

**THE LONDON BOROUGH OF RICHMOND UPON THAMES**

**THE TOWN AND COUNTRY PLANNING ACT 1990**

**AND**

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

**AND**

**THE ACQUISITION OF LAND ACT 1981**

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

**STATEMENT OF REASONS**

## CONTENTS

1	INTRODUCTION .....	3
2	THE ORDER LAND .....	7
3	DESCRIPTION OF THE SCHEME .....	9
4	THE NEED FOR THE SCHEME .....	10
5	THE COUNCIL'S POWERS OF COMPULSORY PURCHASE .....	13
6	JUSTIFICATION FOR THE USE OF THE COMPULSORY PURCHASE POWERS.....	14
7	NEGOTIATIONS WITH THOSE OWNING INTERESTS IN THE ORDER LAND.....	23
8	PLANNING POLICY .....	26
9	HOUSING POLICY .....	33
10	CONSULTATION .....	34
11	OTHER CONSENTS REQUIRED FOR THE SCHEME .....	39
12	SPECIAL CONSIDERATIONS AND SPECIAL CATEGORY LAND.....	40
13	HUMAN RIGHTS CONSIDERATIONS.....	48
14	CONCLUSIONS .....	50
15	ADDITIONAL INFORMATION.....	50
16	DOCUMENTS LIST .....	50

# 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 Crichton Down Rules" issued by the Ministry for Housing, Communities and Local Government in July 2019 ("**CPO Guidance**").
- 1.2 On 28 June 2021 the Council's Finance, Policy and Resources Committee ("**FPRC**"), resolved to make the London Borough of Richmond upon Thames (Twickenham Riverside) 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 (the "**Gardens**"), subject to a lease to the Twickenham Riverside Trust, the Embankment which is maintained by the Council but partially owned by the Port of London Authority ("**PLA**"), 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.
- 1.3 On 20 September 2021, a second CPO report was presented to the FPRC providing an update in relation to: (1) the need to include in the Order the freehold acquisition of land previously understood to have been owned by the PLA; and (2) the application of exemptions under the Acquisition of Land Act 1981 (the "**1981 Act**") in respect of the acquisition of open space and rights over areas of open space.
- 1.4 Further details on the acquisition of open space in the Order and the exemptions relied upon are set out in section 12 of this Statement of Reasons.
- 1.5 The Council has submitted the Order to the Secretary of State for Levelling Up, Housing and Communities for confirmation.
- 1.6 The Order is made pursuant to Section 226(1)(a) and 226(3)(b) of the Town and Country Planning Act 1990 (the "**1990 Act**"), section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 (the "**1976 Act**") 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 and green on the plan referred to in the Order (the "**Order Land**"), which comprises commercial units, public open space and highway as described in the Schedule to the Order, and the acquisition of new rights over the land shown coloured blue in the Order Land. The nature of the Order Land is set out in greater detail in paragraph 2.
- 1.7 The site area which is the subject of the planning application, (see paragraph 1.19 below), is 1.34 hectares, consisting of 1-1c King Street, 2-4 Water Lane, The Embankment and river wall, Water Lane, Wharf Lane and the Gardens, Twickenham. This area consists of 3 retail units, with commercial space at first floor (King Street), highway (Water Lane, Wharf Lane, service road and

the Embankment), a public gardens with café, pétanque and children's play space and a disused public car park. To the east of the site there are residential properties on Water Lane, with a commercial shopping parade adjacent. To the west of the site is the Thames Eyot private residential properties, with car park and bordered to the north by King Street retail units, the main high street in Twickenham.

- 1.8 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 section 3.
- 1.9 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 Gardens which is designated public open space. The regeneration proposals for which the Order is sought relate to a mixed-use development comprising 45 new residential units, the provision of enhanced open space, residential, commercial, retail, restaurant, public house, café, recreational and other complementary uses, as well as new infrastructure, public realm and access, (the "**Scheme**"). The area of land on which the Scheme is proposed is referred to as "the Site". Further details of the Scheme are set out in section 3 below.
- 1.10 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 sections 3 and 4 below. The regeneration proposals will provide significant social, economic and environmental improvements for existing residents and the Borough.
- 1.11 The Council considers that the Scheme is 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).
- 1.12 The Scheme is to be developed on a site that is identified within the Local Plan as one 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.
- 1.13 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 section 8 below.

- 1.14 The Scheme will benefit the local area in multiple ways which can be measured quantitatively or qualitatively, particularly considering social value, economic value and environmental value. These benefits include increased spend in the local area through increased footfall and spend in the local supply chain from the construction contract; benefits to residents and local sports clubs with the introduction of a pontoon and boat storage; increased accessibility across the Site and Gardens; the provision of public toilets for the local area; increased access to the river and a significant increase in high quality public realm; improved flood mitigation and increased capacity for rain water management, mitigating the negative impacts of future flooding; improved pedestrian and cycle facilities; and improved air quality along the Embankment. Further details of the social, economic and environmental benefits are set out in section 6 below.
- 1.15 The Council has aspired to develop the Site since the closure of the Twickenham lido in 1980. These aspirations have been brought forward by multiple administrations over the 40+ years with several schemes submitted as planning applications. All previous schemes were based on smaller and more restricted site areas, and subsequently led the Council to purchase the retail units 1, 1a, 1b and 1c King Street in 2014 to enable the design of a mixed-use development to be brought forward which would contribute to the regeneration of the High Street as well as providing open space. Most recently (2019) the Council received the “in principle” agreement of the Twickenham Riverside Trust to include the Gardens within the Scheme, alongside the Embankment, creating a much larger site opportunity area.
- 1.16 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 (that was subsequently selected). 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 agreed that the proposed development met the ambition of high-quality open space and pedestrianised priority on the river frontage.
- 1.17 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 significantly improved open space, as well as 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 in section 10 below.

- 1.18 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 directly procure 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.
- 1.19 The Council submitted a planning application for the Scheme on 4 August 2021 (the “**Planning Application**”). It is anticipated that the Planning Application will be determined by the Planning Applications Committee at the end of November 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 aligns with policy and delivers the objectives of the TAAP, further details of which are set out in section 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.
- 1.20 The Council recognises that, in line with the CPO 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 acquisition of third party interests in the land which is sought to be acquired (paragraph 2 of the CPO Guidance). It is considered that a compelling case exists here and the justification for the use of compulsory purchase powers is set out in sections 4, 5 and 6 below.
- 1.21 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 compulsory purchase powers must be used. Information as to negotiations that have taken place is set out at paragraph 7 below. Discussions will continue with those with an interest in 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 CPO Guidance and ensures that valuable time is not lost whilst continuing efforts are made to reach agreement with landowners.
- 1.22 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), and the related power in Section 226(3)(b) 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.
- 1.23 Subject to the Secretary of State confirming the Order, construction of the Scheme is expected to commence on site in summer 2022 and to be completed in August 2024.

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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 The Crichel Down Rules (2019)

- 1.24 The Mining Code is not incorporated in the Order.
- 1.25 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 11.
- 1.26 There are Special Kinds of Land (paragraph 18 of the CPO Guidance) included within the Order Land in the form of open space and land owned by statutory undertakers. The Council considers that the exceptions in section 19(1)(a) and 19(1)(aa), and in paragraph 6 of Schedule 3 to the 1981 Act should apply, and has therefore also sought a certificate from the Secretary of State pursuant to that legislation.
- 1.27 Further details on the Special Kinds of Land affected by the Scheme are set out in paragraph 12.
- 1.28 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.
- 1.29 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 whilst potential negative impacts have been identified, on balance these are outweighed by the significant positive impacts the scheme will deliver. The negative impacts are largely concerned with the removal of parking from the Embankment and the closure of the café on site, although this latter decision has already been taken independently of the Scheme going ahead and is not therefore a direct result of the Order or Scheme. Positive impacts include improved accessible public realm, the provision of housing units and 50% affordable with an 80% social rented tenure, improved access and connectivity with the river and improved open space including children's play space, pétanque and terraced lawns.
- 1.30 On confirmation of the Order by the Secretary of State, the Council intends to execute a General Vesting Declaration in order to secure unencumbered title to the Order Land.

## **2 THE ORDER LAND**

- 2.1 The Order Land comprises approximately 2.03 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 leases); 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); an area of derelict and disused land

and buildings to the north of the Gardens (formerly part of the Lido, owned by the Council and not publicly accessible); and a part of the Embankment which is used as highway, maintained by the Council but partially owned by the Port of London Authority (PLA). The Order Land also includes part of the Embankment promenade, reputedly owned by the PLA, over which rights to oversail cranes for the purposes of constructing the Scheme are sought – whilst this area of the Embankment promenade is within the adopted highway, the Council acknowledges the potential that it may fall within the definition of open space in the 1981 Act. Full details of the Order Land appear in the Schedule to the Order.

- 2.2 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.
- 2.3 The Site is situated in the area bound by King Street, Water Lane, Wharf Lane and the Embankment, with the Order Land including much of the Site and areas around it (where rights to oversail cranes are sought). 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.
- 2.4 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 partially 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 and land in the eastern area are disused, vacant and within the Council's freehold ownership.
- 2.5 The Order Land includes open space within the meaning of section 19(4) of the Acquisition of Land Act 1981 ("1981 Act"). The areas of open space over which powers of compulsory acquisition are included in the Order comprise of:
  - 2.5.1 Acquisition of part of the Gardens totalling 1,357sqm and an area of flowerbed on part of the Embankment Promenade measuring 31sqm under section 19(1)(a) of the 1981 Act. These areas are shown shaded red and numbered 2, 59, 64, 76, 85 and 86 on the enclosed Open Space Plan (the plot numbers on the Open Space Plan correspond with those shown on the Order Map). Whilst plot 85 forms an area of flowerbed separate from other areas of open space, the Council has adopted a precautionary approach and is including this area within the calculation of open space lost to the Scheme;



- 2.5.2 Acquisition of part of the Gardens, a small terrace area and a small sliver of the Promenade totalling 2,010sqm, under section 19(1)(aa). These areas are shown shaded yellow and numbered 27, 48, 60, 63 and 87 on the Open Space Plan; and
- 2.5.3 Acquisition of rights to oversail cranes over steps leading from the Embankment promenade to the River and a thin section of the Promenade under paragraph 6(1)(a) of Schedule 3 to the 1981 Act. This area of 57sqm is shown shaded blue and is numbered 68, 70 and 71 on the Open Space Plan.
- 2.6 Section 12 of this Statement of Reasons sets out the Council's approach to the design and provision of replacement open space and public realm, and also details the improved management proposals for existing open space to be retained within the Scheme. Section 12 also details the new rights sought over the Embankment promenade and how these will not render the area any less advantageous than it is, prior to such new rights being acquired.
- 2.7 The existing 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. The challenges and issues with the land and current buildings within the Site are described in section 4 below.
- 2.8 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 Council's Design Team are working with Habitats and Heritage to incorporate the boathouse into the wider vision for the riverside area. The boathouse is outside the Site and proposals for it are not directly part of the Scheme, although the potential for its rejuvenation and reuse is enhanced by the Scheme.

### **3 DESCRIPTION OF THE SCHEME**

- 3.1 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.
- 3.2 The Site sits at the end of the Thames River walk and acts as a destination for people walking westwards up the river. The aim of the Scheme is to take advantage of this and create a destination point.
- 3.3 The Scheme comprises the demolition of existing buildings and erection of a mixed use development. The development consists of two residential blocks, the Water Lane Building and the Wharf Lane Building. The Wharf Lane Building is within the south west corner of the Site and

above the ground floor is designated for 100% residential properties for private sale. The Water Lane building is located towards the north east of the Site and above the ground floor is designated for 100% affordable housing units. There are 5 proposed accessible housing units. Of the 45 homes, 21 units will be affordable homes, (81% socially rented and 19% intermediate rent) and 24 units will be private sale. This represents 50% of the units as affordable if calculated by habitable rooms, with associated amenity space.

- 3.4 The ground floor of each building would be 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 5 small retail units (total area 355 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 255 sqm is provided with panoramic views out over the gardens towards the river with the potential for outdoor seating.
- 3.5 The Wharf Lane building at the other end of the Site will house a pub/restaurant (444 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 Gardens side of the building a lobby shared with the pub/restaurant gives access to some public toilet facilities at ground floor level. At the other end of the building there is a commercial unit providing 320 sqm of office/retail space (use Class E).
- 3.6 In between the two buildings there is a significant area 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.
- 3.7 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, terraced steps that provide a great opportunity for people to sit and observe activities.
- 3.8 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. The pontoon is included in the Planning Application but is not part of the Scheme for which compulsory acquisition powers are sought. The pontoon may be provided as part of the Scheme but the rights to do this will be sought by agreement with the PLA, who are supportive of increased recreational use of the water.

## **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, fly-tipping 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 public realm 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.
- 4.3.3 **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. Whilst the Gardens are used by some residents of Twickenham and do currently provide a space for events on the hard landscaping, as well as a limited children’s play area, the space and its surroundings create significant management problems.
- 4.5 The eastern boundary of the Gardens is hoarding, protecting the public from derelict and disused lido buildings as described above. This area attracts a significant amount of anti-social behaviour including squatting, arson and drugs misuse.
- 4.6 Behind and to the east of the Gardens is the derelict and disused Council car park which has been closed since 2018 and attracts fly tipping, substance abuse and waste disposal. To the south of the Gardens is the riverside dominated by a car park and requiring people and families to cross the busy highway to get to the promenade leading to minimal connection between the Gardens and riverside.
- 4.7 Due to the fact that the Gardens sit at such a high level above the flood defence wall which runs along the Embankment, many residents of Twickenham are not aware of the Gardens’ existence and would not venture down onto the highway and car park in order to access them. The Gardens themselves have one accessible entrance in the North West corner coming from Wharf Lane, with the second entrance being at the top of a steep and narrow set of stairs coming off the riverside.

The change in level and accessibility challenges between the Gardens and the riverside also mean there is minimal connection between the two.

- 4.8 The lack of passive surveillance and light in the winter months leads to safety concerns so that the Gardens are rarely used after dark. In 2019 the Christmas tree was burnt down. As part of the Site used to be a lido which was filled in with rubble, it is impossible to grow natural grass as the soil depth is too shallow in many areas. Therefore, the Gardens have artificial grass which does not contribute to the biodiversity or ecology of the area. Similarly, a sand pit was installed as part of the original design but sits underneath a canopy of trees meaning that it is often filled with debris and is rarely used as there is now a new sandpit facility on the riverside in a more accessible location.
- 4.9 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 4.3) add very little to the street scene and currently serve no use to the Council or the community, but do attract anti-social behaviour.
- 4.10 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, 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.
- 4.11 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.
- 4.12 The Scheme will deliver substantial wider benefits for the public and the Council's area, including;
- 4.12.1 Contributing to the regeneration of Twickenham, a need identified in a number of Council documents including Local Economic Impact Assessments and the TAAP;
  - 4.12.2 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;
  - 4.12.3 Improving the cycling and pedestrian environment, linking to the Council's Cycling Strategy and Active Travel Strategy;
  - 4.12.4 Enhancing Twickenham as a visitor and tourist destination strengthening connections between the Riverside and the town, providing a town square and market area;

- 4.12.5 Providing 3,929 sqm of public open space encouraging more use for people of all ages as part of an even larger area of improved public realm, delivering a more accessible space;
  - 4.12.6 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; and
  - 4.12.7 Delivering new retail space and providing replacement commercial space.
- 4.13 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 in section 6 below.

## **5 THE COUNCIL'S POWERS OF COMPULSORY PURCHASE**

- 5.1 Section 226(1)(a) of the 1990 Act permits a local planning authority to exercise compulsory acquisition powers if it thinks that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired.
- 5.2 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.
- 5.3 Section 226(3)(b) enables the Council to acquire any land which is required for the purpose of being given in exchange for the open space land which is being acquired. The Order includes exchange land for the areas of open space which are to be developed.
- 5.4 The Council believes that the Scheme meets all of the wellbeing objectives. The Council has taken into account the CPO Guidance on the use of its compulsory purchase powers in making the Order. The Council is using its powers under section 226(1)(a) and 226(3)(b) 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 provides vacant possession of the Order Land to build out the Scheme, within a reasonable timescale and thereby deliver the significant associated economic, social and environmental benefits.
- 5.5 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 and improvement of open space (for the public), and the provision of new commercial and 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.”*

- 5.6 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire any such new rights over the land as are specified in the Order. New rights are required for the construction of the Scheme.
- 5.7 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.
- 5.8 Paragraphs 95, 96 and 97 of the CPO Guidance make it clear that, although the powers under Section 226 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 CPO 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 powers under Section 226(1)(a) and Section 226(3)(b) of the 1990 Act are the most appropriate in these circumstances.

## **6 JUSTIFICATION FOR THE USE OF THE COMPULSORY PURCHASE POWERS**

- 6.1 The purpose of seeking to acquire the land and rights 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 reasonable timescale.
- 6.2 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.
- 6.3 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 in section 7.

- 6.4 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.
- 6.5 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.
- 6.6 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. 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.
- 6.7 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 CPO Guidance which identifies the following issues to be considered, each of which is addressed below:-
- (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.

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

6.8.1 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 demand for homes.

6.8.2 The Site is also identified as an opportunity area (TW 7) in the TAAP which is also part of the statutory development plan. The TAAP 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 explained further in 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, including the London Plan.

**6.9 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.**

6.9.1 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 CPO 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 area.



## **Economic**

### **6.9.2 Attract investment:**

Providing additional housing in the area with a range of tenures as well as increased 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 designed Scheme 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 confirmed that 54% of people who responded said they would be more likely to visit the riverside with the Scheme in place.

### **6.9.3 Delivery of modern retail accommodation and increased number of commercial units:**

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 (although also flexible) 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. There will be additional new retail units, a new pub/restaurant, replacement café and office space.

### **6.9.4 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 pub/restaurant which will provide employment opportunities for local people. There will also be employment opportunities to be explored as part of the construction process through apprenticeships and delivery of social value, including full time employment, work placements, apprenticeships, general training and employment of individuals not engaged in education, employment or training/rehabilitating or ex-offenders.

## **Social**

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

The TAAP notes that key issues for residential uses in Twickenham include new residential development contributing to the regeneration of the centre and a need for

family housing on suitable sites in the centre. The Site sits just south of the town centre and so the residential development within the Site would contribute to housing required in the Borough by policies LP34 of the Council's Local Plan and the London Plan. Policy LP34 commits the Council to provide at least 3,150 net additional homes for the period 2015-2025 and identifies the development of sites such as Twickenham Riverside as being one of the opportunity sites where some of the required units could be delivered. Twickenham itself must deliver 1000-1050 net additional homes with limited sites within which to deliver these.

The Scheme will deliver 45 additional housing units within Twickenham and within the Borough delivering over 50% affordable housing when using a habitable room basis, with 81% affordable rented and 19% intermediate. Therefore, a number of homes will be allocated to under-occupying social tenants in order to release larger homes, a number will be allocated to those who are in temporary accommodation and a number allocated to those who are in the rough sleeping queue.

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 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 as specified in Local Plan policy LP 31.

#### **6.9.6 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 a 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.

The lack of accessibility and the poor-quality of the existing open space/public realm 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 Scheme 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 3,929 sqm of public open space, as part of the wider improvements to public realm.

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.

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

A further objective of 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 meet 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 accessible public toilets on the ground floor.

#### **6.9.8 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 not to disadvantage the 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 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**

### **6.9.9 Removing aged and poorly designed existing buildings and replacing them with new dwellings and buildings that meet 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.

### **6.9.10 Enhancing local biodiversity**

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. The Scheme aims to increase biodiversity through extending existing green corridors following the river, by creating continuity for species that rely on vegetation and tree canopies. New street trees will be planted along the access laneways, establishing continuous green chains for pollinators and birds. The biodiverse planting palette seeks to provide invertebrate and bird species with opportunities which include, nesting opportunities, foraging and cover (particularly when mature), with herbaceous and perennial borders that attract pollinators and aquatic plants within raingardens. Berry producing trees are proposed where appropriate to encourage bats and support birds. Bats will also profit with the increased invertebrates using the area along the river and on site, with bird and bat boxes and invertebrate hotels also provided.

The lighting plan will aim to limit the light spill, particularly onto the River Thames but also other boundary features, so as not to deter nocturnal species, for example bats, utilising the Site and the stretch of River Thames along the Site for both foraging and commuting to further local areas.

**6.9.11 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 TAAP. 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. The development has been awarded approximately £600k from the GLA Brownfield Site Release Fund to enable the delivery of housing.

**6.9.12 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, thus maintaining or improving on the current flood storage capacity within the site boundary whilst also achieving a strengthening of the connection between the Site and river.

**6.10 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**

6.10.1 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.

6.10.2 The Council has already made several public and financial commitments to the Scheme, both at Council Committees and in public engagement sessions, and has a firm and clear intention to deliver the Scheme. In February 2020 the FPRC approved a capital budget of £4.56 million to take the project through design development, planning application process, and to the award of a construction contract (end of Stage 4). The capital budget approved by the FPRC in February 2020 included the estimated budget for all land acquisition and compulsory purchase compensation costs. The Council has invested considerable resources in bringing forward the design and planning stages. The report to be considered at the FPRC in November 2021 (noted above) will set out the current

position of the Scheme. The next step is for the Council to procure a contractor to deliver the Scheme.

6.10.3 Alongside the £4.56 million already approved, allowance for the remaining capital funding investment required 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 contributing £1 million of Community Infrastructure Levy funding to assist with the delivery of the extensive open space and public realm improvements. The Scheme has also attracted external grant funding with approximately £600k awarded to the Council from the Brownfield Site Release Fund to assist with the delivery of housing on the Site.

6.10.4 A planning application was submitted in August 2021 (reference 21/2758/FUL) with a decision expected towards the end of November 2021. The Council is satisfied that there are no impediments to bringing forward the Scheme.

6.10.5 The Council's costs estimates for the Scheme include an amount for the remaining land acquisitions, which will be met from the approved capital budget for the Scheme. The capital budget also provides for the compensation of any rights of light claims.

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

6.11.1 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. 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.

6.11.2 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. 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).

6.11.3 The Council has been negotiating with the holders of the retail/commercial and open space interests for their acquisition by agreement but has been unable to reach an agreement within the required timeframe. Details of the negotiations to date are set out in Section 7 below.

6.11.4 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.

6.12 For the reasons explained above, the Council therefore considers there to be a compelling case in the public interest to proceed with the Order.

## **7 NEGOTIATIONS WITH THOSE OWNING INTERESTS IN THE ORDER LAND**

7.1 As set out in the Schedule to the Order, the principal interests in the Order Land that need to be acquired are as follows:

7.1.1 two leasehold interests at 1 and 1b King Street;

7.1.2 Diamond Jubilee Gardens leasehold interest;

7.1.3 Freehold interest owned by Eric Twickenham Limited in relation to a small land parcel to the rear of King Street which is required for servicing access and foundations to the new Water Lane building;

7.1.4 Part of the Embankment owned (or reputed to be owned), by the Port of London Authority which is unregistered; and

7.1.5 Any third party rights such as informal easements and rights of light.

7.2 The Council officers have sought to negotiate with all the leaseholders, commercial tenants and long leaseholders.

### **King Street Properties**

7.3 In July 2020 the Council appointed specialist surveyors AspireCP to advise on the land acquisition strategy, specifically in relation to two commercial leasehold premises, the freehold of which are held by the Council. One of the premises is occupied by Santander (whose lease expired on 31 December 2020) and the other by Superdrug (whose lease expired on 3 September 2021). The Council is seeking to bring these tenancies to an end in accordance with the relevant statutory provisions in the Landlord and Tenant Act 1954 ("LTA"), pursuant to which notices on both leaseholders were served on 22 January 2021 seeking to bring the leases to an end on 19th January 2022. The 2 commercial leasehold premises have a statutory right to apply to the court to renew their leases from this date.

7.4 Santander closed their branch on the 7th July 2021 and have vacated the property which indicates they will not apply for a new lease. The Council are negotiating with Santander for them to forego

the third quarter of their rent in exchange for an early surrender of the lease. This is being considered by Santander and a response is awaited.

- 7.5 Superdrug responded to the notice requesting an agreement for a short-term lease to remain in the property until vacant possession is required in August 2022, offering each party a rolling option to break the lease. This option would allow Superdrug to break the lease from day one from January 2022 with a one-month notice period; and the Council would be able to break any time after 30th June 2022, subject to specified notice periods. These heads of terms have been agreed by the Council and Superdrug but the legal agreement has not yet been signed.
- 7.6 Whilst the indications to date are that the LTA process will deliver vacant possession in accordance with the Council's programme for the Scheme, the Council considers it both prudent and necessary to include the two commercial leasehold interests in the Order.
- 7.7 Negotiations are also ongoing with Eric Twickenham Limited for a small land parcel to the rear of King Street which is required for servicing access and foundations to the new Water Lane building.

#### **The Gardens**

- 7.8 The Twickenham Riverside Trust holds a 125 year lease over the Gardens. There has been a significant amount of engagement with the Trust at each stage of the design development from the creation of the brief to the current day, following their "in principle" approval to include the Gardens within the Scheme. 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. The Director of Environment and Programme Manager established weekly meetings with the Chair of the Trust to progress the legal negotiations and draft Heads of Terms for the surrender of the Trust's lease was issued to the Trust's lawyers 30 April 2021.
- 7.9 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 with the Chair of the Twickenham Riverside Trust, as detailed in a Committee report in January 2021. The key principles as set out in the draft Heads of Terms include:
- 7.9.1 The Trust will be granted a new 125 year lease for the new property upon the surrender of the current lease;
- 7.9.2 The Trust and Council will develop a works and landscaping specification document which will be attached to the Heads of Terms;
- 7.9.3 There will be a 48 month long stop date, however this does not negate the Council's intention to complete the Scheme by August 2024. In the unlikely event that the Council has not completed the works within this time frame then a further agreement will kick in whereby the Council will offer the trust a grant of up to £4,000 per month and use of alternative riverside space for a number of events per year;



- 7.9.4 The Council will be responsible for all repairs and maintenance of leased area; and
- 7.9.5 The current Management Agreement (MA) will be terminated upon start on site and a new Memorandum of understanding will replace the MA as part of the new lease terms. This will allow the Trust to set their own pricing strategies and retain any revenue generated on the property.
- 7.10 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 proposed lease, allowing them to set their own pricing strategies, agreeing to the cost and responsibility of maintaining the gardens in perpetuity and agreeing that the Trust may keep any revenue made on the Site.
- 7.11 The trustees have yet to formally meet and agree the Heads of Terms on behalf the Trust, and as such have not yet agreed to the surrender of the lease. 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.

#### **PLA Land**

- 7.12 The Council met representatives of the PLA on 19th February 2020 to discuss the ownership and purchase of the Embankment for the Scheme. It was, at that meeting, agreed in principle that the PLA would register their interest in the Embankment and sell this interest to the Council for a price to be agreed. The Council has completed a valuation of the Embankment and has agreed a price and Heads of Terms with the PLA. The Heads of Terms will be signed once the PLA's interest in the land has been registered by the Land Registry.
- 7.13 Whilst the Council has agreed Heads of Terms with the PLA for the acquisition of its freehold interest in the southern part of the Embankment; the northern part of the Embankment remains unregistered and therefore, it has been included within the Order Land.
- 7.14 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.

#### **Rights of Light**

- 7.15 The Council has undertaken a Rights of Light survey which suggests that the Scheme may interfere with the rights of light of some properties in the area around the Scheme. 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, in accordance with the statutory compensation code. The Council has sought in the Order the acquisition of a right to oversail cranes over

various parcels of land surrounding the Site, and it will engage with the affected owners to negotiate and agree the terms of any licence or easement which is required, and the compensation due.

## **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') (2021)** 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 120 part C** 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 60**). The NPPF also seeks to ensure that the planning system helps to build a strong and competitive economy. At **paragraph 81**, the Framework places emphasis on the need to support economic growth and taking account of local business needs. **Paragraph 86** of the Framework states that planning policies and decisions should support the role that town centres play at the heart of local communities. **Paragraph 86 Part (f)** recognises that residential development can play an important role in ensuring the vitality of the town centres. **Paragraph 92** 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 130** 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 152**, 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 154**, 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 157** 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 199** states that great

weight should be given to the asset's conservation; the more important the asset, the greater the weight to be attributed to the asset's protection.

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.

8.2.5 The proposed Scheme is consistent with planning policy by virtue of the proposed re-use of this partly derelict, highly accessible brownfield site, the provision of new homes including 50% affordable housing, at an 80:20 tenure delivering 80% socially rented units and 20% intermediate units, 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 London Plan, AAP site specific policies, the Council's strategic objectives for the regeneration of Twickenham town centre and the NPPF.

8.2.6 **Supplementary Planning Guidance Documents ('SPG/SPD')** most relevant to the development are set out below, together with a list of their respective objections and commentary on how the Scheme accords with each of the identified objectives:

**Sustainable Construction Checklist Guidance Document (June 2020)**

- *Completing the Sustainable Construction Checklist in support of the application, demonstrating its sustainable credentials and enabling all building works to make an increased contribution towards local sustainability and help create a townscape which will adapt to climate change as well as mitigate its effects.* A Sustainable Construction Checklist has been prepared by Method Consulting LLP (Sustainability Consultant) and submitted in support of the Planning Application, which shows that new residential and domestic refurbishment and residential new-build have been given a score of 62 (a 'B' rating). This rating indicates that the Scheme contributes to the Borough's stock of sustainable buildings, demonstrating the Scheme achieves the objective of making an increased contribution towards local sustainability.
- *Energy Performance - achieving the minimum compliance for residential and non-residential. Energy Statement to be prepared and submitted, demonstrating the expected energy and carbon dioxide emissions saving from energy efficiency and renewable energy measures, including the feasibility of CHP/CCHP and community heating systems.* An Energy Statement was submitted in support of the Planning Application. This Statement concludes that the Scheme will achieve a combined on-site carbon emissions reduction of 54% against the Part L Building Regulations (2013) due to the building's utilisation of Air Source Heat Pumps and a thermally efficient building envelope to reduce the Proposed Development's carbon emissions. The Scheme therefore contributes to the SPD's aims and objectives to maximise its energy performance and carbon savings.
- *Sustainability accreditation – a BREEAM preliminary assessment for non-residential developments and residential conversion developments to be undertaken by an accredited assessor.* A BREEAM Pre-Assessment of the Scheme has been prepared by Method Consulting LLP (Sustainability Consultant) which concludes that all proposed non-residential uses (i.e. office and retail) will achieve the 'Excellent' standard.

### **Transport SPD (June, 2020)**

- *Transport Assessment to be submitted in support of the application and where residential development has the potential to result in an increased demand for on street parking, an application may need to be supported by a parking survey. A Transport Assessment and a parking survey have been prepared by WSP in support of the Planning Application, thereby meeting this objective. The site's PTAL rating of 5 and 6 indicates it has very good levels of transport accessibility based on walk access times and service availability. Except for the re-provision of existing parking spaces, the Scheme will be car-free. The Scheme will therefore not be detrimental to the operation of the local highway demonstrating it will be in accordance with relevant planning policies including this SPD.*
- *Development is expected to provide for and facilitate more cycling. This will involve the provision of cycle-friendly streets, cycle lanes and tracks, and improvements to road junctions and crossings. The Scheme provides a total of 117 cycle parking spaces comprised of 85 long-stay cycle parking spaces and 32 short-stay cycle spaces. This cycle provision complies with London Plan policy and is cognisant of the general thrust of the Transport SPD. The proposals also include new pedestrian and cycle routes through the site and towards local bus services, in accordance with the SPD.*

### **Air Quality SPD (June, 2020)**

- *Designing new developments to minimise the effects on the local community as well as avoiding introducing new exposure in areas of poor air quality. And avoiding the construction and operation of new development impacts on air quality to protect the health of people in the borough. The Air Quality Assessment submitted with the Planning Application concludes that the Scheme will have a negligible impact on air quality during the construction phase and operational phase. This helps achieve the objective of minimising the impact of air pollution and poor air quality.*
- *Air Quality Assessment to confirm that the proposed development would achieve Air Quality Neutral. The Air Quality Assessment also confirmed that the Scheme would be Air Quality Neutral, in accordance with this objective of the SPD.*

### **Affordable Housing SPD (March, 2014)**

- *Consideration should be given to the provision of space for storing recyclable and non-recyclable waste when designing kitchens and utility rooms. The Scheme will provide adequate space within the proposed dwellings and across the Site for refuse and recycling storage, achieving the objective.*



- *Waste collection operatives should not be required to carry waste sacks, dustbins or move wheeled bins more than 20 metres in total. Furthermore, storage areas for residential dwellings should be sited so that the occupiers are not required to carry refuse or recycling more than 30 metres from an external door.* Refuse management within the Scheme will take place from two loading bays situated approximately 20 metres away from the proposed refuse stores, which accords with this objective of the SPD.

8.2.7 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 winter 2021/2022 with adoption of the new Local Plan expected in 2024.

## **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; and
- 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 assessment of annual housing need in the Borough, the latest assessment 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 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 that the need for affordable housing remains substantial. As of 31st March 2021, there were 4,893 households on the Council's waiting list across all types of temporary accommodation (including homeless from home).
- 9.5 The new London Plan (adopted March 2021) includes net housing target requirements for each of the London boroughs covering the next Five years (March 2026). The London Borough of Richmond target is to provide 411 new 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 paragraph 5.7 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 by the Scheme through the delivery of 45 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 amenity 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 The NPPF 2021 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 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.
- 10.2 As noted above, the Council has aspired to develop the Site for over 40 years, bringing forward multiple planning applications. These attempts have been accompanied by various formal and informal engagement and consultation processes, including physical events and digitally accessible information, with the most recent application being subject to pre-application and statutory consultation processes.
- 10.3 To ensure that all stakeholders were part of the design process for the Scheme, 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 September to October 2019. The five shortlisted concept designs were then presented in January to February 2021 on the developed designs. Throughout the competition process and design development the Council has undertaken periods of extensive public engagement and consultation, (in September 2019 and January 2021), as well as continuing engagement with local stakeholders throughout this period.

- 10.4 The Council received 455 responses to the competition consultation and over 800 responses were received to the public consultation, where 16 questions were asked of respondents, including a request for their thoughts on the overall design and use of the proposed development. The consultation process also involved speaking to a further 310 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, including from the Twickenham Riverside Trust who hold the lease for Diamond Jubilee Gardens. 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.
- 10.5 As part of the January consultation the following steps were taken:
- 10.5.1 Information was sent out in the Council e-newsletter reaching 50,000 residents;
  - 10.5.2 Flyers were sent to 23,245 addresses in the TW1 postcode area;
  - 10.5.3 Posters were put up around the site;
  - 10.5.4 A press release was issued;
  - 10.5.5 Information was posted on the Council's website and page dedicated to the Twickenham Riverside scheme;
  - 10.5.6 Information was posted on the Council's social media channels including Facebook and Next Door;
  - 10.5.7 Emails were sent to individuals who had registered their interest in the scheme, and all stakeholder reference groups;
  - 10.5.8 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; and

- 10.5.9 A variety of feedback options were offered including feedback during the live virtual events, using an online or hard copy questionnaire or via email.
- 10.6 Two public consultation events were held virtually, (due to the Covid-19 pandemic), between and February 2021 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.
- 10.7 Three quarters of respondents (75%) currently visit Twickenham Riverside once a week or more. 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 strongly indicates 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:
- 10.8.1 Like the pedestrianisation of the current parking area (27%);
  - 10.8.2 Like the open space / extra open space (22%);
  - 10.8.3 Like the gardens / greenery / trees / landscaping (17%);
  - 10.8.4 Like the view of the river / can enjoy the river / more open space / easy access to the river (15%);
  - 10.8.5 Like the widening of Water Lane / opening up and linking the river with King Street (14%);
  - 10.8.6 Like the event space / community space / stepped area (14%);
  - 10.8.7 Like the café and restaurant areas (13%);
  - 10.8.8 Like the look and design of the buildings and architectural style (12%);
  - 10.8.9 General likes about the design / layout / like all of it (11%); and
  - 10.8.10 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:
- 10.9.1 Concerns around where the current parked cars would go (20%);
  - 10.9.2 Don't like the architectural style (15%);

- 10.9.3 Buildings are too tall (12%);
  - 10.9.4 General dislike of the design (10%);
  - 10.9.5 Concerns about the provision of retail or commercial space (9%);
  - 10.9.6 Would like it completely closed off to traffic (8%);
  - 10.9.7 Too much space is given to buildings (7%);
  - 10.9.8 There is no swimming pool (5%);
  - 10.9.9 There are too many flats (5%); and
  - 10.9.10 Buildings 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 most 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, 18% answered that they liked everything. This was the highest response rate for this question.
- 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 local Riverside Stakeholder Reference Group in 2019 to aid outreach to various community stakeholders in Twickenham with an interest in the future of Twickenham Riverside. 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, through attending meetings with the architects, include but are not limited to:

- 10.15.1 Eel Pie Island Association;
  - 10.15.2 Twickenham Riverside Stakeholder Group;
  - 10.15.3 Environment Agency;
  - 10.15.4 Port of London Authority;
  - 10.15.5 Essential Living, M3 Capital and Partners (neighbouring property owners);
  - 10.15.6 Church Street Traders;
  - 10.15.7 Twickenham Riverside Business Improvement District;
  - 10.15.8 Twickenham Riverside Park Team;
  - 10.15.9 Various water sports groups;
  - 10.15.10 Twickenham Riverside Trust;
  - 10.15.11 Twickenham Society;
  - 10.14.12 King Street tenants;
  - 10.14.13 Habitats and Heritage; and
  - 10.14.14 Potential tenants such as London Farmers Market.
- 10.16 The Council has uploaded all consultation and engagement information onto its website for members of the public to see and share.
- 10.17 As previously confirmed, the Planning Application was submitted on 4 August 2021 and is currently subject to consultation by the LPA. Full details of the consultation undertaken prior to submission of the planning application are set out in the Statement of Community Involvement, a copy of which is appended to this Statement of Reasons.
- 10.18 The Council confirms that no Government department view has been sought or expressed on the proposed Scheme.

## 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.

### **Stopping Up Order**

- 11.2 The Scheme will entail building upon and delivering exchange open space on parts of the adopted highway. In order to facilitate the Scheme, the Council will 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 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 sections of adopted highway to be stopped up are to allow for:
- 11.5.1 the development of a new Town Square at the Embankment (plots 61 and 62);
  - 11.5.2 the flood wall / embankment to be constructed to the south-east of the proposed Wharf Lane building (within plot 69);
  - 11.5.3 The south easterly corner of the gardens, and start of the accessible path into the gardens (plot 82); and
  - 11.5.4 access to the refuse and rear kitchen area of the café building (part of plot 51).
- 11.6 In the event that there are objections to the Order and also the stopping up order, 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.

### **Traffic Regulation Order(s)**

- 11.7 In addition, there is likely to a need for a TRO(s) in order to manage the retained parts of highway on Water Lane, Wharf Lane and the Embankment and traffic and pedestrian use of those areas. Any necessary temporary orders will be sought in advance of construction commencing and any permanent orders will be sought at the appropriate time, in the usual way.

### **Flood Risk Permit**

- 11.8 As part of the Scheme involves works within 8 metres of a flood defence structure and within 16 metres of a tidal river, there is a statutory requirement to obtain a Flood Risk Permit from the Environment Agency. This permit will be sought in advance of construction commencing.
- 11.9 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 statutory undertakers, as described in the Schedule to the Order. Only UK Power Networks plc owns an occupational interest within the parts of the Order Land on which the Scheme will be built – the sub-station within Plot 50, and which is to be re-located as part of the Scheme. UKPN has been contacted about the Scheme and an estimate for the works to be carried out has been issued by UKPN. The next stage is to agree with UKPN the site services phasing plans and for the Council to formally accept the quotation. Lease negotiations will be determined by this programme and will commence when the quotation is formally accepted. All discussions to date between the Council and UKPN indicate that an agreement by private treaty can be achieved.
- 12.2 Other occupational interests of statutory undertakers are within the land over which crane oversail rights are sought, the implementation of which will not affect the statutory undertaker's operations. Separately various utility assets have been identified that are within and may be impacted by the redevelopment of the Site, and which will as necessary be retained, diverted or replaced as part of the Scheme.
- 12.3 There are no listed buildings or consecrated land within the Order Land.
- 12.4 The Order Land includes open space within the meaning of section 19(4) of the 1981 Act.

### **Open space and the requirements of the 1981 Act**

- 12.5 Section 19 of the 1981 Act requires that where an Order includes open space it must be subject to Special Parliamentary Procedures (“SPP”) unless a certificate is obtained from the Secretary of State. Section 28 and paragraph 6 of Schedule 3 of the 1981 Act also requires the compulsory acquisition of any new rights over open space to be subject to SPP unless a certificate is obtained from the Secretary of State. The Council is seeking a certificate under section 19(1)(a), 19(1)(aa) and paragraph 6(1)(a) of Schedule 3 to the 1981 Act, from the Secretary of State, in respect of the existing open space within the Order.



### **Areas of open space within the Order Land**

- 12.6 The areas of open space over which powers of compulsory acquisition are included in the Order comprise of the following. Whilst references are to the numbered plots (and colours) on the Open Space Plan, the same plots (but not colours) appear on the Order Map:
- 12.6.1 Acquisition of part of the Gardens totalling 1,357sqm and an area of flowerbed on part of the Embankment Promenade measuring 31sqm under section 19(1)(a) of the 1981 Act. These areas are shown shaded red and numbered 2, 59, 64, 76, 85 and 86 on the enclosed Open Space Plan. Whilst plot 85 forms an area of flowerbed separate from other areas of open space, the Council has adopted a precautionary approach and is including this area within the calculation of open space lost to the Scheme;
- 12.6.2 Acquisition of part of the Gardens, a small terrace area and a small sliver of the Promenade totalling 2,010sqm, under section 19(1)(aa). These areas are shown shaded yellow and numbered 27, 48, 60, 63 and 87 on the Open Space Plan; and
- 12.6.3 Acquisition of rights to oversail cranes over steps leading from the Embankment promenade to the River and a thin section of the Promenade under paragraph 6(1)(a) of Schedule 3 to the 1981 Act. This area of 57sqm is shown shaded blue and is numbered 68, 70 and 71 on the Open Space Plan.
- 12.7 The purpose for which the land and rights are required and the land that will be re-provided is described below.

### **Areas of open space to be lost to the Scheme**

- 12.8 The Gardens are on part of the former lido site and are built on what was the swimming pool. The existing Gardens are around 2,513 square metres in area (as noted below the area to be lost is smaller than this) and are designated open space. The Gardens include a children's play area, seating with river views, hard surface for events, areas for petanque and a café.
- 12.9 Adjacent to Wharf Lane and on the south-western side of the current Gardens (plots 64, 76 and 86) shaded red on the Open Space Plan), the Scheme proposes a new building which will house office space, public toilets and a public house/restaurant – this area currently includes a children's play area, surrounding hard standing and an area which is currently inaccessible. The new building presents an oblong form with a tri-part mass rising to five storeys on the western edge and four storeys on the inside eastern edge. To the south-east, the proposed public house/restaurant is set within a single storey. The Wharf Lane building proposes pitched roofs, which matches the roof design of the new buildings proposed on Water Lane (which are located outside the current Gardens). The area of Gardens lost to this element of the Scheme is 1,313 square metres.

- 12.10 In addition to the new Wharf Lane building, a small area of the Gardens to the north-west of the Site will provide a new accessible car parking bay. This area forms part of the Gardens but lies outside the area leased to the Trust. This part of the Gardens is currently part of the north-western boundary tree belt and measures 22 square metres in area and is shown shaded red on the attached Open Space Plan (plot 2 on the Open Space Plan).
- 12.11 A small area of open space to the south of the site and close to the Embankment will be developed as part of the public realm adjacent to the redeveloped Gardens. This area is again shown red on the Open Space Plan and measures 22 square metres (plot 59 on the Open Space Plan).
- 12.12 Another small area comprising a flower bed will be developed as a vehicular turning circle as part of the Scheme. The Council has adopted a precautionary approach and is including this area within the calculation of open space lost to the Scheme. This area is shown shaded red and numbered plot 85 on the Open Space Plan and measures 31sqm.
- 12.13 These four areas of open space which are lost to the Scheme measure 1,388 square metres in total.
- 12.14 Whilst the areas of exchange land and open space to be retained are each addressed in turn in this section, they must also be considered in the context of the Scheme's objective to achieve a much larger and improved overall area of open space and public realm on the Order Land, as part of a comprehensive redevelopment, also involving residential, commercial and other appropriate uses. The Scheme Masterplan – within the Planning Application – illustrates what is to be achieved overall.

#### **Application under section 19(1)(a) of the 1981 Act**

- 12.15 Section 19(1)(a) provides:

##### **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.*

- 12.16 Section 19(1)(a) of the 1981 Act requires three matters to be met in respect of any open space exchange land:

12.16.1 it must be of an area that is not less than the open space land to be acquired;

12.16.2 it must be equally advantageous to the persons with a right to use the existing open space land and the public; and

12.16.3 it must vest in the persons to whom the acquired open space land was vested.

### **Exchange Land**

12.17 The exchange land measures 1,919 square metres, and comprises of the following all of which are shaded green on the Open Space Plan:

12.17.1 As part of the Scheme, part of the Embankment which is used as a highway and parking will be developed to create part of a new town square. The town square is designed with amphitheatre-style terraced seating and will become a new flexible, civic space for the town centre, suitable for a range of uses and pop-up events;

12.17.2 Immediately to the east of the existing Gardens, a fenced off area of overgrown vegetation will be developed to deliver part of the enhanced children's play area, a new area of lawn adjacent to the children's play area, a terraced lawn adjacent to Water Lane leading down to the Embankment and accessible routes through to the Gardens and the new Town Square and Embankment; and

12.17.3 The final area of exchange land is located immediately adjacent to Water Lane on the Site's north-eastern boundary. This area currently comprises a disused car park and part of one of the commercial units on King Street. As part of the Scheme this area will be have planted terraces to create attractive and accessible routes to the Gardens, the new terraced lawns, the Town Square and Embankment.

12.18 The exchange land is split between Schedules 2 and 3 to the Order – the plots in Schedule 2 (24, 28, 47 and 62) are those which are to be acquired by and vested in the Council, and the plots in Schedule 3 (26, 46, 52, 57, 61 and 82) are those which the Council already owns and which are therefore just to be vested in the Council. Paragraph 3 to the Order provides the relevant drafting which achieves this.

12.19 In respect of the first test, the open space land to be acquired (and which will be lost as open space), is 1,388sqm and the exchange open space is 1,919sqm, 531sqm in excess of the open space that will be lost. The exchange land therefore represents a 38% increase over the open space which is lost, significantly in excess of the requirements of the first test in section 19(1)(a) of the 1981 Act.

12.20 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.

- 12.21 The lack of accessibility and the poor quality of the existing open space and its surroundings means that it is often a quiet and dark area attracting anti-social behaviour including arson, fly tipping, substance misuse and squatting in the derelict buildings (located in the fenced off area adjacent to the Gardens). The existing Gardens is made up of a small raised terraced with some seating, and a small area of planting, none of which are connected. The two main areas both lack direct access to the river despite being a stone's throw away and are bordered to the south by highway (the Embankment) with many parking bays that are in frequent use.
- 12.22 The Scheme will remove derelict and unused buildings and space, completely re-modelling the Site and making much better use of the space. The Scheme opens up and significantly enlarges the public space so that it can be accessed from all sides and opens out onto the Embankment and the River Thames, and achieving a total area of 3,929 sqm of designated public open space, 1,919 sqm of which is exchange land, as well as other areas of landscaping and public realm.
- 12.23 The widening of Water Lane means that the river, and footbridge to Eel Pie Island will be seen from the high street (King Street), thereby making more of the river connection. The Scheme provides a town square in the centre of the Embankment which can be used for hosting events such as markets or outdoor cinema. The land being offered in replacement is adjacent to the open space lost.
- 12.24 There is also further connected open space being added on Water Lane, allowing for a generous pedestrianised area leading from the town centre into the site. Overall an additional 531sqm is being provided. Given its close proximity, the replacement land is clearly equally advantageous in terms of its location.
- 12.25 The new open space offers a number of different uses, appealing to all ages. It will not only replace the existing functions of the open space which include a children's play area (in the new space this will be increase with a larger variety of play equipment), pétanque pitches, planting, seating and hard and soft landscaping, but it will also offer an event space (suitable for events such as markets, concerts and open-air cinema or theatre), tiered seating overlooking the event space, terraced lawns, chess tables, and storage for events. From all parts of the new open space there should be uninterrupted views of the river.
- 12.26 The new open space is also advantageous from an accessibility point of view. The existing Gardens only has one step free access point to the north west of the gardens and the raised terrace seating area can only be access by steps. The replacement open space will be accessible from the north east, south east and south west with accessible routes running from the Embankment, Water Lane and Wharf Lane.

- 12.27 Being a riverside location there is the need to consider flooding, and so the new exchange land, (alongside the retained part of the Gardens), provides a large space above the 1 in 100 year (plus 35% for climate change) flood line, which includes the children's play area, pétanque pitches, chess tables and seating areas, as well as ensuring the terraced lawns are above the 1 in 50 years flood plain. This is all at the expense of buildable area, as the Council recognises the importance of open space to the community and has ensured that public realm is at the heart of the design. Further open space is provided at lower levels, but largely all avoids regular flooding.
- 12.28 The existing open space has trees and areas of planting, but due to the fact it is built on the infill of an old swimming pool that closed in 1980 it has not been able to support grass and so artificial grass has had to be used. In the replacement open space there will be a greater amount of trees and planting and the lawned areas will be able to support grass.
- 12.29 Finally, the existing open space has been subject to antisocial behaviour over the years in part because the current site is underused and badly connected. It is expected that through a careful lighting strategy, passive surveillance from the new buildings and greater use of the site for a range of activities that antisocial behaviour will reduce.
- 12.30 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.
- 12.31 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 with 26 months. 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 take into account the improvements to the exchange land proposed within the Scheme which are to take place after the date of the exchange. Indeed, in this case the improvements to the exchange land are part of the very purpose of the Scheme and seeking compulsory acquisition of the Order Land.
- 12.32 On the basis of the detail set out in paragraphs 12.19 to 12.29 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.
- 12.33 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.

- 12.34 As part of making the case for the Order, the Council will seek a certificate under section 19(1)(a) of the 1981 Act. 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.

### **Area of open space retained to improve its management**

#### **Application under section 19(1)(aa) of the 1981 Act**

- 12.35 Section 19(1)(aa) provides:

#### **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-*

*(aa) that the land is being purchased in order to secure its preservation or improve its management.*

- 12.36 In addition to the exchange land, 2,010sqm of existing open space will be retained for the purposes of improving its management. The CPO Guidance notes in relation to this exception that *"In some cases, the acquiring authority may wish to acquire land to which section 19 applies, eg open space, but do not propose to provide exchange land because, after it is vested in them, the land will continue to be used as open space"*. The Scheme (in part) seeks to comprehensively re-design the Order Land and re-provide much improved open space. In relation to the existing open space to be retained, this will improve its management as part of the overall Scheme.
- 12.37 Under the Scheme this area will be greatly enhanced and its management significantly improved. The majority of the retained open space is in the centre of the Site, within an area located immediately to the north of the new Wharf Lane building – this area of 1,734 square metres all forms part of the existing Gardens (plots 60 and 63). This area of the Gardens currently comprises the hard surface event areas, the petanque pitches, a café and a tree belt along the northern boundary of the Gardens.
- 12.38 A separate area of retained open space is located at the end of Water Lane and is a small terrace and seating area. This area measures 125 square metres (plot 48).
- 12.39 A separate area of retained open space is located at the end of Wharf Lane and is currently part of the Promenade. This area measures 3 square metres (plot 27).

- 12.40 The areas of retained open space are shown shaded yellow on the Open Space Plan.
- 12.41 Under the Scheme the central area of the Gardens and area immediately north of the new Wharf Lane Building will provide the following enhancements:
- 12.41.1 Part of a new children's play area;
  - 12.41.2 Petanque under London Plane Trees;
  - 12.41.3 Feature tree with seating;
  - 12.41.4 Hornbeam trees and planted buffer; and
  - 12.41.5 A shared surface entrance to the Gardens.
- 12.42 The existing terrace and seating area (Plot 48) will become part of the lawned area and path up to the gardens.
- 12.43 As part of making the case for the Order, the Council will seek a certificate under section 19(1)(aa) of the 1981 Act. The proposals contained in the section 19 Certificate will provide significant improvements to the quality and amenity of the open space to be retained which will clearly improve its management.

**Embankment Promenade (open space over which new right to be acquired)**

**Application under paragraph 6(1)(a) of Schedule 3 to the 1981 Act**

- 12.44 Paragraph 6(1)(a) of Schedule 3 provides:

**Commons, open spaces etc.**

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

*(a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.*

- 12.45 The Order Land includes steps leading down from the Embankment Promenade/Thames Pathway to the River and a small sliver of the Promenade. This area measures 58 square metres and is shown numbered 68, 70 and 71 and shaded blue on the Open Space Plan. As noted above the Order seeks the acquisition of rights to oversail cranes over this area, for the purpose of constructing the Scheme.
- 12.46 Paragraph 6(1)(a) of Schedule 3 to the 1981 Act requires that the land *“when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before”*.

- 12.47 The steps from the Embankment promenade and thin strip of Promenade included will be no less advantageous to those in whom it is vested (currently the PLA but to be acquired by agreement by the Council) nor to the public, when burdened with a right to oversail cranes.
- 12.48 The Council is confident that the use of the Embankment promenade steps and sliver of additional promenade as open space can continue throughout the construction of the Scheme and will be no less advantageous than it currently is.
- 12.49 As part of making the case for the Order, the Council will seek a certificate under paragraph 6(1)(a) of Schedule 3 of the 1981 Act.

### **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.

### **The Public Sector Equality Duty**

- 13.7 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 and in particular those with certain ‘protected characteristics’ when carrying out their day-to-day work including when shaping policy and delivering services.
- 13.8 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.
- 13.9 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.
- 13.10 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 considered that on balance the positive impacts achieved from delivering the Scheme are much greater than the negative impacts, and all of which were taken into account by the Council in considering whether to make the Order.
- 13.11 As such the Council considers that it has complied with the PSED in the process of developing the Scheme and deciding to make the Order.

## **14 CONCLUSIONS**

- 14.1 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.
- 14.2 Further, redevelopment of the scale anticipated by the Scheme is supported in policy terms at national, regional and local level, including through a specific site allocation. 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.
- 14.3 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.

## **15 ADDITIONAL INFORMATION**

### **Council Contacts**

- 15.1 Anyone who considers that they are affected by the Order can contact Anna Sadler, Programme Manager (Special Projects) [anna.sadler@richmondandwandsworth.gov.uk](mailto:anna.sadler@richmondandwandsworth.gov.uk) or on +44 (0)7850 513568 during normal office hours.

## **16 DOCUMENTS LIST**

- 16.1 The following documents are available to view on the Council's website [https://richmond.gov.uk/compulsory\\_purchase\\_order](https://richmond.gov.uk/compulsory_purchase_order) and in person at Twickenham Library, Garfield Road, Twickenham, TW1 3JT on the following days and hours (opening days and times are subject to change including due to coronavirus restrictions):
- Monday 9.30am to 7pm;
  - Tuesday 9.30am to 6pm;
  - Wednesday 10am to 7pm;
  - Thursday 9.30am to 6pm; and
  - Friday 9.30am to 6pm.
- 16.2 The Council reserves the right to supplement the list as required.

**Decisions made by the acquiring authority:**

1. Report to the acquiring authority's Leader of the Council 15 November 2018
2. Report to the acquiring authority's Finance, Policy and Resources Committee 20 February 2020
3. Minutes of the acquiring authority's Finance, Policy and Resources Committee 20 February 2020
4. Report to the acquiring authority's Finance, Policy and Resources Committee 16 November 2020
5. Minutes of the acquiring authority's Finance, Policy and Resources Committee 16 November 2020
6. Report to the acquiring authority's Finance, Policy and Resources Committee 28 June 2021 (CPO report) (including additional document)
7. Report to the acquiring authority's Finance, Policy and Resources Committee 28 June 2021 (update on the project)
8. Minutes of the acquiring authority's Finance, Policy and Resources Committee 28 June 2021
9. Report to the acquiring authority's Finance, Policy and Resources Committee 20 September 2021 (including 3 appendices)
10. *Minutes of the acquiring authority's Finance, Policy and Resources Committee 20 September 2021 - to be provided once available*

**Planning policy documents:**

11. National Planning Policy Framework (as of 23 September 2021)
12. London Plan 2021
13. London Plan Housing SPG March 2016
14. London Borough of Richmond upon Thames Local Plan (adopted in July 2018 and March 2020)
15. Twickenham Area Action Plan 2013
16. London Borough of Richmond upon Thames Local Economic Assessment (October 2010)
17. London Borough of Richmond upon Thames Strategic Housing Market Assessment (December 2016)
18. London Borough of Richmond upon Thames Cycling Strategy 2016 – 2026 (10 October 2017)
19. London Borough of Richmond upon Thames Active Travel Strategy
20. London Borough of Richmond upon Thames Affordable Housing Supplementary Planning Document (March 2014)
21. London Borough of Richmond upon Thames Refuse and Recycling Storage Requirements Supplementary Planning Document (April 2015)

22. London Borough of Richmond upon Thames Sustainable Construction Checklist Guidance Document (June 2020)
23. London Borough of Richmond upon Thames Transport Supplementary Planning Document (June 2020)
24. London Borough of Richmond upon Thames Air Quality Supplementary Planning Document (June 2020)

**Planning application 21/2758/FUL documents:**

25. Cover letter enclosing application
26. Planning Application Form
27. Planning Statement
28. Design and Access Statement (in 13 PDF files)
29. Delivery and Servicing Plan
30. Affordable Housing Statement
31. Impact on Neighbouring Properties Report (in 2 PDF files)
32. Internal Daylight, Sunlight and Overshadowing Report
33. Air Quality Assessment
34. Ecological Enhancement Statement
35. Ecological Impact Assessment (in 2 PDF files)
36. Energy Statement
37. BREEAM Pre-Assessment
38. Flood Risk Assessment and SuDS Report
39. Environmental & Logistics Management Plan (main PDF and separate appendices A-H)
40. Framework Estate Management Strategy
41. Health Impact Assessment
42. Heritage, Townscape & Visual Impact Assessment (in 3 PDF files)
43. Landscape & Public Realm Strategy (in 3 PDF files)
44. LZC Feasibility
45. Noise Assessment
46. Statement of Community Involvement
47. Transport Assessment (in 6 PDF files)

48. Travel Plan
49. Drawings Register
50. Demolition Plan TRS-HAL-ZZ-00-DR-A-2050-C01
51. Existing Site Elevations Old Lido and Café Sunshine TRS-HAL-ZZ-ZZ-DR-A-2351-C01
52. Existing Site Elevations – King Street TRS-HAL-ZZ-ZZ-DR-A-2350-C01
53. Existing Basement Floor GA Plan TRS-HAL-ZZ-B1-DR-A-2099-C02
54. Existing First Floor GA Plan TRS-HAL-ZZ-01-DR-A-2101-C02
55. Existing Ground Floor GA Plan TRS-HAL-ZZ-00-DR-A-2100-C02
56. Existing Site Plan TRS-HAL-ZZ-00-DR-A-2010-C01
57. Existing Site Sections Water Lane and Embankment TRS-HAL-ZZ-ZZ-DR-A-2301-C02
58. Existing Site Sections Wharf Lane and Diamond Jubilee Gardens TRS-HAL-ZZ-ZZ-DR-A-2300-C02
59. Proposed First Floor GA Plan TRS-HAL-ZZ-01-DR-A-2501-C02
60. Proposed Fourth Floor GA Plan TRS-HAL-ZZ-04-DR-A-2504-C02
61. Proposed Ground Floor GA Plan TRS-HAL-ZZ-00-DR-A-2500-C02
62. Proposed Lower Ground Floor GA Plan TRS-HAL-ZZ-B1-DR-A-2499-C02
63. Proposed Second Floor GA Plan TRS-HAL-ZZ-02-DR-A-2502-C02
64. Proposed Site Sections Water Lane and Embankment TRS-HAL-ZZ-ZZ-DR-A-2601-C02
65. Proposed Site Sections Wharf Lane and Diamond Jubilee Gardens TRS-HAL-ZZ-ZZ-DR-A-2600-C02
66. Proposed Third Floor GA Plan TRS-HAL-ZZ-03-DR-A-2503-C02
67. Proposed Roof GA Plan TRS-HAL-ZZ--05-DR-A-2505-C01
68. Water Lane Building Long Elevations TRS-HAL-02-ZZ-DR-A-2661-C01
69. Water Lane Building – First Floor GA Plan TRS-HAL-02-01-DR-A-2561-C02
70. Water Lane Building – Ground Floor GA Plan TRS-HAL-02-00-DR-A-2560-C02
71. Water Lane Building Short Elevations TRS-HAL-02-ZZ-DR-A-2660-C01
72. Proposed Site Sections Water Lane with overlay of existing TRS-HAL-02-ZZ-DR-A-2605-C01
73. Water Lane Building – Roof GA Plan TRS-HAL-02-04-DR-A-2564-C01
74. Water Lane Building – Second Floor GA Plan TRS-HAL-02-02-DR-A-2562-C02
75. Water Lane Building – Third Floor GA Plan TRS-HAL-02-03-DR-A-2563-C02
76. Water Lane Building Typical Bay TRS-HAL-02-ZZ-DR-A-2695-C01

77. Wharf Lane Building Long Elevations TRS-HAL-01-ZZ-DR-A-2651-C01
78. Wharf Lane Building – First Floor GA Plan TRS-HAL-01-01-DR-A-2551-C02
79. Wharf Lane Building – Fourth Floor GA Plan TRS-HAL-01-04-DR-A-2554-C02
80. Wharf Lane Building – Ground Floor GA Plan TRS-HAL-01-00-DR-A-2550-C02
81. Wharf Lane Building Typical Bays TRS-HAL-01-ZZ-DR-A-2690-C01
82. Wharf Lane Building – Lower Ground Floor GA Plan TRS-HAL-01-B1-DR-A-2549-C02
83. Wharf Lane Building Short Elevations TRS-HAL-01-ZZ-DR-A-2650-C01
84. Wharf Lane Building – Roof GA Plan TRS-HAL-01-05-DR-A-2555-C01
85. Wharf Lane Building – Second Floor GA Plan TRS-HAL-01-02-DR-A-2552-C02
86. Proposed Site Sections – Wharf Lane TRS-HAL-01-ZZ-DR-A-2604-C01
87. Wharf Lane Building – Third Floor GA Plan TRS-HAL-01-03-DR-A-2553-C02
88. Wharf Lane Building Gastro Pub/Restaurant Typical Bay TRS-HAL-01-ZZ-DR-A-2691-C01
89. Proposed Ground Floor GA Plan TRS-HAL-ZZ-00-DR-A-2500-C01
90. General Arrangement Plan DWG. NO 6975\_100

**Other documents:**

91. Guidance on Compulsory purchase process and The Crichel Down Rules, July 2019

