## **7. HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY (CPO GUIDANCE PARA 12)**

### **Human Rights Act 1998**

- 7.1 The 1998 Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions such as that recommended in this report the Council, therefore, needs to have regard to the Convention. The rights that are of relevance to the decision are those contained in Article 8 (right to respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions).
- 7.2 Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic wellbeing of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.
- 7.3 In determining the level of permissible interference with enjoyment, the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 7.4 It is acknowledged that a CPO, if confirmed and implemented, will result in the taking of property, compulsorily if necessary. However, this will be in accordance with a statutory process (including a public inquiry if there are objections) and which was held to be compliant with Article 6 of the Convention which provides that “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. Compensation will be payable in accordance with law including compensation for property on the basis of the market value of the interest acquired, together with disturbance, statutory loss payment and where appropriate home loss payments.
- 7.5 In making the recommendations in this report, officers have carefully considered the balance to be struck between individual rights and the wider public interest. In this instance it is considered that there is a compelling case in the public interest for compulsory acquisition and this is consistent with the European Convention on Human Rights and 1998 Act in that the public purpose of securing the Order Land for the redevelopment described herein and concomitant economic, social and environmental benefits are of sufficient weight to justify the interference with human rights that a CPO necessarily involves; and that compulsory acquisition is necessary to achieve that purpose.
- 7.6 Any interference with Convention rights is justified and proportionate in order to secure the economic, social, and environmental regeneration that the scheme will



bring. All of those persons whose rights under Article 8 of the Convention and under Article 1 of the First Protocol of the Convention will have an opportunity to object to the CPO and to have any such objections considered at a public inquiry or hearing, in accordance with their rights under Article 6 of the Convention. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the statutory compensation code.

## **8. Equality Act 2010**

- 8.1 The Equality Act 2010 requires that the Council when exercising its functions must have "due regard" to the need to eliminate discrimination, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. As such Equality Impact Needs Assessments (EINA) have been undertaken in respect of the impact of the regeneration proposals. This EINA is attached as Appendix C to this report. The EINA sets out a number of positive impacts that the Scheme will deliver including greater accessible public open space, private and affordable housing, accessible housing, and economic regeneration as well as highlighting negative impacts of the Scheme delivery and the acquisition of land and rights. It is felt that on balance the positive impacts for delivering the Scheme are greater than the negative.

## **9. OVERALL BALANCE: WHETHER THERE IS A COMPELLING CASE IN THE PUBLIC INTEREST (CPO GUIDANCE PARAS 2 AND 12)**

- 9.1 Officers have given very careful consideration to the reasons why it is necessary to include each parcel of land as shown on the Order Plan. As out in the Statement of Reasons, officers have had full regard to the Human Rights implications of pursuing the CPO and taken into account the wellbeing of the locality in terms of regeneration, housing need, sustainable communities and environmental improvements and have carefully considered the balance to be struck between individual rights and the wider public interest. The extensive benefits that the Scheme will deliver are set out in Section 10 of the Statement of Reasons and at paragraphs 6.3 to 6.7 of this report.
- 9.2 In this instance, officers consider that the CPO is required in the public interest and is consistent with the ECHR and 1998 Act in that the public purpose of securing the Order Land for the Scheme and concomitant economic, social and environmental benefits are of sufficient weight to override the interference with human rights that the CPO necessarily involves, and that compulsory acquisition is necessary to achieve that purpose. It is also considered that the CPO is proportionate having regard to the lack of alternative means of securing the redevelopment of the Order Land and the associated regeneration of the area.
- 9.3 Officers have further given consideration to the equalities implications of the Scheme and have concluded that although the Scheme would have a series of both negative and positive impacts on persons with protected characteristics/protected groups, on balance the positive impacts significantly outweigh the negative impacts.
- 9.4 In all the circumstances, officers consider there is a compelling case in the public interest for compulsory acquisition of the outstanding interests in the Order Land.

## **10. CONSULTATION AND ENGAGEMENT**

- 10.1 The Council wanted to deliver an open and transparent process from the start and so worked with the Royal Institute of British Architects (RIBA) to run a public design competition which launched in January 2019. Prior to the launch of the competition the Council set up a Stakeholder Reference Group (SRG) for representatives of over 20 local community groups to be part of the design development process. The SRG helped to shape the brief for the competition and elected a representative to sit on the evaluation panel, the Design Panel. Throughout the competition and design development process the Council has undertaken periods of extensive public engagement and consultation, including in June 2019 and January 2021 as well as continuing engagement with multiple local stakeholder groups throughout this period.
- 10.2 Following the launch of the public Design Competition, in June 2019 the Council engaged on the five shortlisted concept designs. The engagement was carried out in a variety of forms including design boards and information available online, public exhibitions, community activities such as taking design boards down to the riverside and speaking to passers-by, mail-outs, and local press. The Council received 455 responses to the competition engagement as well as speaking to a further 300 children and young people in the area about the designs by giving classroom presentations and hosting design workshops. The Council received letters of support from several local stakeholder groups in favour of the Hopkins Architects scheme. The appointed Design Panel found Hopkins Architects' scheme to be the most successful in achieving the objectives of the brief and Hopkins were appointed as the winning architects.
- 10.3 Following a period of design development the Hopkins Architects' scheme was then publicly consulted on in January 2021. As part of the January consultation the following steps were taken:
- Information was sent out in the Council e-newsletter reaching 50,000 residents
  - Flyers were sent to 23,000 addresses within Twickenham Riverside and the surrounding area.
  - Posters were put up around the site.
  - A press release was issued.
  - Information was posted on the Council's website and page dedicated to the Twickenham Riverside scheme.
  - Information was posted on the Council social media channels including Facebook and Next Door.
  - Emails were sent to individuals who had registered their interest in the scheme, and all stakeholder reference groups.
  - The Council held two virtual public events with a presentation from the architect discussing the engagement boards, followed by a question and answer session. The event was attended by the Leader of the Council, Councillors, Senior Council Officers, and the Design Team. These sessions were recorded and uploaded onto the Council website for members of the public to view.
  - A variety of feedback options were offered including feedback during the live virtual events, using an online or hard copy questionnaire or via email.
  - Officers worked with local schools to deliver virtual design and feedback sessions

- 10.4 More than 400 people registered to attend the main virtual public events and a total of 829 responses were given to the online questionnaire with a further 310 responses from children and young people.
- 10.5 Of the respondents to the online questionnaire, over nine in 10 respondents (97%) identified themselves as local residents and over half (54%) of respondents said that they were more likely to visit the riverside following the redevelopment, with an additional 30% stating they were just as likely.
- 10.6 Alongside the formal engagement and consultation periods the Council has been holding regular engagement meetings with various statutory and community stakeholders including the established SRG. Other community and statutory stakeholders who have been regularly involved in design development include but are not limited to:
- Eel Pie Island Association
  - Twickenham Riverside Stakeholder Group
  - Environment Agency
  - Port of London Authority
  - Essential Living, M3 Capital and Partners (neighbouring property owners)
  - Church Street Traders
  - Twickenham Riverside Business Improvement District
  - Twickenham Riverside Park Team
  - Various water sports groups
  - Twickenham Riverside Trust
  - Twickenham Society
  - King Street tenants
  - Habitats and Heritage
  - Potential tenants such as London Farmers Market
- 10.7 Full details of the consultation and engagement process are set out in the Statement of Community Involvement which will be submitted as part of the planning application.

## **11. THE CPO PROCEDURE**

- 11.1 It is necessary for the Council to formally resolve to use compulsory purchase powers before it can make a CPO. The final decision on the CPO rests with the Secretary of State for Housing, Communities and Local Government who will decide whether to confirm the CPO having considered the justification for the CPO and any objections, if necessary, by way of public inquiry, (generally an inquiry will be held where there are outstanding objections).
- 11.2 Once the Council has made the CPO it will be lodged with the Secretary of State for confirmation. Notices will be served on any person, (including occupiers), that may have a legal interest in the land in question and notice of the CPO will be advertised for two weeks in a local newspaper and by notice affixed on the land. The Council will carry out the notice service procedures in accordance with CPO legislation and any restrictions relating to the pandemic which may be in place at the relevant time.
- 11.3 Any objection to the CPO must be made within the period specified in the notifications (and which must be at least 21 days). In the event that objections are

made and not negotiated away, the Secretary of State must hold a public inquiry unless the objectors and the Council agree that the matter can be dealt with under the written representations procedure. Under the latter process an Inspector will make their recommendation to the Secretary of State whether to confirm the CPO based on the case for and against the CPO set out by the Council and the objectors in writing.

- 11.3 If the Secretary of State confirms the CPO, there is a period (6 weeks from the date of the confirmation notice which the Council will publish) in which it may be challenged in the courts, on grounds that there is no power to make a CPO or that there has been a procedural defect. Once the CPO is confirmed, the Council may proceed to implement the CPO by making a General Vesting Declaration or serving notices to treat, and under these procedures it is likely that ownership and possession would be transferred to the Council within approximately three to four months of confirmation.

## **12 FINANCE IMPLICATIONS**

- 12.1 Under a CPO, property or rights are acquired and the owner obtains a right to receive statutory compensation calculated in accordance with the rules set out in the legislation. This is usually calculated as the open market value for the interest but disregarding any increase (or decrease) in value attributable to the Scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. The Council will be responsible for paying all compensation to landowners, whether payable by purchases through voluntary negotiation or through the CPO process.
- 12.2 In a report to this Committee 16 November 2020 it was noted that the estimated costs associated with the preparatory stage of preparing for a CPO and obtaining a full Council resolution would be approximately £35,000 in respect of the associated professional fees. And that should the Council be required to use its CPO powers, the full fees costs associated with completing the Order are estimated to be £250,000. The total estimated acquisition costs for the properties are estimated to be £600k and will be met from existing budgets.

## **13 COMMENTS OF THE DIRECTOR OF RESOURCES ON THE FINANCIAL IMPLICATIONS**

- 13.1 The Director of Resources comments that the development of the Twickenham Riverside continues to be a key Council priority. As previously acknowledged to facilitate the implementation of these ambitious plans the Council needs to acquire a number of leasehold and freehold interests as set out in this report. The intention is that these will be acquired through negotiations as far as practicably possible, but where this is not successful, it may be necessary to use compulsory purchase powers as set out in this report.
- 13.2 In February 2021, and as part of the review of the Capital Programme, the available capital resources for this scheme were set at £1.858 million in 2020/21 and £2.560 million in 2021/22 bringing the total approved budget to £4.418 million over the two-year period. The provisional expenditure for 2020/21 is £1.569 million resulting in the remaining provision being £2.849 million. The cost of the acquisition of leaseholder and freehold interests are expected to be met from within these remaining approved sums.

- 13.3 It should be noted that the acquisition of the two commercial interests in the King Street properties will result in the loss of £286,000 of commercial rent income per annum which will be replaced in the new scheme by the provision of the commercial units which are estimated to generate £380,000 should the units be retained. Anticipated income budgets will need to be amended to reflect this as part of the next review of revenue budgets.

#### **14 COMMENTS OF THE ASSISTANT DIRECTOR, PROPERTY SERVICES**

- 14.1 Discussions with the Trust have been ongoing for some considerable time and will continue regardless of a Council decision to use CPO powers to assemble the land required to deliver the Scheme.
- 14.2 The CPO is proposed to be made under Section 226 of the Town and Country Planning Act 1990. The CPO must be pursued in accordance with legislation. The Council should only make the CPO if it is of the view that there is a compelling case in the public interest. If the Secretary of State agrees, he or she may confirm the CPO.

#### **15 PROCUREMENT IMPLICATIONS**

- 15.1 The Head of Procurement can confirm that the procurement process to date has been in accordance with UK and internal procurement regulations. The Head of Procurement will continue to offer advice and guidance as this project progresses.

#### **16 COMMENTS OF THE COUNCIL'S EXTERNAL LEGAL ADVISERS**

- 16.1 The Council is considering the exercise of the powers under Section 226(1)(a) of the Town and Country Planning Act 1990 and if required Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, to make a CPO for the acquisition of land and new rights. The legal requirements are covered within this Report and the draft Statement of Reasons.
- 16.2 In exercising the powers, the Council must also have regard to the MHCLG Guidance. The overarching requirement to demonstrate a compelling case in the public interest is set out in section 6 of this report, together with the additional factors which the Council must have regard to in making its decision.
- 16.3 Land acquired by the Council for the Scheme whether by private treaty or pursuant to CPO will be acquired for planning purposes under Section 226 or 227 of the Town and Country Planning 1990 Act. The land will be acquired subject to any existing interests and rights belonging to third parties which are not acquired through the CPO process.
- 16.4 Under Section 203 of the Housing and Planning Act 2016, the development of land which has been acquired or appropriated for planning purposes in accordance with planning permission is authorised, notwithstanding that it would interfere with any interests or rights affecting the land (not including rights of statutory undertakers). Section 203 therefore prevents those with the benefit of rights or restrictions affecting the Order land from obtaining an injunction and preventing the development and will enable it to proceed.

- 16.5 Where rights are interfered with, the owners of any such interests are entitled to compensation as provided for in the Housing and Planning Act 2016. The responsibility for payment of compensation rests with the Council.

## **17 CONSULTATION AND ENGAGEMENT**

- 17.1 This is covered in detail within the body of the report, and within the appended Statement of Reasons.

## **18 WIDER CORPORATE IMPLICATIONS**

<b>POLICY IMPLICATIONS / CONSIDERATIONS</b>
All relevant policies are being considered and advice sought where required.
<b>RISK CONSIDERATIONS</b>
A full project risk register is kept by the project management team.
<b>EQUALITY IMPACT CONSIDERATIONS</b>
An EINA has been completed and is appended to this report.
<b>ENVIRONMENTAL CONSIDERATIONS</b>
An EIA screening letter for the Twickenham project has been submitted and the Planning Authority have confirmed that an Environmental Impact Assessment is not required for this site. Other Environmental considerations have been included within the body of this report.

## **19 BACKGROUND INFORMATION:**

[Corporate Plan](#)  
[Twickenham Area Action Plan](#)  
[Local Plan](#)  
[Local Economic Assessment](#)  
[Housing and Homelessness Strategy](#)  
[Climate Change and Sustainability Strategy \(draft\)](#)  
[Biodiversity Action Plan](#)  
[Richmond Cycling Strategy](#)

## **20 BACKGROUND PAPERS**

November 2018 Cabinet Report  
February 2020 Committee Report  
November 2020 Committee Report  
January 2021 Committee Report  
June 2021 Committee Report – Twickenham Riverside Parking and Servicing Proposals

## **21 APPENDICES**

Appendix A - Order Map

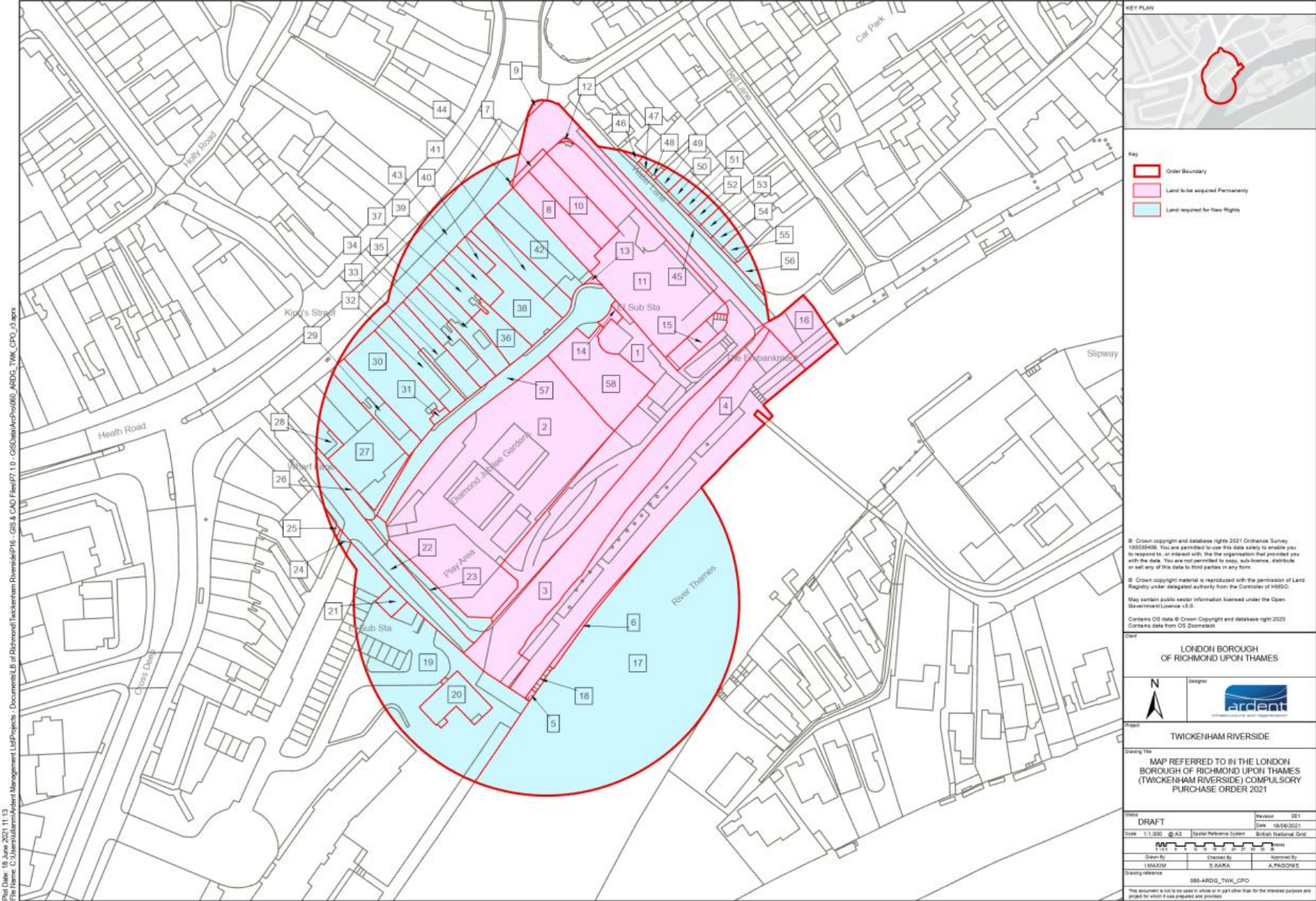
Appendix B – Statement of Reasons  
Appendix C – Equality Impact Needs Assessment  
Appendix D – Existing open space  
Appendix E – Proposed exchange land

## **22     CONTACTS**

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Appendix A – Map of Order Land





Appendix B – Statement of Reasons

**THE LONDON BOROUGH OF RICHMOND UPON THAMES**

**THE TOWN AND COUNTRY PLANNING ACT 1990**

**AND**

**AND THE ACQUISITION OF LAND ACT 1981**

**AND**

**THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**THE LONDON BOROUGH OF RICHMOND UPON THAMES (TWICKENHAM  
RIVERSIDE TW1) COMPULSORY PURCHASE ORDER 2021**

**DRAFT STATEMENT OF REASONS TO BE UPDATED AND FINALISED POST-  
COMMITTEE IF AUTHORITY TO PROCEED WITH CPO IS GIVEN**

## 1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the London Borough of Richmond upon Thames, (the "Council" and the acquiring authority), for the making of a compulsory purchase order. This Statement of Reasons has been prepared in accordance with the Government's "Guidance on Compulsory Purchase Process and the Crichel Down Rules" issued the Ministry for Housing, Communities and Local Government in July 2019 (CPO Guidance).
- 1.2 On [ ] the Council's Finance, Policy and Resources Committee resolved to make the London Borough of Richmond upon Thames (Twickenham Riverside TW1) Compulsory Purchase Order 2021 (the "**Order**") for the acquisition of all freehold and leasehold interests (and any other interests and rights as may be required) in the land and buildings at Nos. 1 and 1b King Street, the area designated as the Diamond Jubilee Gardens via a lease to the Twickenham Riverside Trust, the Embankment which is maintained by the Council but owned by the Port of London Authority, as well as any other necessary land interests within the area for the purpose of securing the comprehensive redevelopment of the land in and around Twickenham Riverside TW1. The Council has submitted the Order to the Secretary of State for the Ministry of Housing, Communities and Local Government for confirmation.
- 1.3 The Order is made pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (the "**1990 Act**"), Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 (the "**1981 Act**") for the acquisition of all interests (except those of the Council) in the land shown coloured pink on the plan attached to the Order (the "**Order Land**") which comprises commercial units, public open space and the Embankment as described in the Schedule to the Order. The nature of the Order Land is set out in greater detail in paragraph 2.
- 1.4 The Order will, if confirmed by the Secretary of State, authorise the compulsory acquisition of land which will enable the comprehensive regeneration of the Order Land in accordance with adopted planning policy and an anticipated planning permission. Further details of the compulsory acquisition powers for the making of the CPO are set out in paragraph 3.
- 1.5 The Order is being sought to enable the redevelopment of the area by demolition of the buildings on the site of 1 and 1b King Street, and the reprovision of the Diamond Jubilee Gardens which is designated public open space. The regeneration proposals for which

the Order is sought relate to a mixed use development comprising 46 new residential units, retail and hospitality space, alongside the provision of enhanced open space through the relocation and provision of the Diamond Jubilee Gardens, (the "Scheme"). Further details of the Scheme are set out in paragraph 3 below.

- 1.6 The Council's purpose in making the Order and seeking its confirmation by the Secretary of State, is to enable the Council to acquire compulsorily the land [and new rights over land] included in the Order Land, in order to facilitate the delivery of the comprehensive regeneration of the Site and its immediate environs, through the provision of the Scheme; full details of which are described at paragraph [ ] below. The regeneration proposals will provide significant social, economic, and environmental improvements for existing residents and the Borough.
- 1.7 The Council considers that the proposals for the Scheme are supported by planning policy at national, regional, and local level. The Council's aims and objectives for the Scheme are consistent with policy objectives of the National Planning Policy Framework (the "**NPPF**"), the London Plan (2021), the Council's Local Plan (adopted in July 2018 and March 2020) and the Twickenham Area Action Plan 2013 (TAAP). The Scheme is to be developed on a site that is identified within the Local Plan as a site which provides an excellent opportunity to rejuvenate and contribute to the vitality and viability of Twickenham Centre. The Local Plan further identifies Twickenham as one of the key areas of the borough expected to deliver the highest number of new housing units as part of the targets set out in the London Plan. The Site is also identified as an opportunity area in the TAAP which details how the future use and appearance of the Riverside site is critical to the success of Twickenham as a visitor and tourist destination and that a comprehensive approach is required to ensure enhanced connections between the Riverside and the town. The TAAP states that the Council will consider use of its CPO powers to deliver proposals set out in the TAAP. The various relevant policies, and the extent to which the aims and objectives and the Scheme comply with and achieve them are set out in more detail in paragraph 0 of this Statement of Reasons.
- 1.8 Regenerating Twickenham has been the priority for the Council for many years. Starting in 2010 the Barefoot Consultation was followed by the Twickenham Conference and All in One Survey. All the consultations that finally led to the adoption of the Twickenham Area Action Plan in 2013. The Twickenham Riverside site has been a key part of this and in 2014 the Council purchased the properties on King Street and Water Lane, connecting to the derelict Pool House buildings and Gardens already in the Council's

freehold. Following a design competition and subsequent engagement and design development, a planning application was submitted in 2017 but was objected to by the Environment Agency and subsequently withdrawn following a change in administration.

- 1.9 The Council has consulted widely on the scheme both in September 2019 (as part of a Royal Institute of British Architects design competition) and later in January 2021 on the stage 2 scheme. Both consultation periods demonstrated widespread support for the concept design. In the initial competition consultation of the concept design the Council received several letters of support from local stakeholder groups for the Hopkins Architects scheme and further consultation carried out in January 2021 on the stage 2 scheme design showed that 54% of the 829 respondents said they would be more likely to visit the riverside after the redevelopment and 73% of respondents agree that the proposed development meets the ambition of high-quality open space and pedestrianised priority on the river frontage. The Scheme meets an identified need to rejuvenate and contribute to the vitality and viability of Twickenham Centre, offering the opportunity, in a constrained borough, to provide more housing, retail, business, leisure and community services that the Local Plan identifies as needed to support growth in the borough. Further detail as to the consultation that took place and responses is set out at paragraph 0 below.
- 1.10 The Council supports the Scheme and wishes it to be brought forward in accordance with core planning and housing policies for the London Borough of Richmond upon Thames. The Council will be acting as the developer, directly procuring a contractor to deliver the scheme. The Scheme is intended to be undertaken by the Council who will be responsible for delivering and funding the Scheme.
- 1.11 The Council intends to submit a planning application for the Scheme on 29 June 2021 (the "**Planning Application**"). It is anticipated that the Planning Application will be determined by the Planning Applications Committee at the end of September 2021. From the pre-application discussions with the local planning authority, there is no reason to suggest the planning permission will not be granted. The Scheme broadly aligns with policy and delivers the objectives of the Twickenham Area Action Plan, further details of which are set out in paragraph 8 below. Therefore, the Council sees no obvious reason why permission would not be granted and does not consider that there is any impediment from a planning perspective to the Scheme being brought forward.

- 1.12 The Council recognises that, in line with the Guidance<sup>1</sup>, a compulsory purchase order can only be made if there is a compelling case in the public interest which justifies the overriding of any private rights in the land sought to be acquired (paragraph 2 of the Guidance). It is considered that a compelling case exists here and the justification for the use of compulsory purchase powers is set out at paragraph 0 below.
- 1.13 The Council has sought to acquire the Order Land by negotiation. Despite the efforts and progress made by the Council in seeking to acquire all interests by agreement, it is clear that in order to deliver the Scheme in a reasonable timescale, that compulsory purchase powers must be used. Information as to negotiations that have taken place is set out at paragraph 0 below. Discussions will continue with the leaseholders of the Order Land with a view to limiting the number of interests which need to be acquired compulsorily. This approach is in accordance with the advice contained within paragraph 2 of the Guidance and ensures that valuable time is not lost whilst continuing efforts are made to reach agreement with landowners.
- 1.14 The Council considers that the acquisition of the Order Land will facilitate the carrying out of development, redevelopment, or improvement on the Order Land, in accordance with the requirements of Section 226(1)(a) of the 1990 Act. In considering whether to make the Order the Council has also taken account of the requirements of Section 226(1A) of the 1990 Act. The Council considers that the proposed redevelopment will contribute very significantly to the improvement of the economic, social, and environmental well-being of its area.
- 1.15 Subject to the Secretary of State confirming the Order, construction of the Scheme is expected to commence on site on [DATE] and to be completed on [DATE].
- 1.16 [The Mining Code is not incorporated.]
- 1.17 [There is an associated stopping up order application and should a Public Inquiry take place, the Council will request that this is conjoined with any Public Inquiry for the Order. Further details on the extent and effect of the stopping up order are set out in paragraph [TBC].]
- 1.18 There are Special Kinds of Land (paragraph 17 of the CPO Guidance) included within the Order Land in the form of:

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<sup>1</sup> The Guidance is the Ministry for Housing, Communities and Local Government's Guidance on Compulsory purchase process and The Crichel Down Rules dated February 2018.

- 1.18.1 designated open space at the Diamond Jubilee Gardens.
- 1.18.2 part of the River Thames Embankment which is owned by the Port of London Authority; and
- 1.19 Further details on the Special Kinds of Land affected by the Scheme are set out in paragraph 12.
- 1.20 In deciding to make the Order, the Council has had full regard to the requirements of the Human Rights Act 1998. The Council has carefully considered the balance to be struck between individual rights and the wider public interest and has also had regard to whether there are any alternative means of securing the redevelopment of the Order Land and the associated regeneration of the area. The Council has concluded that the interference with the rights referenced above is proportionate when weighed against the significant benefits which will be delivered by the Scheme as set out in this Statement of Reasons.
- 1.21 The Council has also carefully considered the potential impacts of the Order on those with protected characteristics, in the context of the public sector equality duty and has concluded that on balance the public benefits of delivering the scheme outweigh any negative impacts.
- 1.22 On confirmation of the Order by the Secretary of State, the Council intends to execute a General Vesting Declaration (or Declarations), in order to secure unencumbered title to the Order Land.

## **2. THE ORDER LAND**

- 2.2 The Order Land comprises approximately 2.25 hectares and is made up of 3 retail and office units at the Northern end of Water Lane (owned by the Council but currently held subject to secure leases), Diamond Jubilee Gardens (the “**Gardens**”) which is subject to a 125 year lease granted by the Council to the Twickenham Riverside Trust in 2014 and designated as public open space; a public car park at the southern end of Water Lane (closed in 2018 and no longer accessible to the public); and a part of the Embankment which is used as highway, maintained by the Council but owned by the Port of London Authority (PLA). There are also areas included in the Order Land in which new rights are

- sought, to allow crane oversailing. Full details of the Order Land appear in the Schedule to the Order.
- 2.3 The Schedule to the Order has been prepared based upon information gathered through inspection of Land Registry title documents, site inspections, requisitions raised with the owners and occupiers of the Order Land and enquiries.
- 2.4 The Site is situated in the area bound by King Street, Water Lane, Wharf Lane, and the Embankment with the Order Land falling within the Site. Twickenham Riverside runs parallel with the River Thames connecting Richmond through Twickenham and flowing down through Teddington to the south of the borough. Twickenham is well connected by air, rail, and road with close proximity to London Heathrow Airport. Twickenham Railway Station offers quick connections to London Waterloo, Reading, Windsor and Richmond, the latter of which offers regular services on the London Overground towards Stratford and the District Line on the London underground. By road, Twickenham is served by several local bus services and can easily access both the M4 and M25 motorways. The Site is opposite Eel Pie Island, with the footbridge for access to the island falling within the Site boundary.
- 2.5 The eastern area of the Site comprises the existing commercial units with frontage on King Street (1 and 1b) as well as a disused car park within the Council's ownership and The Embankment which is owned by the PLA. There are two commercial leasehold interests to be acquired at 1 and 1b King Street which are tenant-occupied. All other buildings in the eastern area are disused, vacant and within the Council's ownership.
- 2.6 The Order Land includes an area of open space, as shown numbered 2, on the Order Map which is the Gardens. Section 12 in this Statement of Reasons sets out the Council's approach to the design and provision of replacement open space and public realm.
- 2.7 The open space is located within the western area and comprises of the Gardens. The Council's freehold interest of the Gardens is subject to a lease.
- 2.8 The buildings within the Order Land are two storeys in height, brick built and date from the 1950s and 1960s and are considered to be of limited architectural merit. The area surrounding the Order Land comprises a mixture of residential and commercial uses, consisting of 2 storey 1990s terraced houses on Water Lane to the eastern boundary of the Site; the River Thames on the southern boundary; and commercial units running along King Street on the northern boundary as Twickenham's main high street. On the south-west border of the Site there is a dilapidated Victorian boathouse within the

Thames Eyot freehold which the charity Habitats and Heritage intend to bring back into use. A feasibility study has been completed and although funding still needs to be identified, the Design Team are working with Habitats and Heritage to incorporate the boathouse into the wider vision for riverside area. The boathouse is outside the Site and proposals for it are not directly part of the Scheme.

### **3. THE COUNCIL'S POWERS OF COMPULSORY PURCHASE**

- 3.1 Section 226(1)(a) of the 1990 Act permits a local planning authority to exercise compulsory acquisition powers if it thinks that the land will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired and it is not certain that it can be acquired by agreement.
- 3.2 Section 226(1)(a) is subject to Section 226(1A) which sets out the "wellbeing" test. This requires that the acquiring authority (the Council) must not exercise the power unless it thinks that the proposed development, redevelopment, or improvement is likely to achieve the promotion or improvement of the economic, social, or environmental well-being of its area.
- 3.3 The Council believes that the Scheme meets all the wellbeing objectives. The Council has taken into account the Guidance on the use of its compulsory purchase powers in making the Order. The Council is using its powers under section 226(1)(a) because achieving the voluntary transfer of the ownership of the Order Land is uncertain and the Council needs to ensure that ownership of the Order Land is vested in it so that it provide vacant possession of the Order Land to the Developer to build out the Scheme within a reasonable timescale and thereby deliver the significant associated economic, social and environmental benefits
- 3.4 Although one of the objectives of the Scheme is to deliver housing provision, the Council considers that the use of the regeneration compulsory acquisition power (section 226(1)) is appropriate in this case as the Scheme is a mixed-use one which incorporates the re-provision of open space (for the public), the development of a new health centre [and the provision of new retail floor space]. Section 226(1) is therefore a more appropriate power, rather than section 17 of the Housing Act 1985. The Council has had regard to the paragraph 109 of section 5 of the Guidance which states *"Where an authority has a choice between the use of housing or planning compulsory purchase powers...the Secretary of State will not refuse to confirm the CPO solely on the grounds that it could have been made under another power."*



- 3.5 Where, as in this case, the Order Land is being assembled under planning powers for housing development, the Secretary of State will have regard to the policies which would have been relevant if the Order was made under housing powers. Evidence that the Scheme will achieve a quantitative and qualitative housing gain are set out in paragraph 9 below together with information regarding the need for the provision of further housing accommodation in the Borough.
- 3.6 Paragraphs 95, 96 and 97 of the Guidance make it clear that, although the power under Section 226(1)(a) should not be used in place of other more appropriate powers of acquisition, the general power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where there are strong planning justifications. The Guidance also notes that the power can be used “*to assemble land for regeneration*” and where it will facilitate redevelopment or improvement on land being acquired and it is not certain that they will be able to acquire it by agreement. As such the Council considers that the power under Section 226(1)(a) of the 1990 Act is the most appropriate in these circumstances.
- 3.7 The Council also has power, pursuant to Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976, to acquire new rights in land, rather than acquiring all interests in the land.

#### **4. THE NEED FOR THE SCHEME**

- 4.1 The Council believes that there is a compelling need for the redevelopment of the Order Land.
- 4.2 The Site includes a number of derelict and unused buildings which were part of the historic lido, but which have not been accessible to the public since 1980 and which encourage anti-social behaviour incidents including arson and squatting. The Scheme offers the opportunity for improved layout and design, an increased provision of housing and the improvements of public open space and green space including the Gardens.
- 4.3 There are a number of parts of the Site which are not in use, underused or derelict and which detract from the Site itself and the surrounding area, and which also drives the need for the Scheme:

- 4.3.1 Derelict and disused car park at the rear of 1-1b King St** – a car park consisting of approximately 25 spaces which is Council owned but has been closed since 23<sup>rd</sup> February 2018 to facilitate site investigations for the previous Twickenham Riverside scheme.

**4.3.2 1a and 1c King Street** – these units are retail/commercial space. 1a is retail space currently leased to The Works on a short-term lease in anticipation of the delivery of the Scheme. 1c is commercial space which has not been let for over two years despite marketing the space.

**4.3.4 Derelict and disused lido buildings** – these buildings have not been accessible to the public for many years and are behind hoarding. They consist of changing and toilet facilities for the original lido which was closed in 1980.

- 4.4. As noted above the Gardens form a significant part of the Site. The Gardens consist of 2513 sqm of space situated on the site of the old lido and adjacent to derelict and hoarded off pool buildings. Both the gardens and derelict building attract anti-social behaviour including arson and squatting. The Gardens have two entrances, both on the Western side, one via stairs from Embankment and one via Wharf Lane, meaning there is only one accessible entrance. As the Gardens were built on top of the old lido, it has been very difficult for natural grass to grow given the poor underground conditions and shallow depth of soil and so the Gardens contain two artificial grass areas. Most importantly the Gardens are raised above the flood defence wall and separated from the river by the Embankment car park, so whilst members of the public are able to view the river from the southern edge of the Gardens, views of the river may be obstructed by the placement of the café and landscaping if you are elsewhere within the Gardens.
- 4.5 The Council recognised that across the Site there was potential to deliver a high-quality mixed-use development, providing a place-based approach with increased public open space, homes, and reinforced shop frontages. The derelict or out of use buildings (set out at paragraph 4.4) add very little to the street scene and currently serve no use to the Council or the community but are attracting anti-social behaviour.
- 4.6 Having recognised that some form of redevelopment or regeneration was necessary on the Site, the Council considered options for the comprehensive redevelopment of the area rather than embarking on a piecemeal approach to disposal, taking into account its ownership of significant areas of the Site. A subsequent feasibility exercise identified the potential for significant improvement to the area by adopting a more holistic approach to the proposals which included the re-provision of the Gardens.
- 4.7 The need for regeneration on the Site was acknowledged by the Council during the review of its Local Plan and the TAAP. The Site is identified as an opportunity area and the TAAP details how the future use and appearance of the Riverside site is critical to the success of Twickenham Riverside as a visitor and tourist destination.

4.8 The Scheme will deliver substantial wider benefits for the public and the Council's area, including:

- 4.8.1 Contributing to the regeneration of Twickenham, a need identified in a number of Council documents including Local Economic Impact Assessments and the TAAP
- 4.8.2 Delivery of housing in general and affordable housing, to meet housing needs/demands and which would align with the Council's Housing and Homelessness Strategy
- 4.8.3 Improving the cycling and pedestrian environment, linking to the Council's Cycling Strategy and Active Travel Strategy
- 4.8.5 Enhancing Twickenham as a visitor and tourist destination strengthening connections between the Riverside and the town, providing a town square and market area
- 4.8.6 Providing 3,805 sqm of public open space encouraging more use for people of all ages, delivering a more accessible space.
- 4.8.7 Addressing current and future flood risks by designing the Scheme in line with the fluvial 100 year + 35% climate change level and the TE 2100 tidal flood level and maintaining or improving on the current flood storage capacity within the Site boundary
- 4.8.8 Delivering new retail space and providing replacement commercial space

4.9 Further information as to how the redevelopment pursuant to the Scheme will achieve improvements to the social, economic and environmental well-being of the area is set out at paragraph 0 below.

## **5. JUSTIFICATION FOR THE USE OF THE COMPULSORY PURCHASE POWERS**

5.1 The purpose of seeking to acquire land compulsorily is to facilitate the comprehensive redevelopment of the Order Land, and to enable the Scheme to go ahead. Compulsorily acquiring the Order Land would, in the opinion of the Council, meet its housing, planning and policy objectives and do so within a realistic timescale.

5.2 Compulsory purchase is essential to enable the Scheme to take place and for the Council to achieve its policy objectives. Whilst the Council is the freeholder of the majority of the Site, the Order Land is occupied and let on long leases and tenancies. The Council needs to ensure that it secures unencumbered freehold title to the Order Land, free of subsidiary leasehold interests, subject to payment of compensation to any valid claimant. This is necessary to mitigate the risk that the Scheme could be delayed or not be delivered at all.

- 5.3 The Council understands and acknowledges that the compulsory purchase of land should be a measure of last resort where negotiations have been unsuccessful and that there should also be a compelling case in the public interest that justifies interfering with the rights of those with an interest in the land. Details as to the negotiations that have been undertaken can be found at paragraph 0.
- 5.4 The Council considers that there is a compelling case in the public interest for the making of the Order. The Council has a clear vision and plan for the use of the Order Land and the principle of the Scheme is supported by planning policy at both a national and local level as explored further at paragraph 8 below. It is not considered that there are any planning or other impediments to the implementation of the Scheme, and that planning permission is likely to be granted. The Council considers that the Scheme will make a significant contribution to the promotion and achievement of the economic, social, and environmental wellbeing of the area.
- 5.5 However, single ownership and control of the Order Land is required to enable the Scheme to proceed. The Council is satisfied that it has made reasonable attempts to acquire outstanding interests by private agreement. The Council has attempted, and will continue to attempt, to purchase the outstanding interests by private agreement. However, due to the existence of the third-party interests as identified in the Schedule to the Order, the Council considers it unlikely that it will be able to acquire all the interests by agreement within a reasonable time frame. The exercise of compulsory purchase powers will enable the Scheme to go ahead by providing certainty in respect of site assembly and will enable the Council to achieve its policy objectives in a timely manner.
- 5.6 The Council has given very careful consideration to the reasons why it is necessary to include each parcel of land as shown on the Order Plan shown at Appendix 1. The Order Land is edged in red and is split between that which is to be acquired (coloured pink) and that over which new rights are sought (coloured blue). If the Order is confirmed the Council will be able to make a General Vesting Declaration which will give the Council absolute unencumbered freehold title to the Order Land enabling the Council to undertake the Scheme.
- 5.7 The overarching consideration of the Secretary of State in deciding whether an Order should be confirmed, and which is of equal relevance to the Council in reaching its decision to make the Order, is set out in paragraph 106 of the Guidance which identifies the following issues to be considered:-

- a) whether the purpose for which the Order Land is being acquired fits in with the adopted Local Plan for the area.
- b) the extent to which the Scheme will contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental wellbeing of the area.
- c) whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe. This may include considering the appropriateness of any alternative proposals and the suitability of any alternative locations.
- d) the potential financial viability of the Scheme to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed. This includes providing a general indication of funding intentions and any commitment from third parties and details of the timing of the available funding.

**5.8 Whether the purpose for which the Order Land is being acquired fits in with the adopted planning framework for the area.**

5.8.1 The Council's Local Plan was adopted in July 2018 and March 2020. The Riverside/Site is recognised in the Local Plan as one of the sites in Twickenham that provides an excellent opportunity to rejuvenate and contribute to the vitality and viability of Twickenham Centre. The Site offers the opportunity, in a constrained borough, to provide more housing, retail, business, leisure and community services that the Local Plan identifies as needed to support growth in the borough. The Local Plan also identifies Twickenham as one of the keys areas of the borough expected to deliver the highest number of new housing units as part of the targets set out in the London Plan. Residential units delivered as part of this regeneration would help meet the overall demands for homes.

5.8.2 The Site is also identified as an opportunity area (TW 7) in the Twickenham Area Action Plan (TAAP), also part of the statutory development plan. The plan provides a framework for development and change and has revitalising the town centre at the heart of the strategy. The TAAP details how the future use and appearance of the Riverside site is critical to the success of Twickenham as a visitor and tourist destination and that a comprehensive approach is required to ensure enhanced connections between the Riverside and the town. The TAAP states that the Council will consider use of its CPO powers to deliver proposals set out in the TAAP. The extent to which the development complies with planning

policy, including the TAAP, is explored further at section 8 below. However, it is considered by the Council that the proposals for the redevelopment of this area are consistent with the site allocation in the TAAP and with the wider planning policy context for the area.

## **5.9 The extent to which the Scheme would contribute to the achievement of the promotion or improvement of the economic, social, or environmental wellbeing of the area.**

- 5.9.1 The Council is satisfied that the Scheme represents a significant investment in the area, the benefits of which will be considerable to the economic, social, and environmental wellbeing of the Borough. Paragraph 103 of the Guidance is clear that *“the benefit to be derived from exercising the [wellbeing] power is not restricted to the area subject to the compulsory purchase order, as the concept is applied to the wellbeing of the whole (or any part) of the acquiring authority’s area.”* As such, the Council and Secretary of State are required to consider the benefit to the local area and the Borough when assessing whether, and to what extent, the redevelopment is likely to achieve the promotion of the economic, social or environmental well-being of the areas.

### **Economic**

#### **5.9.2 Attract investment:**

Providing additional housing in the area with a range of tenures as well as retail and commercial space for offices, will widen the economic base of the area and potentially attract inward investment and enhanced spending in the local economy. Furthermore, delivering a high-quality design with large amounts of public open space and an active river frontage will increase footfall to the area. This is supported by the feedback received during the second consultation that when asked whether they would be more or less likely to visit the riverside following the completion of the Scheme, 54% of people who responded said they would be more likely to visit the riverside with the Scheme in place.

#### **5.9.3 Delivery of modern retail accommodation:**

Twickenham is a main district centre in the borough and the delivery of modern retail accommodation, and commercial space delivers against the Council’s policy LP 25 ‘Development in Centres’ and LP 26 – retail frontage. The TAAP notes that key issues for retail in Twickenham include, extending the successful Church Street format (small scale, specialist shops) and providing a more attractive and varied retail offer including

permanent or temporary markets. The Scheme aims to deliver upon both these objectives providing small scale retail units from the main high street leading down to the river (Water Lane), as well as delivering a Town Square and widening of Water Lane to allow frequent market events to take place.

#### **5.9.4 Maintenance of existing local employment through the re-provision of retail uses.**

The Scheme will re-provide the existing retail and office space. As part of the Scheme there will be 1 commercial unit, and 5 retail units as well as a café and restaurant which will provide employment opportunities for local people. There may also be employment opportunities to be explored as part of the construction process through apprenticeships and delivery of social value.

### **Social**

#### **5.9.5 Bringing additional, good quality housing to the area:**

As set out above there is a need for more housing, and affordable housing, in the Borough which can in part be met by the Scheme. The provision of housing in this area will have social benefits by utilising derelict and unused space and buildings to provide good quality housing designed to meet current standards. The scheme will also provide 50% affordable units when calculated by habitable room, providing much needed homes.

The eastern area of the Scheme will focus on the replacement of the existing 2 storey retail frontage as well as a number of derelict pool buildings which sit within fenced compounds and lack any legible relationship to their surroundings. The replacement building will include an increased amount of retail frontage at the ground floor, with a further 3 storeys of high quality apartments reinforcing the quality of the existing street frontages onto King Street whilst extending these frontages down Water Lane where currently there is a brick wall leading to a car park. This will create an important link between the high street and the river, drawing people down and into the Site. The Site will also incorporate private balconies and a significant amount of public open space. Play space is also provided as part of the Scheme in line with the Greater London Authority ('GLA') requirements.

#### **5.9.6 Improvements to the public realm:**

The TAAP notes key issues for the environment in Twickenham which include; the need to make more of the river which is currently quite hidden, poor quality in some of the public areas and the lack of a town square, the need for cohesive street scene that

connected different features and key sites of the town, more attractive shop fronts and consistent design and the need for landscaping improvements to take opportunity to provide green infrastructure and soft landscaping where possible. It specifically notes Twickenham Riverside as one of five opportunity areas identified in the vision, with the aim to enhance the public park and public spaces on the Embankment, making the most of the unique waterfront and strengthening the retail offer on the corner of King Street.

As set out above, the existing poor-quality public realm is a concern on the Site and the lack of accessibility and the poor-quality of the space means that it is often a quiet and dark area attracting anti-social behaviour including arson, substance misuse and squatting in the derelict buildings which are fenced off. The proposal for the site opens up the public space so that it can be accessed from all sides and opens out onto the Embankment and the river. The widening of Water Lane means that the river, and footbridge to Eel Pie Island can now be seen from the high street, thereby making more of the river connection. The Scheme provides a town square in the centre of the Embankment which will be set up for hosting events such as markets, outdoor cinemas amongst others. The cohesive architecture across the Scheme is exemplified in the two buildings which bookend the public open space. The Water Lane building leads from the high street down to the river and is reflected in the architecture of the Wharf Lane building – both of which are deemed to be sympathetic to the local area. The landscaping improvements are the most dramatic contribution to the Scheme. The proposal will develop several derelict and unused buildings into 3,811 sqm of public open space, the majority of which is currently used as a car park.

Furthermore, the Gardens will be re-provided within the Scheme as central public open space for the public to enjoy. These new gardens will have views out over the river and will provide terracing, events space, an improved and larger children's play area, as well as pétanque courts and terraced seating.

#### **5.9.7 The provision of a café and restaurant/pub:**

A further objective the Scheme is to take advantage of the unique riverside setting and provide employment opportunities, the delivery of a pub/restaurant in the south west corner of the Site will met these objectives whilst providing a destination for those walking/cycling along the Thames path. A café will be provided on the ground floor of the southern section of the Water Lane building overlooking the gardens and river providing refreshments for all using the open space as well as much needed public toilets.



### **5.9.8 Reducing the impact of motorised vehicles on the Embankment**

The TAAP lists a key priority as the reduction of the impact of motorised traffic, improvement of parking and public transport arrangements including the use of the river and the pedestrian environment. A key priority for the scheme is to remove motorised traffic from the Embankment and prioritise people over cars. This has been balanced with the reprioritisation of the remaining and existing car parking spaces to the east of the Site so as to cater for the needs of residents of Eel Pie Island as well as providing adequate servicing and loading space to ensure that the island continues to thrive as a place of employment and historic boat yard.

Removing parking from the Embankment has allowed the Scheme to provide high quality public open space, creating pedestrian priority areas and introducing soft and hard landscaping to enable the Embankment to be a place of relaxation whilst also providing a Town Square for live events to take place.

Cycling will be encouraged for all through the inclusion of accessible, secure, and covered storage for residents and commercial users. Cycle users who live within the development will have dedicated cycle stores. The Site will act as a destination point for pedestrians and cyclists using the Thames Tow Path and cycle routes along the river front.

### **Environmental**

#### **5.9.9 Removing aged and poorly designed existing buildings and replacing them with new dwellings and buildings that meet all modern standards:**

Currently the site is home to several derelict old pool buildings including a building which was previously the public toilets for the area. These buildings are no longer accessible and have been closed due to anti-social behaviour. The new residential accommodation is designed in line with the London Plan Housing SPG standards, for example private amenity space is proposed for apartments in the form of balconies or roof terraces. The new retail units and commercial units will be designed to a high standard and the overall Scheme will achieve BREEAM rating Excellent, which is the policy requirement in the London Borough of Richmond upon Thames. The Scheme has been designed to minimise energy use and reduce local pollution by using air source heat pumps to provide heat and photovoltaic panels to provide some of the electrical power to the development. The landscape is being designed to enhance local biodiversity as well as provide an attractive place for people to relax and enjoy the riverside location.

#### **5.9.10 Provide new high-quality housing in a sustainable town centre location and on a brownfield site.**

The entire Site is included on the Brownfield Land Register, as allocated in the Local Plan. This includes the whole of the Twickenham Riverside (Former Pool Site) and south of King Street Site TW7 in the adopted Twickenham Area Action Plan 2013. This also includes the Gardens. The Site is a strategic Brownfield site within the Borough and the London Plan seeks to optimise development on brownfield sites to meet housing targets.

#### **5.9.11 Addressing current and future flood risks**

The Scheme has been designed in line with the fluvial 100 year + 35% climate change level and the TE 2100 tidal flood level and maintaining or improving on the current flood storage capacity within the site boundary

#### **5.10 The potential financial viability of the Scheme, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead**

- 5.10.1 The Council will deliver the scheme, retaining control and negating the need to bring a developer partner on board. The Council has analysed the viability of the scheme and will be contributing a significant amount of funding to the scheme to enable the delivery of public open space and affordable housing. The Council is committed to delivering the Scheme given its importance and the benefits it will realise.
- 5.10.2 The Council has already made several public and financial commitments to the Scheme, both at Council Committees and in public engagement sessions, and fully intends to deliver the Scheme. The viability position of the Scheme has been assessed by lead Members, the Chief Executive and Director of Finance at the project Sponsor Board and has been set out in several reports submitted to the Finance, Policy and Resources Committee. Allowance for capital funding has been made in the Council's forward financial plan. Furthermore, the Council will be contributing funding from its Housing Capital Grant programme to maximise the delivery of affordable rented housing as well as including a contribution of strategic Community Infrastructure Levy. As detailed in the financial comments appended to the relevant Committee reports.
- 5.10.3 A planning application will be submitted in June 2021. The Council is satisfied that there are no impediments to bringing forward the Scheme.
- 5.10.4 The Council has estimated that the cost of the outstanding acquisitions to be made is approximately [ ] These costs will be met from [ ]
- 5.10.5 The Scheme will be funded by the Council. It is estimated to cost around [£m], and will generate a value of [£m]

**5.11 Whether the purposes for which the Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.**

- 5.11.1 Single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the third-party interests identified in the Schedule to the CPO it is unlikely that the Council will be able to acquire all of the necessary interests by agreement within a reasonable timescale. Officers are of the opinion that the Council therefore needs to make the CPO to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst negotiations to acquire all interests by agreement, wherever possible, will continue, given the fragmented nature of the Order Land, the CPO is required to achieve vacant possession of the land where necessary.
- 5.11.2 Although the majority of the Site is in the freehold ownership the Council, the implementation of the Scheme requires the acquisition of a number of further land interests currently owned by third parties such as leasehold interests. Given the extent of redevelopment required and the comprehensive design approach adopted across the Site, it is not possible for individual owners to achieve comprehensive appropriate redevelopment of the Site (or parts of it).
- 5.11.3 The Council has been negotiating with the holders of the retail and open space interests for their acquisition by agreement but has been unable to reach an agreement. Details of the negotiations to date are set out in Section 6 below.
- 5.11.4 Single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the number of third-party interests identified in the Schedule to the Order it is unlikely that the Council will be able to acquire all of the necessary interests by agreement within a reasonable timescale.
- 5.11.5 The Council has therefore made the Order to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst the Council's approach is to negotiate all interests wherever possible, given the fragmented nature of the Order Land, confirmation of the Order is required in order to use compulsory purchase powers where necessary.
- 5.12 For the reasons explained above, the Council therefore considers there to be a compelling case in the public interest to proceed with the Order.

## **6. NEGOTIATIONS WITH THOSE OWNING INTERESTS IN THE ORDER LAND**

6.1 As set out in the Schedule to the Order, the interests in the buildings on the Site that need to be acquired are as follows:

6.1.1 two leasehold interests at 1 and 1b King Street. 1 King Street expired 31.12.20 and 1B is due to expire 03.09.21

6.1.2 Diamond Jubilee Gardens leasehold interest

6.2.3 Part of the Embankment owned by the Port of London Authority – freehold interest

6.2.4 Any third-party rights such as informal easements, oversailing rights and rights of light

6.2 The Council officers have sought to negotiate with all the leaseholders, commercial tenants, and long leaseholders (Diamond Jubilee Gardens) since 2018.

6.3 History of negotiations with King St – [ ]

6.4 In 2020 the Council appointed specialist surveyors AspireCP to advise on the land acquisition strategy. These consist of two leasehold premises that are occupied by Santander (whose lease expired on 31 December 2020) and Superdrug (whose lease expires on 3 September 2021). It was agreed the most cost-effective solution would be for the Council to serve notices to bring both leases to an end on 19th January 2022. The 2 commercial leasehold premises on King Street have a statutory right to apply to the court to renew their leases from this date. Santander have advised their branch will close on the 7th July 2021 which indicates they will not apply for a new lease. Superdrug have yet to respond to the notice despite chasing.

6.5 There has been a significant amount of engagement at each stage of the design development from the creation of the brief to the current day. Following several months of negotiations, the Council was forced to reluctantly consider the use of CPO powers in January 2021, which led to a more constructive process with the Trust in the short term. The Director of Environment and Programme Manager established weekly meetings with the Chair of the Trust to progress the legal negotiations as well as regular meetings with the Design Team and Legal Team from the Trust.

6.6 The Trust has appointed surveyors and solicitors to act for it and the Council has agreed Heads of Terms for the acquisition of the Gardens in principle with the Chair of the Twickenham Riverside Trust. The Council has conceded on a number of points to try to reach a resolution including adding more land to the footprint of the Trust's lease,

allowing them to set their own pricing strategies and keep any revenue made on the Site. Whilst negotiations are ongoing, recognising the long period which they have already taken, the Council must make use of its CPO powers in order to ensure that it can get vacant possession of the site within the programme established, and secure GLA grant funding for the affordable housing elements.

- 6.7 The Council has agreed Heads of Terms with the Port of London Authority for the acquisition of its freehold interest. However, the transaction has not yet been completed and the subject land has, therefore, been included within the Order Land.
- 6.8 As the King Street properties have not yet been acquired by the Council they have been included as part of the Order Land to ensure that the land is within the Council's control if the properties cannot be acquired by agreement.
- 6.9 The Council has also provided details of alternative commercial premises that may be available for those that might wish to consider relocation.
- 6.10 Whilst progress is being made to acquire all remaining interests by negotiation, the Council considers that in the interests of ensuring that the Scheme can move forward in line with the development programme, it is necessary to make the Order. However, the Council will continue to negotiate with owners and leaseholders throughout the compulsory purchase process which will run in parallel.
- 6.11 The Council has undertaken a right of light survey which suggests that the Scheme will have an adverse impact on some of the properties that adjoin the proposed redevelopment area. Once planning consent has been obtained the Council will engage with the affected owners to negotiate and agree the terms of any compensation which is due.

## **7. DESCRIPTION OF THE SCHEME**

- 7.1 The aim of the proposal is to create a cohesive townscape and public realm that regenerates the area, recognises the importance of the river, and seeks to provide activities that draw people into the Site from surrounding areas.
- 7.2 The Site sits at the end of the Thames River walk and acts as a destination for people walking upriver. The aim of the redevelopment is to take advantage of this and create somewhere for people to aim for.
- 7.3 The Scheme comprises the demolition of existing buildings and erection of a mixed-use development. The development consists of two residential blocks, Water Lane Building and Wharf Lane Building. The Wharf Lane Building is within the south west corner of the Site and is designated for 100% residential properties for private sale. The Water Lane

building is located towards the north east of the Site and is designated for 100% affordable housing units. There are 5 proposed accessible housing units. Of the 45 homes, 21 units (tenure to be confirmed) will be affordable homes and 24 units will be private sale. This represents 50% of the units as affordable if calculated by habitable rooms, with associated amenity space including gardens, balconies, and terraces.

- 7.4 The ground floor of each building is given over to commercial use. The Water Lane Building houses small scale retail units, seen as a continuation of the independent retailers found on Church Street. Although divided up into 6 small retail units (total area 359 sqm) these have been designed to allow them to be combined together should a larger unit be desired. At the river end of the Water Lane building a café of 248 sqm is provided with fantastic views out over the gardens towards the river with the potential for outdoor seating.
- 7.5 The Wharf Lane building at the other end of the Site will house a pub/restaurant [ sqm] at the river end of the building with an outdoor terrace that overlooks the river and the embankment. A kitchen is located behind the main restaurant space on the Wharf Lane side of the building. On the Garden side of the building a lobby shared with the pub/restaurant gives access to some public toilet facilities. At the other end of the building there is a commercial unit providing [ sqm] sqm of office/retail space (use Class E).
- 7.6 In between the two buildings there is 3,811 sqm of public open space. At the upper level there is a new Gardens and children's play space that are accessible from both Wharf and Water Lanes. A diagonal path rises from the east corner of the Site to provide an accessible route up into the gardens for people walking along the Thames River Walk.
- 7.7 At the eastern end of the embankment there is a service area for deliveries to Eel Pie Island. In the middle of the embankment there is a large event space that has been designed to accommodate a range of activities from markets to outdoor cinema events. The space is surrounded on two sides by large terraces steps that provide a great opportunity for people to sit and observe activities.
- 7.8 At the western end of the embankment is an area for river-based activity. The space in front of the flood defence wall underneath the restaurant terrace has been designed as a storage area for kayaks and paddleboards for use by local clubs and user groups. A pontoon in the river will provide access to the water.

## 8. PLANNING POLICY

- 8.1 The Planning Application, and the Scheme which it seeks to facilitate, is in accordance with national, regional, and local policies. The Council has had regard to national planning policy and guidance as well as the provisions of the development plan and any other material considerations.

- 8.2 In terms of the determination of the Planning Application, the following policies are relevant:

**8.2.1 the National Planning Policy Framework ('NPPF') (2019)** sets out the Government's planning policies for England and how these should be applied. A presumption in favour of sustainable development lies at the heart of the NPPF and at **paragraph 11**, the Framework states that development proposals that

accord with the Development Plan should be approved without delay. The NPPF promotes the effective use of land and at **paragraph 118** states that substantial weight should be given to the use of brownfield land to meet demand for new housing. The NPPF seeks to support the Government's objective of significantly boosting housing supply (**paragraph 59**). The NPPF also seeks to ensure that the planning system helps to build a strong and competitive economy. At **paragraph 80**, the Framework places emphasis on the need to support economic growth and taking account of local business needs. **Paragraph 85** of the Framework states that planning policies and decisions should support the role that town centres play at the heart of local communities. Part (f) recognises that residential development can play an important role in ensuring the vitality of the town centres. **Paragraph 91** states that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which promote social interaction, allow for easy pedestrian, and cycle connections and provide active street frontages. At part (c) reference is made to supporting healthy lifestyles through the provision of green infrastructure, sports facilities, local shops, and layouts that encourage walking and cycling. **Paragraph 127** emphasises the importance of good design and sets out a number of criteria for the creation of well-designed places in terms in terms of architecture, public realm and uses. At **paragraph 148**, the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. At **paragraph 150**, it states that new development should avoid increased vulnerability to impacts arising from climate change and that in vulnerable areas, care should be taken to ensure risks can be managed through suitable adaptation measures. **Paragraph 153** refers to the need for development to comply with local policies on decentralised energy. When considering the impact of a proposed development on the significance of a heritage asset, **paragraph 193** states that great weight should be given to the asset's conservation.

**8.2.2 the London Plan (2021)** is the Mayor's spatial development strategy for London. The most relevant policies include:

- **Policy SD6 Town centres and high streets** – seeks to promote and enhance the vitality and viability of London's varied town centres
- **Policy D3 Optimising site capacity through the design-led approach** – seeks to ensure that development makes the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations

- **Policy D4 Delivering good design** – encourages independent design review and the maintenance of design quality through to completion of a scheme
- **Policy D5 Inclusive design** – requires development to achieve highest standards of accessible and inclusive design
- **Policy D6 Housing quality and standards** – sets residential design standards including minimum space requirements
- **Policy D7 Accessible housing** – sets out requirements for wheelchair accessible housing
- **Policy D8 Public realm** – encourages the creation of new public realm and sets out general design requirements
- **Policy D11 Safety, security, and resilience to emergency** – requires development to maximise resilience to extreme weather and design out crime and deter terrorism
- **Policy D12 Fire safety** – requires development to achieve the highest standards of fire safety
- **Policy H1 Increasing housing supply** – sets a ten-year net housing completion target for London Borough of Richmond (6,450 homes)
- **Policy H4 Delivering affordable housing** – requires major development to provide affordable housing (minimum 35%)
- **Policy S4 Play and informal recreation** – requires provision of children's play space
- **Policy HC1 Heritage conservation and growth** – requires development to conserve the significance of heritage assets
- **Policy HC6 Supporting the night-time economy** – protects and supports evening and night-time venues including pubs
- **Policy G1 Green infrastructure** – redevelopment to incorporate elements of green infrastructure
- **Policy G5 Urban greening** – requires urban greening in new development
- **Policy S1 2 Minimising greenhouse gas emissions** – major development should be net-zero carbon and achieve a minimum 35% on-site reduction in carbon emissions beyond Building Regulations
- **Policy SI 12 Flood risk management** – seeks to ensure that development proposals minimise and mitigate flood risk
- **Policy T5 Cycling** – sets out cycle parking standards
- **Policy T6 Car parking** – promotes car free development

**8.2.3 Richmond upon Thames Local Plan (2018 and 2020)** broadly seeks to protect local character, secure a sustainable future, and meet people's needs for housing and infrastructure. Key local plan policies include:

- **Policy LP 1 Local Character and Design Quality** – requires development to be of high architectural and urban design quality
- **Policy LP 2 Building Heights** – requires appropriate building heights
- **Policy LP 3 Designated Heritage Asset** – requires development to conserve and where possible make a positive contribution to the historic environment
- **Policy LP 8 Amenity and Living Conditions** – requires development to protect the amenity of neighbouring residents and occupants of new development



- **Policy LP 10 Local Environmental Impacts, Pollution and Land Contamination** – seeks to manage the environmental effects of development in terms of air quality, noise and vibration and light pollution
- **Policy LP 12 Green Infrastructure** – requires development to protect and enhance green infrastructure
- **Policy LP 15 Biodiversity** – seeks the protection of biodiversity and for development to deliver net gain for biodiversity
- **Policy LP 16 Trees, Woodlands, and Landscape** – requires the protection of existing trees and the provision of new trees
- **Policy LP18 River Corridors** – seeks to protect the River Thames corridor and ensure development maintains public access to the riverside
- **Policy LP 20 Climate Change Adaptation** – requires development to minimise effects of overheating and minimise energy consumption
- **Policy LP 21 Flood Risk and Sustainable Drainage** – requires development to avoid/minimise contributing to flooding, taking account of climate change
- **Policy LP 22 Sustainable Design and Construction** – requires development to achieve highest standards of sustainable design and construction
- **Policy LP 25 Development in Centres** – supports development in town centres including Twickenham
- **Policy LP 26 Retail Frontages** – seeks to manage the loss of retail frontage in town centres
- **Policy LP 31 Public Open Space, Play Space, Sport and Recreation** – requires development to provide adequate amount of children's play space
- **Policy LP 34 New Housing** – sets out the Borough's housing delivery targets
- **Policy LP 35 Housing Mix and Standards** – seeks an appropriate mix of unit sizes and good amenity and living conditions
- **Policy LP 36 Affordable Housing** – requires on 50% on-site provision of affordable housing
- **Policy LP 41 Offices** – seeks evidence-based justification for the loss of office uses
- **Policy LP 45 Parking Standards and Servicing** – sets out parking standards and supports car-free development in highly accessible areas

**8.2.4 The Twickenham Area Action Plan (AAP) (2013)** sets out the framework for development and regeneration in Twickenham town centre. Twickenham Riverside is subject to a Site Allocation in the AAP (**Site TW 7 Twickenham Riverside (Former Pool Site) and south of King Street**). The AAP aim for the “derelict” site is to bring it back into active use, taking advantage of its riverside location and improving links between this area and the core of the town centre. The AAP states that a “substantial” area of open land should be retained and that some of this should be green space. The AAP states that bringing the site back into use will be key to the regeneration of Twickenham. The AAP sets out a number of key objectives which seek to:

- maintain the existing ground floor retail frontages and provide residential uses above on King Street and provide new specialist retail, leisure and community uses
- link the existing service road to Water Lane create new open space to provide for a wide range of open uses, including on the former pool site and in the form of civic space beside Water Lane

- maintain the Embankment as a working quay and, subject to feasibility, provide mooring and landing facilities
- improve the environment of the Embankment including reduction in car parking
- improve the Water Lane and Wharf Lane links from the town centre to the Embankment as shared use spaces; to secure the redevelopment of the car parking on the Embankment with residential and/or town centre uses
- achieve high quality traditional design and/or reuse of buildings
- conserve and enhance the Twickenham Riverside Conservation Area and its setting and the setting of the Queens Road Conservation Area
- take account of the unique riverside setting.

The proposed Scheme is consistent with planning policy by virtue of the proposed re-use of this derelict, highly accessible brownfield site, the provision of new homes including 50% affordable housing, new green space and public realm and retail and commercial uses. The Scheme delivers sustainable development in that it optimises a town centre site and mitigates impacts of change through flood risk mitigation, sustainable design measures and the energy strategy. The proposed Scheme is also considered to accord with the AAP site specific policies and the Council's strategic objectives for the regeneration of Twickenham town centre.

**8.2.5 Supplementary Planning Guidance Documents ('SPG/SPD') most relevant to the development include:**

- Sustainable Construction Checklist Guidance Document (June 2020)
- Transport SPD (June 2020)
- Air Quality SPD (June 2020)
- Affordable Housing SPD (March 2014)
- Refuse and Recycling Storage Requirements SPD (April 2015)

8.2.6 The Borough is currently preparing a new local plan to reflect changes to national policy and the adoption of the new London Plan in the time that has lapsed since the preparation and adoption of the existing Local Plan. Consultation on a draft version of the new local plan is anticipated to commence in summer 2021.

## **9 HOUSING POLICY**

9.1 The Council is committed to meeting the needs of Richmond residents, seeking to increase the delivery of affordable housing, and supporting needs of vulnerable residents. However, the borough faces challenges when it comes to affordable housing delivery and affordability with high land values and very limited land capacity

9.2. The Council's Housing and Homeless Strategy 2021 – 2026 identified four key themes

- Addressing housing market pressures, preventing homelessness, and increasing housing options
- Delivering affordable homes, new supply, and redevelopment of existing housing stock
- Ensuring good quality homes, providing choice, standards, and quality for renters
- Supporting the needs of residents, working with care and support services to provide good quality housing options

9.3 The Council has carried out a comprehensive annual assessment of housing need in the Borough this latest being the Strategic Housing Market Assessment 2016 (SHMA) which informed the Local Plan adopted in 2020. This assessment was drawn from a number of local, regional, and national data sources and is considered to provide a reliable picture of housing need. The SHMA considered the unconstrained demographic need for housing for the borough is for around 1,047 dwellings per annum in the 2014 -2033 period. This is at the bottom of the range identified by the demographic projections but is consistent with past trends in population growth.

9.4 In the period 2014 -2033 a net deficit of 964 affordable homes per annum is identified in the SHMA, demonstrating the need for affordable housing remains substantial. As at 31st March 2021, there were 4,893 households on the Council's waiting list and across all types of temporary accommodation (including homeless from home), as at 30th April 2021, 348 households

9.5 The Government agreed new London Plan (March 21) targets with net London's housing requirements for the next Five years (March 2026) with a new London Borough of Richmond target of 411 homes per annum, with an expectation of 234 homes per annum to be delivered on smaller sites. The target is a minimum which should be exceeded.

9.6 As set out at paragraphs 3.5 to 3.8 above the Council also has powers of compulsory acquisition under section 17 of the Housing Act and as such when deciding whether to confirm the Order the Secretary of State will have regard to policies which would have been relevant if the Order was made under that power. The relevant policy is that acquisition must achieve "a quantitative or qualitative housing gain".

9.7 There will clearly be a quantitative housing gain delivered through the Scheme through the delivery of 46 new residential dwellings subject to planning, of which 21 ( 50% by habitable room) will be for affordable housing. The Council also considers that there will be a qualitative housing gain in that the accommodation to be provided will be of a high

quality built to modern design standards , as will the outside and public spaces. As such the Council considers that the redevelopment of the Site pursuant to the Scheme satisfies the relevant policy which would apply were the Order to be made under section 17 of the Housing Act.

## **10 CONSULTATION**

- 10.1 Regenerating Twickenham has been a priority for the Council for many years. The starting point being the 2010 Barefoot Consultation followed by the Twickenham Conference and All in One Survey. These are all the consultations that finally led to the adoption of the Twickenham Area Action Plan in 2013. The Twickenham Riverside site has been a key part of this and in 2014 the Council purchased the properties on King Street and Water Lane, connecting to the derelict Pool House buildings and Gardens already in the Council's freehold. Since 2015 the Council has attempted to bring forward a design which meets the needs of the residents, authority, and statutory stakeholders.
- 10.2 The NPPF 2012 emphasises that applicants should work closely with those directly affected by proposals to evolve designs that take account of the views of the community. It also highlights that early engagement is beneficial and encourages developers to engage with local planning authorities and the local community in the pre-application process. In line with this the Council, as Developer, has engaged with the public and the local planning authority throughout the Scheme's development in the lead up to the submission of the Planning Application. The extent of the engagement is set out more fully in the Statement of Community Involvement ("SCI") submitted with the Planning Application.
- 10.3 The Council wanted to deliver an open and transparent process from the start and so worked with the Royal Institute of British Architects (RIBA) to run a public design competition which launched in January 2019. Throughout the competition process and design development the Council has undertaken periods of extensive public engagement and consultation in June 2019 and January 2021 as well as continuing engagement with local stakeholders through this period. In June 2019 the Council consulted on the five shortlisted concept designs which were submitted as part of the RIBA design competition. The Council received 455 responses to the competition consultation as well as speaking to a further 300 children and young people in the area. The Council received letters of support from several local stakeholder groups in favour of the Hopkins Architects scheme. The appointed Design Panel found Hopkins Architects scheme to be the most successful in achieving the objectives of the brief and Hopkins were appointed as the winning architects. Following a period of design development Hopkins Architects scheme was then consulted on in January 2021.

10.4 As part of the January consultation the following steps were taken:

10.4.1 Information was sent out in the Council e-newsletter reaching 50,000 residents

10.4.2 flyers were sent to 23,245 addresses in the TW1 area.

10.4.3 Posters were put up around the site.

10.4.4 A press release was issued.

10.4.5 Information was posted on the Council's website and page dedicated to the Twickenham Riverside scheme.

10.4.6 Information was posted on the Council social media channels including Facebook and Next Door.

10.4.7 Emails were sent to individuals who had registered their interest in the scheme, and all stakeholder reference groups.

10.4.8 The Council held two virtual public events with a presentation from the architect discussing the engagement boards, followed by a question and answer session. The event was attended by the Leader of the Council, Councillors, Senior Council Officers, and the Design Team. These sessions were recorded and uploaded onto the Council website for members of the public to view

10.4.9 a variety of feedback options were offered including feedback during the live virtual events, using an online or hard copy questionnaire or via email

10.5 Approximately 450 people registered to attend the virtual public events and a total of 829 responses were given to the online questionnaire with a further 310 responses from children and young people. Of the online questionnaire, over nine in 10 respondents (97%) identified themselves as local residents and 26% live within the Twickenham Riverside ward.

10.6 Three quarters of respondents (75%) currently visit Twickenham Riverside once a week or more

10.7 Over half (54%) of respondents said that they were more likely to visit the riverside following the redevelopment, with an additional 30% stating they were just as likely. Those living in Richmond borough but outside Twickenham Riverside ward are the most

likely to say that they will be more likely to visit, with six out of 10 saying this. This demonstrates that the redevelopment will attract more visits to the riverside.

10.8 685 respondents made a positive comment of aspects of the design that they like, with 19 key themes identified. The top 10 themes were:

- Like the pedestrianisation of the current parking area (27%)
- Like the open space / extra open space (22%)
- Like the gardens / greenery / trees / landscaping (17%)
- Like the view of the river / can enjoy the river / more open space / easy access to the river (15%)
- Like the widening of Water Lane / opening up and linking the river with King Street (14%)
- Like the event space / community space / stepped area (14%)
- Like the café and restaurant areas (13%)
- Like the look and design of the buildings and architectural style (12%)
- General likes about the design / layout / like all of it (11%)
- Like the balance of open space with commercial / housing / multi-use (8%)

10.9 581 respondents made a negative comment on aspects of the design that they thought could be improved, with 25 key themes being identified. The top 10 themes were:

- Concerns around where the current parked cars would go (20%)
- Don't like the architectural style (15%)
- Buildings are too tall (12%)
- General dislike of the design (10%)
- Concerns about the provision of retail or commercial space (9%)
- Would like it completed closed off to traffic (8%)
- Too much space is given to buildings (7%)

- There is no swimming pool (5%)
  - There are too many flats (5%)
  - Building do not fit well enough into their surroundings (4%)
- 10.10 When asked if they felt that the scheme achieved the ambitions set out in the brief to provide high quality open space for Twickenham, 73% said that they strongly agreed or agreed that the scheme achieves this ambition.
- 10.11 When told that the Council is exploring the inclusion of boat storage and improved access to the river as part of the scheme, 47% of respondents said they were likely to use these facilities if they were provided. It is important to note that 44% of respondents were aged between 55-74.
- 10.12 Alongside the main engagement, which was predominantly aimed at adults, and in line with the Council's corporate priorities to increase engagement amongst less heard groups, the Council specifically targeted children and young people. This engagement was delivered through online events or through pre-recorded presentations and a simplified questionnaire. In total the Council engaged with around 310 children and young people. Approximately 142 of which were via responses to the questionnaire and approximately 168 of which were via the live online sessions. Respondents were aged between 9-18.
- 10.13 When asked what they liked about the new design the highest number of respondents commented on the events area and activities area (17%), followed by liking the design and modern buildings (10%). When asked what they did not like about the scheme, the highest number of respondents answered that they liked everything (18%).
- 10.14 During the online sessions most respondents liked the river-based activities which were seen as a good addition to the scheme and also liked the idea of holding markets on the embankment.
- 10.15 Alongside the formal engagement and consultation periods the Council has been holding regular engagement meetings with various statutory and community stakeholders. The Council established the Twickenham Riverside Stakeholder Group which is made up of representatives from 20 local community organisations. This group nominated a community representative who sat on the Design Panel, taking part in the evaluation of the design competition entries, and agreeing the appointment of Hopkins Architects.

Other community and statutory stakeholders who have been regularly involved in design development include but are not limited to:

- Eel Pie Island Association
- Twickenham Riverside Stakeholder Group
- Environment Agency
- Port of London Authority
- Essential Living, M3 Capital and Partners (neighbouring property owners)
- Church Street Traders
- Twickenham Riverside Business Improvement District
- Twickenham Riverside Park Team
- Various water sports groups
- Twickenham Riverside Trust
- Twickenham Society
- King Street tenants
- Habitats and Heritage
- Potential tenants such as London Farmers Market

10.16 The Council has uploaded all consultation and engagement information onto it's website for members of the public to see and share.

## **11. OTHER CONSENTS REQUIRED FOR THE SCHEME**

11.1 The following consents and licences are required to implement the Scheme together with indicative timescales for obtaining them: [ ]

11.2 The Scheme will entail building upon certain sections of adopted highway. In order to facilitate the Scheme, the Council may need to apply for a stopping up order pursuant to section 247 of the 1990 Act.



- 11.3 Section 247 states that *"The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough... if it is satisfied that it is necessary to do so in order to enable development to be carried out: (a) in accordance with planning permission granted under Part III..."*.
- 11.4 It is anticipated that if required the stopping up order will be progressed in parallel with the proposed planning application for the Scheme but cannot be confirmed until planning permission for the Scheme has been granted.
- 11.5 The following are the highways that are either within or adjacent to the Scheme and which are likely to be subject to the stopping up order application:
- 11.5.1 The Embankment
  - 11.5.2 Wharf Lane
- 11.6 A request will be made for a conjoined Inquiry, such that the Order and the stopping up order can be considered together, should Inquiries be necessary. Given the anticipated programme for the making of the stopping up order and the absence of any substantial reasons why such an order should not be made, it is not considered an impediment to the Scheme proceeding.
- 11.7 The Council is satisfied that there are no legal or physical impediments to the Scheme progressing.

## **12 SPECIAL CONSIDERATIONS AND SPECIAL CATEGORY LAND**

- 12.1 The Order Land includes land interests owned by a number of statutory undertakers, as described in the Schedule to the Order. [ ] number of unique utility assets have been identified with [ ] different utility companies that will be impacted by the redevelopment of the Site.
- 12.2 [DETAILS OF ALL NEGOTIATIONS TO DATE WITH PLA AND ANY OTHER AFFECTED STATUTORY UNDERTAKERS].
- 12.3 The Order Land includes open space within the meaning of section 19(4) of the Acquisition of Land Act 1981 ("ALA"). The Gardens, [shown as number 2 on the Order Plan, is an area of designated open space of 2513sqm]. This area of open space comprises an area of 2513 sqm including: a fenced off children's play area with 5 items of play equipment, a sandpit, two areas of artificial grass, a large area of hardstanding for events, two pétanque pitches, the sunshine café (Council owned), a planted area and

a number of trees. The Gardens are bordered to the east by hoarding, separating them from an overgrown area of derelict buildings which are not accessible to the public but are the cause of a significant amount of anti-social behaviour.

- 12.4 There are no listed buildings or consecrated land within the Order Land.
- 12.5 The following statutory undertakers have been identified as having services within the Order Land and which will be affected by the Scheme:- [ ]
- 12.6 Port of London Authority – The Port of London Authority (PLA) consider the embankment surplus to their operational requirement. Accordingly, in principle negotiations have taken place between the Council and the PLA and terms have been agreed, subject to contract and any appropriate authority for the PLA to transfer the land to the Council.
- 12.7 Negotiations will continue between the relevant parties so that the interest can be acquired.

#### **12.8 The provision of increased public open space**

- 12.8.1 As noted within this Statement of Reasons the current Twickenham Riverside site comprises of a number of derelict buildings, a car park along the Embankment and the Gardens. The Council owns the freehold of the Gardens, formerly a public lido and now mostly accessible to the public as public open space. The Gardens are subject to a 125-year lease to the Twickenham Riverside Trust, a charity established in 2011.
- 12.8.2 The proposed scheme will deliver 3,811 sqm of public open space, 1298 sqm more than the current Gardens. [Of that, 3,085 sqm are numbered 1-5a on the Proposed Open Space map and are designated as the exchange open space]. The re-provided Gardens are in the centre of the Scheme and include: a larger children's play area, two pétanque pitches, three terraced lawns and seating, a play area with climbing nets, tree house and slide and a Garden room. The public open space then spills out from the Gardens down the terraced steps onto the pedestrianised Embankment becoming the event space on the Embankment. Moving into the south-west corner of the Site there is a new river activities area of 342 sqm with boat storage and a new pontoon increasing access to the river. This is surrounded by planting such as rain gardens and shrub and herbaceous planting. Whilst the scheme must still provide access across the Embankment for a small number of vehicles such as monthly deliveries to the Eel Pie Island, and emergency access for the Wharf Lane residential block – this will be tightly managed through the use of physical barriers so that any vehicle movements are outside of peak hours for pedestrian accessibility.
- 12.8.3 As well as the Gardens, event space and new river activity space the scheme will be delivering a promenade along the river front and opens up Water Lane by widening the pedestrian access down into the site.
- 12.9 Section 19 of the ALA requires that where an Order includes open space it must be subject to Special Parliamentary Procedure unless a certificate under section 19 is obtained from the Secretary of State. The Council is seeking a certificate under section 19(1)(a) of the ALA, from the Secretary of State, in respect of the existing open space within the Order.
- 12.10 Section 19(1)(a) provides:

## 19 Commons, open spaces etc.

*In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied-*

*that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased.*

- 12.11 Section 19(1)(a) of the ALA requires three matters to be met in respect of any open space exchange land:
- 12.11.1 it must be of an area that is not less than the open space land to be acquired.
  - 12.11.2 it must be equally advantageous to the persons with a right to use the existing open space land and the public; and
  - 12.11.3 it must vest in the persons to whom the acquired open space land was vested.
- 12.12 In respect of the first test, the open space land to be acquired is 2513 sqm and the exchange open space is 3,085 sqm. On this basis, the proposed open space exchange land therefore clearly meets the requirements of the first test.
- 12.13 In respect of the second test, the Council must demonstrate that the exchange land is equally advantageous to those entitled to use it and the public. In assessing whether or not the exchange land is "equally advantageous", the Secretary of State will have regard to the functionality, including the quality, of the replacement land, its environment, the access to it and its overall size compared to the acquired open space, together with its proximity to that acquired land.
- 12.14 In terms of location, the exchange land is partially overlapping with the existing open space and is otherwise immediately adjacent to it. The exchange land is clearly therefore equally advantageous in terms of its location.
- 12.15 The date for assessing equality of advantage is the date of exchange i.e. the date on which the existing open space is to be acquired under the Order, being the same date that the open space exchange land must vest in the persons in whom the existing open space is vested.

- 12.16 On the date that the exchange is made, the open space exchange land will not have been subject to the improvements identified above (these can only be delivered once the Council has acquired the interests in the Site pursuant to the CPO or agreement, and then implemented the Scheme). These improvements will be delivered as part of the Scheme and are anticipated to be completed by [DATE]. However, the courts have held that regard may be had to improvements to the open space exchange land that are committed, (i.e. for which there are committed proposals for), as part of the assessment of equality of advantage at the exchange date. The Secretary of State can therefore consider the improvements to the exchange land proposed within the Scheme which are to take place after the date of the exchange.
- 12.17 As part of the Scheme, the Council will need to carry out preparatory works on the open space exchange land. These works are minor in nature and relate to the installation of heat source pump boreholes and utilities. The carrying out of these works will not change the open space character of the exchange land and will not result in any material restrictions to public access.
- 12.18 On the basis of the detail set out in paragraphs 12.8 to 12.12 above, the Council considers that the proposed open space exchange land is not only equally advantageous, but is in fact more advantageous to those with a right to use the existing open space and the public, taking into account the improvements to be delivered as part of the Scheme.
- 12.19 In respect of the third test once the existing open space is acquired by the Council the exchange open space land will simultaneously vest in the Council. The existing open space land is currently vested in the Council as freehold owner and on this basis the requirements of the third test are also met.
- 12.20 As part of making the case for the Order, the Council will seek a certificate under section 19(1)(a) of the ALA. The proposals contained in the section 19 Certificate will not, in the Council's opinion, detrimentally affect the public in any way as the amount of public open space will not decrease; indeed the open space exchange land will provide significant improvements to the quantity, quality and amenity of the space available compared to that which is currently provided at the Gardens.

### **13 HUMAN RIGHTS CONSIDERATIONS**

- 13.1 The Human Rights Act 1998 ("the **HRA**") incorporated into domestic law the Convention.

- 13.2 Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with the Convention. Articles 6 and 8 and Article 1 of the First Protocol of the Convention are considered to be relevant by the Council.
- 13.3 The Council has duly considered the rights of property owners under Article 1 of the First Protocol of the Convention, which provides for the peaceful enjoyment of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Scheme.
- 13.4 Article 6 of the Convention provides that everyone is entitled to a fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures, which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.
- 13.5 The Council has also considered the rights contained in Article 8 of the Convention. This provides that everyone has the right to respect for their private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. It is considered that any interference caused by the Order will fall within these exceptions having regard to the public benefit which will accrue from the Scheme.
- 13.6 The Council have been conscious of the need to strike a balance between the rights of the individual and the interest of the public. It has considered the effect of the Articles and decided that on balance, and in light of the significant public benefit that would arise from the Scheme and the nature of the Order Land, it is in the interest of the wider community to make the Order over and above the interests of any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

#### **14. The Public Sector Equality Duty**

- 14.1 The public sector Equality Duty (the “**PSED**”) was introduced by the Equality Act 2010 (the “**EA 2010**”) as part of the government’s aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on 5 April 2011 and

means that public bodies have to consider all individuals when carrying out their day-to-day work including when shaping policy and delivering services.

- 14.2 Section 149 of the EA 2010 established the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Advancing equality of opportunity means, in particular, having due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others; and encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.
- 14.3 The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However principles from case law suggest that each public authority should keep in mind, amongst other things, that the duty must be complied with before and at the time a particular policy is under consideration, as well as when a decision is taken; and that a public authority must consciously think about the need to do the things set out in the PSED as an integral part of the decision-making process, exercising the duty in substance, with rigour and with an open mind.
- 14.4 In light of this the Council undertook an Equality Impact and Needs Assessment ('EINA') in June 2021. The EIA assessed the impact of the Scheme as well as the potential impact of the use of compulsory purchase powers. The EINA set out a number of positive impacts that the Scheme will deliver including greater accessible public open space, private and affordable housing, accessible housing, and economic regeneration as well as highlighting negative impacts of the Scheme delivery and the acquisition of land and rights. It is felt that on balance the positive impacts for delivering the Scheme are much greater than the negative.
- 14.5 As such the Council considers that it has complied with the PSED in the process of developing the Scheme.

## **15. CONCLUSIONS**

- 15.1 The Order Land forms a critical part of the Site upon which the Scheme will be delivered and is in critical need of regeneration and redevelopment for the benefit of the wider area and to meet the Council's regeneration objectives within this area of the Borough. Further, redevelopment of the scale anticipated by the Scheme is supported in policy terms at national, regional and local level. In order to achieve the redevelopment of the Order Land, action is required to facilitate the acquisition of the interests necessary for the provision of a high-quality mixed-use proposal as envisaged by the Scheme. The

completion of the Scheme can only sensibly be achieved within a reasonable timescale through the use of the Council's powers of compulsory acquisition.

- 15.2 Having considered the relevant statutory tests, policy and guidance the Council is satisfied that there is a compelling need in the public interest for compulsory powers to be sought in order to secure the redevelopment and improvement of the Order Land through the Scheme to deliver economic, social and environmental improvements to this area of the Borough. The Council has therefore made the Order and would ask the Secretary of State to confirm the Order.

## **16. ADDITIONAL INFORMATION**

### **Council Contacts**

- 16.1 Anyone who considers that they are affected by the Order can contact Mr Toks Osibogun or Mr Tunde Ogbe telephone 020 8871 5264 or 020 8871 7240 during normal office hours or make an appointment to visit the Twickenham Civic Centre, 42 York Street, Twickenham TW1 3BZ.

## Appendix C – Equality Impact and Needs Assessment

## SSA EQUALITY IMPACT AND NEEDS ANALYSIS

<b>Directorate</b>	Environment and Community Safety
<b>Service Area</b>	Twickenham Riverside Development
<b>Service/policy/function being assessed</b>	Twickenham Riverside Development
<b>Which borough (s) does the service/policy apply to</b>	London Borough of Richmond upon Thames
<b>Staff involved</b>	Charles Murphy (Senior Project Officer)
<b>Date approved by Directorate Equality Group (if applicable)</b>	n/a
<b>Date approved by Policy and Review Manager</b>	17 <sup>th</sup> June 2021
<b>Date submitted to Directors' Board</b>	6 <sup>th</sup> May 2021

### SUMMARY

#### The scheme

- The redevelopment of Twickenham Riverside is a priority for this Council and in January 2019 the Council commissioned the Royal Institute of British Architects (RIBA) to run a design competition to find an architect lead team.
- Five teams were shortlisted and invited to develop concept designs for the site.
- A team led by Hopkins Architects were announced winners and have been developing their design, with the aim of submitting a planning application Summer 2021.
- The scheme is mix use, providing housing (including affordable housing), retail, commercial and food and beverage units. There is also a significant amount of public realm and improved access to the river.
- A report is going alongside this EINA to the Finance, Policy and Resources Committee to seek approval for the Council to use its CPO powers.
- This EINA is based on the current design, which is being developed ahead of the planning application.

#### Purpose of EINA

- This EINA is to assess the impact of the Twickenham Riverside scheme, including the CPO decision, on the protected characteristics.

#### Key findings

- Where possible data for the Twickenham Riverside ward, in which the development site is located, has been compared to the average for the London Borough of Richmond upon Thames.
- The ward data available compared to the borough data has highlighted the following:
  - There is a slightly higher percentage of 30-34-year olds
  - There is a slightly higher proportion of single people



- There is a lower number of people with a disability or who's day to day activities are limited or who are permanently sick or disabled
- The BME population is lower
- There is lower number of Hindu, Muslim and Sikh residents
- Positive impacts include:
  - Redevelopment of the current site which is underused and includes derelict and vacant buildings/units and has been subject to antisocial behaviour as a result.
  - Improved public realm which will be accessible for all.
  - Provision of housing units, including affordable housing.
  - Space for community events which will help improve good relations between different groups.
  - Generally, more things to do in the area for a wide range of people.
  - The public have been engaged and will continue to be so going forward.
  - The use of CPO powers will allow the scheme, and the benefits it brings, to go ahead.
- Negative impacts include:
  - The removal of parking from the Embankment may negatively impact those with disabilities, mobility issues or with young children. The Council has/will be carrying out work to mitigate the loss.
  - The redevelopment means that Café Sunshine, a Council run café that employs adults with learning difficulties, will cease to be able to operate from that location. A further assessment is being conducted on the impact this will have on employees led by Adult Social Services.
  - There will not be a children's play area or pétanque courts (currently part of the Diamond Jubilee Gardens) during construction, though it is planned there will be following.
  - The site has a number of constraints, including levels and, given its riverside location, flooding (storage and defence) and therefore it has not been possible to deliver accessible routes in every part of the site. There are however a number of key accessible routes proposed and it is an improvement from the current site.
  - The use of CPO powers may be required to ensure the scheme can be delivered so all negative impacts need to be considered in regard to this decision.
  - The use of CPO may have a negative impact on any staff with protected characteristics working in the leased King Street units.
  - The use of CPO powers may have a negative impact on residents where the Council is acquiring right to light, though it is not known if any of these residents fall into a protected characteristic. Negotiations will start with these residents following planning consent.

## 1. Background

### Equalities

Under the Public Sector Equality Duty, the Council is required to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. This needs to be applied to shaping policy and delivering services. The Public Sector Equality Duty requires the Council to consider the needs of people who may have one or more of the following protected characteristics – Age, Disability, Gender, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, and Sexual Orientation.

The redevelopment of Twickenham Riverside is a significant project for the Council which will be delivered over a number of years. This assessment is being prepared alongside a Committee report which seeks approval for the Council to use its CPO powers to secure vacant possession of the site. This exercise therefore represents the scoping of potential and predicted equalities impacts at this time. The potential equalities impact of the project will need to be assessed again when the Council submits a Planning Application.

### **Rationale behind the proposal**

The redevelopment of Twickenham Riverside is a priority for the Council. The current site comprised of three ground floor commercial units on King Street, currently leased, a further unit above, currently unoccupied. Behind these buildings is a disused car park which adjoins the former swimming pool site, which includes the Diamond Jubilee Gardens (public open space leased to a Trust) and derelict buildings. The site also includes the highways framing the site - the Embankment, Water Lane, Wharf Lane and the service road.

In January 2019 the Council commissioned the Royal Institute of British Architects (RIBA) to run a design competition to find an architect lead team. Hopkins Architects were announced winners of the competition and have since been working up their design.

The Council has engaged extensively with local residents on the future of the site over several years. There was a period of engagement during the design competition on the five shortlisted designs and in January 2021 the Council ran a consultation on Hopkins' developed designs, in which 829 people responded to the feedback questionnaire. The Council also ran a separate engagement with children and young people during both periods.

The scheme will include housing, 50% of which is aimed to be affordable, retail, food and beverage and office space. There will also be extensive public realm.

Further information on the Twickenham Riverside Development and it's background can be found [here](#).

## **2. Analysis of need and impact**

<b>Protected group</b>	<b>Findings</b>
<b>Age</b>	The following is based on GLA 2018-based Population Projections. Twickenham Riverside Ward is being compared to the London Borough of Richmond upon Thames and London.

Age Range	Twickenham Riverside	Richmond Borough	London
	%	%	%
0 to 4	5.3	6	6.6
5 to 9	5.7	6.5	6.2
10 to 14	5.7	6.5	5.9
15 to 19	5.2	5.3	5.3
20 to 24	4.5	4.1	6.2
25 to 29	6.9	5.1	8.8
30 to 34	8.1	6.4	9.4
35 to 39	7.7	7.9	8.8
40 to 44	8.8	8.5	7.6
45 to 49	8.6	8.4	6.7
50 to 54	7.3	7.4	6.3
55 to 59	6.2	6.7	5.7
60 to 64	4.7	5.2	4.5
65 to 69	4.5	4.4	3.5
70 to 74	3.6	4.4	3.1
75 to 79	3.1	3	2.2
80 to 84	1.9	2.1	1.7
85 and over	2.3	2.2	1.7

This highlights that percentages are similar to the borough average. The 30-34 age bracket differed the most but was still within 2%.

<b>Disability</b>	<p>The London Borough of Richmond upon Thames (2011) collected data on people who were permanently sick or disabled in the Twickenham Riverside Ward and the Borough as a whole.</p> <ul style="list-style-type: none"> <li>• 1.12% of all ages 16-74 (compared to 2.03% for Richmond upon Thames)</li> </ul> <p>The 2011 Census collected the following data on disability from the Twickenham Riverside Ward and the London Borough of Richmond upon Thames.</p> <ul style="list-style-type: none"> <li>• 4.2% stated their day-to-day activities were limited a lot (compared to 4.9% for Richmond upon Thames)</li> <li>• 5.6% stated their day-to-day activities were limited a little (compared to 6.6% for Richmond upon Thames)</li> <li>• 90.2% stated their day-to-day activities were not limited (compared to 88.5% for Richmond upon Thames)</li> </ul> <p>These statistics show that residents with disabilities or those whose day-to-day activities are limited is lower in the Twickenham Riverside ward compared to the borough average.</p>
<b>Gender (sex)</b>	<p>The GLA 2018-based Population Projections with regard to the gender (sex) of residents in the Twickenham Riverside Ward and the London Borough of Richmond upon Thames.</p> <ul style="list-style-type: none"> <li>• 49.06% were male (compared to 48.7% for Richmond upon Thames)</li> <li>• 50.94% were female (compared to 51.3% for Richmond upon Thames)</li> </ul> <p>The gender (sex) divide is nearly evenly split.</p>

<b>Gender reassignment</b>	<p>The Office for National Statistics does not currently collect data on gender reassignment at any geographic level.</p> <p>Using data from the Gender Identity &amp; Research Education Society and assuming uniform distribution of individuals geographically, there may be between 16 and 39 people with gender dysphoria in Richmond Borough, and the potential for 12 presentations for treatment in those over 15 years old (based on 2013 figures).</p> <p>In 2012/13, six individuals in Richmond were referred for support to the West London Mental Health Trust Gender Identity Clinic.</p> <p>A wider needs assessment on these characteristic notes that: “Housing is a key concern for the Trans community as roughly 30% of Trans individuals report being thrown out of their home as a result of their status.”</p> <p>Stonewall’s 2017 LGBT in Britain research identified that 25% of Trans people reported being discriminated against when looking for a flat to rent or buy in the previous year.</p>																								
<b>Marriage and civil partnership</b>	<p>The 2011 Census collected the following data with regard to the marriage and civil partnership of residents in the Twickenham Riverside Ward and the London Borough of Richmond upon Thames.</p> <table><tr><td></td><td>Twickenham Riverside</td><td>Richmond Borough</td></tr><tr><td></td><td>%</td><td>%</td></tr><tr><td>Divorced or formerly in a same-sex civil partnership which is now legally dissolved</td><td>8</td><td>7.9</td></tr><tr><td>In a registered same-sex civil partnership</td><td>0.8</td><td>0.4</td></tr><tr><td>Married</td><td>43.8</td><td>47.3</td></tr><tr><td>Separated (but still legally married or still legally in a same-sex civil partnership)</td><td>2</td><td>2.2</td></tr><tr><td>Single (never married or never registered a same-sex civil partnership)</td><td>40.5</td><td>36.7</td></tr><tr><td>Widowed or surviving partner from a same-sex civil partnership</td><td>4.8</td><td>5.4</td></tr></table> <p>These figures show that there is a slightly higher proportion of single people than the borough average and double the borough average for number of residents in same-sex civil partnerships.</p>		Twickenham Riverside	Richmond Borough		%	%	Divorced or formerly in a same-sex civil partnership which is now legally dissolved	8	7.9	In a registered same-sex civil partnership	0.8	0.4	Married	43.8	47.3	Separated (but still legally married or still legally in a same-sex civil partnership)	2	2.2	Single (never married or never registered a same-sex civil partnership)	40.5	36.7	Widowed or surviving partner from a same-sex civil partnership	4.8	5.4
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<b>Pregnancy and maternity</b>	<p>There is no information available regarding this protected characteristic in relation to the Twickenham Riverside Ward.</p> <p>Based on ONS conception data (2011) in 2011 there were 3,477 conceptions in Richmond borough – an annual conception rate of 85 per 1000 women of childbearing age (15-44 years). This is lower than the conception rate for London (89.5 per 1000) but higher than the rate for England (81 per 1000).</p> <p>Based on ONS Birth Summary Tables (2012) in 2012, there were 2,916 live births to women living in Richmond borough. This live birth rate of 72 per 1000 women aged 15-44 years in the borough was slightly higher than both the London (67 per 1000) and England (65 per 1000) averages.</p> <p>London Borough of Richmond's Joint Strategic Needs Assessment: Early Years mentions the number of births in Richmond is predicted to remain fairly stable over the next ten years at around 3,000 births per year.</p>																					
<b>Race/ethnicity</b>	<p>The 2011 census collected the following data with regard to race/ethnicity for the Twickenham Riverside Ward and the London Borough of Richmond upon Thames.</p> <table><tr><td></td><td>Twickenham Riverside</td><td>Richmond Borough</td></tr><tr><td></td><td>%</td><td>%</td></tr><tr><td>Asian/Asian British</td><td>5.1</td><td>7.3</td></tr><tr><td>Black/African/Caribbean/Black British</td><td>0.9</td><td>1.5</td></tr><tr><td>Minority Ethnic - Total</td><td>28.9</td><td>28.6</td></tr><tr><td>Mixed/multiple ethnic groups</td><td>3.3</td><td>3.6</td></tr><tr><td>White</td><td>89.7</td><td>86</td></tr></table> <p>This shows that the BME and other residents in the Twickenham Riverside Ward is lower than the borough average.</p> <p>London has a far higher proportion of population from BME groups (40.2%) compared to Richmond Borough (14.0%). Richmond also has the lowest proportion of BME population compared to its SW London neighbours.</p>		Twickenham Riverside	Richmond Borough		%	%	Asian/Asian British	5.1	7.3	Black/African/Caribbean/Black British	0.9	1.5	Minority Ethnic - Total	28.9	28.6	Mixed/multiple ethnic groups	3.3	3.6	White	89.7	86
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White	89.7	86																				

	<p>The proportion of Richmond’s resident population from BME groups has increased from 9.0% to 14.0% since the 2001 Census, and growth is expected to continue.</p> <p>The proportion of the Richmond population represented by BME groups is higher in particular age groups. For instance, BME groups make-up 18.8% of Richmond residents aged 0-19, compared to 14.0% in all age groups.</p>																														
<b>Religion and belief, including non-belief</b>	<p>The 2011 census collected the following data with regard to race/ethnicity for the Twickenham Riverside Ward and the London Borough of Richmond upon Thames.</p> <table><tr><td></td><td>Twickenham Riverside</td><td>Richmond Borough</td></tr><tr><td></td><td>%</td><td>%</td></tr><tr><td>Buddhist</td><td>0.6</td><td>0.8</td></tr><tr><td>Christian</td><td>52.4</td><td>55.3</td></tr><tr><td>Hindu</td><td>1</td><td>1.6</td></tr><tr><td>Jewish</td><td>1</td><td>0.8</td></tr><tr><td>Muslim</td><td>1.5</td><td>3.3</td></tr><tr><td>Sikh</td><td>0.4</td><td>0.8</td></tr><tr><td>Other religion</td><td>0.5</td><td>0.5</td></tr><tr><td>No religion</td><td>33.8</td><td>28.4</td></tr></table> <p>This shows there is a lower number of Buddhist, Christian, Hindu, Muslim and Sikh residents in Twickenham Riverside than the borough average.</p>		Twickenham Riverside	Richmond Borough		%	%	Buddhist	0.6	0.8	Christian	52.4	55.3	Hindu	1	1.6	Jewish	1	0.8	Muslim	1.5	3.3	Sikh	0.4	0.8	Other religion	0.5	0.5	No religion	33.8	28.4
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<b>Sexual orientation</b>	<p>ONS data (published 2017) from 2016 shows that 2% of the UK population identified themselves as lesbian, gay or bisexual (LGB). ONS data from Richmond Borough for the period of 2013-15:</p> <ul style="list-style-type: none"><li>• 93.2% - Heterosexual or straight</li><li>• 1.8% - LGB</li><li>• 5% - Don’t know, refuse and Other</li></ul>																														

### Data gaps.

<b>Data gap(s)</b>	<b>How will this be addressed?</b>
Gender reassignment data	Should the Council be required to carry out another EINA on the redevelopment of Twickenham Riverside, or when a future update is required, and improved / more
Pregnancy and maternity data	

Sexual orientation data	detailed data on these characteristics becomes available it will be used. It is however not anticipated that the development will have an adverse effect on these characteristics.
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### 3. Impact

Protected group	Positive	Negative
<b>Across the strands</b>	<p><b>General</b></p> <p>The current site includes a disused car park, derelict/vacant buildings/units, is underused, has been subject to antisocial behaviour and does not connect the town to the river. The new scheme will address these issues, it will aim to better connect the town to the river and activate the whole site. This will have a positive effect on all residents.</p> <p>The new development will include residential units, part for market sale and part affordable homes. The scheme will be tenure blind and, in line with policy, will have homes modified for those with disabilities. There will also be new retail, office and food and beverage units. All buildings will be accessible, to align with Council policy.</p> <p>COVID has seen an increased use of public spaces, there will be new and improved public realm in the new scheme which will be accessible and open to all.</p> <p>The scheme will include more space for community events, which will help foster good relations between different groups and increase social cohesion.</p>	<p><b>General</b></p> <p>The redevelopment of Twickenham Riverside may result in disruption for local residents and businesses during construction. The construction will have to be carefully phased to try and minimise disruption.</p> <p>As part of the redevelopment the Council will be removing parking from the Embankment. While work has/will be carried out to mitigate the loss of these spaces, and there will be provision for disability bays, there may be a negative impact for those used to parking in the current Embankment spaces, be that local residents or people visiting, who will in future have to park elsewhere.</p> <p>Of the three current leases in King Street all have been made aware of the redevelopment, one is on a short-term lease agreed following the announcement of redevelopment and the other two are on protected leases, though one has announced that the Twickenham branch will be closed as part of a number of branch closures nationally. The tenants will be served notice for when the buildings are required for redevelopment. It is unknown whether these businesses will remain in Twickenham, though the Council will/have offered their support. While the businesses are aware of the development, there may be a negative effect on any employees or users of the businesses that fall under the protected characteristics.</p> <p><b>CPO decision</b></p> <p>Should agreement with the King Street tenants with protected leases not be possible CPO powers may be</p>



	<p>There will likely be some new jobs created as a result of the scheme, with the provision of commercial space. This could have a positive effect on the local employment and may help increase the representation of protected characteristics amongst the local workforce.</p> <p>The scheme is looking to help rejuvenate Twickenham high street, which will have a positive effect on local businesses and residents.</p> <p>The scheme will consider the safety of the site, particularly at night, and there will be better lighting and more natural surveillance.</p> <p>The Council has consulted residents twice on the scheme, once as part of design competition where a four weeklong period of engagement was held on the five shortlisted designs, and in January 2021 where there was a four-week period of consultation on the developed designs. During both periods of engagement there was a separate engagement with children and young people, the Council also met a number of groups, including business and disability groups. Feedback reports analysing results were prepared and these have helped inform design development. This feedback was broadly positive.</p> <p>The scheme will improve the cycling and pedestrian environment.</p> <p><b>CPO decision</b></p>	<p>used. The impact on protected characteristics remains the same as the above.</p> <p>The Diamond Jubilee Gardens, currently leased, may have to be subject CPO, though negotiations with the Trust are positive and this would only be a last resort. Should it be it is not anticipated that there will be any additional impacts on residents than presented in this assessment. While there may be disruption during construction, the Garden with the same uses are being re-provided with improved accessible routes.</p> <p>The CPO may have a negative impact on those with protected characteristics living in the properties where the Council is acquiring their right to light, though it is unknown if residents in these properties fall under any of these characteristics. The Council will engage with the affected owners to negotiate and agree the terms of compensation following planning consent.</p>
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	The use of CPO will ensure that the scheme, and its benefits, can be delivered.	
<b>Age</b>	<p>See 'across the strands' section above.</p> <p>The scheme will aim to have a draw for all ages and improve the local offer for social and physical activities.</p> <p>There will be a new and improved play area for young people.</p> <p>The Council is proposing to improve access to the river, which may have a positive effect on all ages as it offers the opportunity to get active.</p> <p>The site will have accessible routes for residents with mobility issues, wheelchair users and those pushing prams. The buildings will be accessible to align with policy.</p> <p>Housing units will include flats that can be modified for those with physical disabilities and will include family units, though policy focus in a town centre location will be for smaller units.</p>	<p>See 'across the strands' section above.</p> <p>The removal of parking may negatively affect elderly people with mobility issues that don't qualify for blue badges. Similarly, for those with young children. The Council will be looking to mitigate the loss of spaces within the local area.</p> <p>The Diamond Jubilee Gardens has pétanque courts which are used by the University of the Third Age, while the courts are suggested to be re-provided in the new scheme there will be a period during construction when there are unlikely to be courts available. This will have a short-term negative affect on the current users and short-term re-provision may need to be sought.</p> <p>The Diamond Jubilee Gardens also has a children's play area. Again, while it is suggested to be re-provided in the new scheme during construction there may be a period when this area is unavailable. This may have a short-term negative affect on current users, including a local nursery that uses it, though there other play facilities locally.</p>
<b>Disability</b>	<p>See 'across the strands' section above.</p> <p>Housing units will include flats that can be modified for those with disabilities to align with policy.</p> <p>Buildings will be accessible to align with policy.</p> <p>The public realm will have a number of accessible routes for those with mobilities issues or wheelchair users.</p>	<p>See 'across the strands' section above.</p> <p>In the current Diamond Jubilee Gardens is a Council (Adults Social Services) run café that employs adults with learning difficulties. The current café building will not be kept and will have to close at some point before construction. The future of café and its staff needs to be considered and a separate assessment is being carried out with regard to the people who work there and the affect the new development, and thus closure of the café, will have on them.</p>

	<p>There will be disability parking spaces allocated to align with policy.</p> <p>One of the ambitions of the scheme is to increase use of the river, with a pontoon and boat storage being planned. It is being carefully considered how this can be might be made accessible for those with disabilities and wheelchair users, though this may not be possible in the planned location and is subject to further investigation.</p> <p>The scheme is looking to include a number of seating areas.</p>	<p>Conversations about the new development have been had with the staff working there. This assessment will be led by Adult Social Services (ASS). ASS will work with the affected staff to secure other employment opportunities.</p> <p>The café's future has been under consideration for many years, separately to the Twickenham Riverside development. Should it not be for the Twickenham Riverside development ASS would be looking to bring the current café operation to an end anyway and would be working to find alternative employment opportunities for the staff or relocate the café at another site to ensure continued employment for people with learning disabilities or hand it over to a local voluntary group to run. ASS consider employment opportunities for this group important to their wellbeing. The Café is in the Council's control and the CPO decision does not affect the future, which would be under review regardless of the redevelopment.</p> <p>Despite the re-provision of disabled parking bays, there may be a negative effect on disabled people accessing the site by car due to the removal of parking from the Embankment (between Water and Wharf Lanes only) to improve the public realm along the river. This is being considered as part of a wider piece of parking work being carried out by the highway authority. Where possible disabled bays will be added on site and in the immediate area. None of the spaces being removed from the Embankment are dedicated disabled bays, they are a mix of pay and display, resident, and business permit use. The Council has a process for considering applications from residents who are blue badge holders seeking a dedicated disabled bay outside their homes, so should the need of a this arise in the future this can be considered.</p>
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		<p>A session was held with a local disability group during the consultation (separate to the preparation of this EINA, which was not referenced in discussion), who made some comments that while there was accessible routes they felt that there could be an additional route on Water Lane itself (currently it is just at the top and bottom of the lane) and also to access the Wharf Lane building from the Embankment (currently the accessible route is only from halfway up Wharf Lane). While these would be desirable the flooding issues (storage and defence) has constrained the site in such a way that additional accessible routes have not been possible. The accessibility of the new scheme is better than the currently site, where the current public realm (Diamond Jubilee Gardens) only has one accessible entrance. If possible, accessible routes will be improved as the design is developed.</p>
<b>Gender (sex)</b>	<p>See 'across the strands' section above.</p> <p>The scheme will aim to improve the public realm, lighting and increase all day passive surveillance (residential units will offer some level of surveillance at night and increased footfall during the day). The creation of safer spaces is known to be a particular concern for women and girls and was raised when engaging with young people during the consultation.</p>	<p>See 'across the strands' section above. There is no negative impact expected for this characteristic.</p>
<b>Gender reassignment</b>	<p>See 'across the strands' section above.</p>	<p>See 'across the strands' section above. There is no negative impact expected for this characteristic.</p>
<b>Marriage and civil partnership</b>	<p>See 'across the strands' section above.</p> <p>The focus of housing in town centre locations is for smaller units which might benefit the higher proportion</p>	<p>See 'across the strands' section above. There is no negative impact expected for this characteristic.</p>

	of single residents in the Twickenham Riverside ward.	
<b>Pregnancy and maternity</b>	See 'across the strands' section above.  The public realm will have accessible routes which will help those with prams and young children. There will also be a children's play area and seating will be spread across the open space.	See 'across the strands' section above. There is no negative impact expected for this characteristic.
<b>Race/ethnicity</b>	See 'across the strands' section above.	See 'across the strands' section above.  Information available online, that has been posted thorough doors and language spoken in meetings is English. This may have a negative effect on anyone who does not speak English or for whom English is their second language.
<b>Religion and belief, including non-belief</b>	See 'across the strands' section above.	See 'across the strands' section above. There is no negative impact expected for this characteristic.
<b>Sexual orientation</b>	See 'across the strands' section above.	See 'across the strands' section above. There is no negative impact expected for this characteristic.

#### 4. Actions

Action	Lead Officer	Deadline
Review EINA at planning and at any future Committee decision as required.	Programme Team	Ongoing

#### 5. Consultation

Over the years there has been several consultations held on the future of Twickenham Riverside. During the Design Competition (2019) there was a period of engagement with residents, including a questionnaire, and in January 2021 a period of consultation was held on the developed design. Feedback from both has helped informed the design. The Council has also carried out engagement with local stakeholders throughout design development.

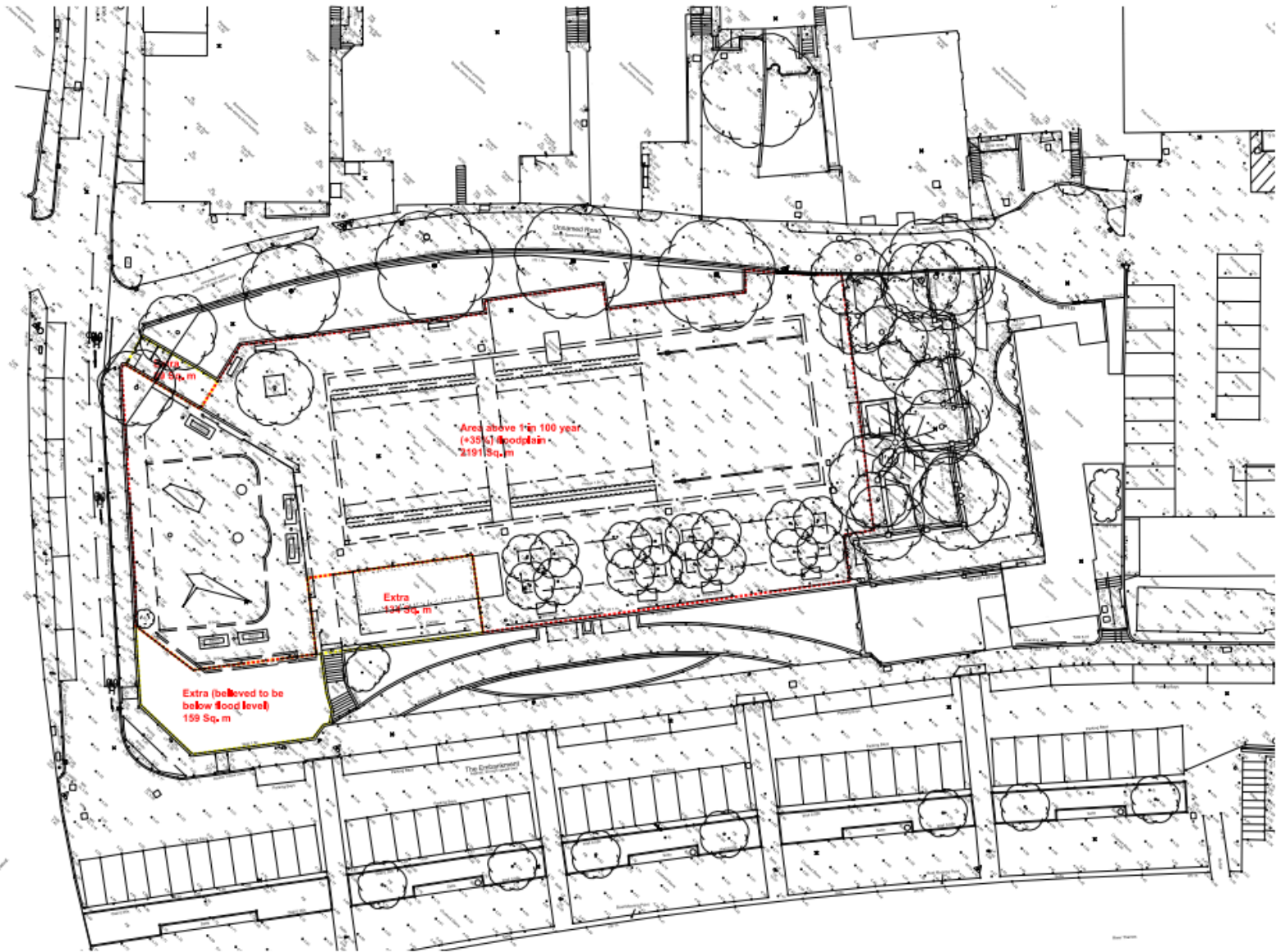
When the planning application is submitted there will be a statutory period of engagement on the designs.

Appendix D – Map of current open space at 2,513 sqm

Existing garden plan based on Survey Solutions  
topographical survey (drawing no. 28576ae-01)  
dated 26/06/2020

Overall garden boundary for garden areas is  
interpretation of lease line overlaid onto survey  
drawing.

Areas labelled as 'extra' based on mark-up  
produced by LBRuT 26/08/2020



Appendix E – Plan of exchange land at 3,085 sqm (numbers 1-5a minus the existing promenade 5b 385 sqm) and an additional 342 sqm highlighted green (number 6) for recreational use

