



Compulsory Purchase Order Decision

by Peter Rose BA MRTPI DMS MCMI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

**TOWN AND COUNTRY PLANNING ACT 1990
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
ACQUISITION OF LAND ACT 1981**

**The London Borough of Richmond Upon Thames
(Twickenham Riverside)
Compulsory Purchase Order 2021**

Public Inquiry held on 6, 7, 8, 13, 14, 20, 21, 22 and 27 June 2023
Site visit carried out on 3 July 2023
Case Ref: PCU/CPOP/L5810/3286701
Associated section 19 application Case Ref: PCU/S19/L5810/3286304

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Abbreviations used in this report:

1981 Act	Acquisition of Land Act 1981
1990 Act	Town and Country Planning Act 1990
Authority or Acquiring Authority (AA)	The Council of the London Borough of Richmond Upon Thames
CD	Core Document as listed on the Inquiry web site
CPO Guidance (or Guidance)	The 'Guidance on Compulsory Purchase Process and The Crichel Down Rules', MHCLG (DLUHC) 2019 (CD 4.01)
CPZ	Controlled Parking Zone
DJG (or Gardens)	The Diamond Jubilee Gardens
EA	Equality Act 2010
EPIBC	The Eel Pie Island Bridge Company
Exchange Land	The land proposed within the Order Land as new open space to replace the Lost Open Space and as shown on the Revised Open Space Plan and measuring 1,815 sqm. The Exchange Land is also shown on Map F (CD 4.03F)
Framework	The National Planning Policy Framework
HRA	Human Rights Act 1998
Lost Open Space	That part of the Order Land currently used for public recreation within the meaning of section 19 of the 1981 Act and which would be lost in the Scheme, as shown on the Revised Open Space Plan and measuring 1,336 sqm. The Lost Open Space is also shown on Map F (CD 4.03F)
Modified Order	The Order as set out in the Proposed Modifications and in section 5 of the Authority's Statement of Case, and in the Modified Order Schedule at INQ-04 and in the Authority's Note on Proposed Modifications at INQ-31
Modified Order Land	The Order Land as set out in the Proposed Modifications and described in section 5 of the Authority's Statement of Case, and in the Modified Order Schedule at INQ-04 and in the Authority's Note on Proposed Modifications at INQ-31
Order	The London Borough of Richmond Upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021
Order Land	Land referred to in the Order
Planning Application	The application for the subsequently approved development described as 'Demolition of existing buildings and structures and redevelopment of the site comprising 45 residential units (Use Class C3), ground floor commercial/retail/cafe (Use Class E), public house (sui generis), boathouse locker storage, floating pontoon and floating ecosystems with associated

	landscaping, reprovision of Diamond Jubilee Gardens, alterations to highway layout and parking provision and other relevant works'. This was submitted to the Authority on 4 August 2021 and assigned Ref: 21/2758/FUL
Planning Committee Report	The report of the Planning Application dated 24 November 2022 submitted to the Authority's Planning Committee
Planning Permission	The planning permission dated 21 December 2022 granted by the Authority pursuant to Planning Application Ref: 21/2758/FUL
Proposed Modifications	The proposed changes to the Order as described in section 5 of the Authority's Statement of Case and in the Modified Order Schedule at INQ-04 and in the Authority's Note on Proposed Modifications at INQ-31
PSED	The Public Sector Equality Duty pursuant to section 149 of the Equality Act 2010
Public Inquiry	The Public Inquiry held on 6, 7, 8, 13, 14, 20, 21, 22 and 27 June 2023, and 3 July 2023 (site visit)
Retained Open Space	That part of the Order Land currently used for public recreation and proposed to be acquired pursuant to section 19(1)(aa) of the 1981 Act and to continue to be used as open space within the Scheme, as shown on the Revised Open Space Plan and measuring 1,428 sqm. The Retained Open Space is also shown on Map F (CD 4.03F)
Scheme	The development to which the Planning Permission relates and as described in paragraphs 2.7 to 2.15 of the Authority's Statement of Case
Scheme Land	The land shown on Map E (CD 4.03E) and broadly corresponding to the site of the Planning Application
Secretary of State	The Secretary of State for Levelling Up, Housing and Communities
TRT (or Trust)	The Twickenham Riverside Trust
Web site	The Public Inquiry web site compiled and managed by Gateley/Hamer and where all relevant documents can be found. The link is: Twickenham Riverside - Gateley (gateleyhamer-pi.com)

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The London Borough of Richmond Upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021

- The Order was made by the Acquiring Authority under section 226(1)(a) and section 226(3)(b) of the Town and Country Planning Act 1990 (the 1990 Act), under section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976, and under the Acquisition of Land Act 1981 (the 1981 Act).
- The purposes of the Order are to enable the Authority to acquire compulsorily land and new rights over land in order to facilitate the comprehensive regeneration of the Scheme Land through delivery of the Scheme.
- Prior to the Inquiry opening, 5 statutory objections remained (Objection Refs: S-01 to S-05), and 142 non-qualifying objections (Objection Refs: NST-01 to NST-142). There were 66 representations of support (Refs: SUP-01 to SUP-66).
- The main grounds of objection are numerous and wide-ranging and are as summarised below.

1.0 Decision

1. The London Borough of Richmond Upon Thames (Twickenham Riverside) Compulsory Purchase Order 2021 is confirmed as modified in accordance with the details set out in the Modified Order Schedule at INQ-04 and in the Authority's Note on Proposed Modifications at INQ-31.

2.0 Preliminary matters

Procedural formalities

2. The Authority confirmed at the outset of the Inquiry that all necessary statutory formalities and publicity in relation to the Order and the Inquiry had been completed as required.¹

Update on objections as presented to the Inquiry

3. The Inquiry was informed that, following further discussions, the objection made to the Order by the Port of London Authority (S-05) had been withdrawn.²

Requested modifications

4. A number of modifications to the Order are proposed by the Authority and are assessed as below.

Stopping Up Order

5. The Scheme is subject to a separate Stopping Up Order made pursuant to section 247 of the 1990 Act. By letter dated 25 May 2023, the Authority was advised by the Greater London Authority that, pursuant to section 252(5A)

¹ Inquiry Document INQ-02 refers

² INQ-06 refers

of the 1990 Act, it was not necessary to hold an Inquiry prior to the confirmation of the Stopping Up Order.

6. The next step would be for the Authority to make the Stopping Up Order which it proposes to do should the Compulsory Purchase Order be confirmed. The Stopping Up Order is not the subject of this report.

Section 19 application

7. The Order is accompanied by an application to the Secretary of State dated 4 November 2021 seeking a Certificate pursuant to section 19(1)(a), section 19(1)(aa) and paragraph 6(1)(a) of Schedule 3 of the 1981 Act. Whilst there may be some overlap with the substance of the objections made to the Order, that application is the subject of a separate report to the Secretary of State dated 25 October 2023³ and is also not part of this decision.
8. The recommendation is that a Certificate be given and no shortcomings were identified in that regard which may weigh against confirmation of the Order.

3.0 The Order and Order land

9. The Order was executed as a deed by the Authority dated 11 October 2021.
10. The Order Land comprises land edged red in the Order's accompanying map Ref:060-ARDG_TWK_CPO_r000. Within the Order Land, Land To Be Acquired is shown shaded pink, New Rights To Be Acquired are indicated shaded blue, and Exchange Land is identified shaded green.
11. The original Order Land comprises some 2.03 hectares immediately north of the River Thames. The Land includes a variety of buildings, public open space comprising the Diamond Jubilee Gardens (DJG or Gardens), part of The Embankment, and various other parcels.
12. Inquiry Document INQ-24 (Map V) sets out a summary of existing land use as has been helpfully prepared and agreed by the Authority and the Twickenham Riverside Trust (TRT or Trust). Map V further identifies 4 areas where the existing status/description of land is in dispute. I have viewed those 4 areas, and observed their content, and am satisfied the contrasts in descriptions are not determinative of my decision.

4.0 The Scheme

13. In summary, the Scheme involves a mixed-use development including 45 residential units accommodated in two buildings, and the provision of replacement open space and incidental areas. Of the new dwellings, 21 would be affordable. The Scheme also includes accommodation for commercial and retail use, a restaurant/public house, café, public toilets, a pontoon and boat storage facility. There would be a new highway arrangement and associated measures for pedestrian access and parking.

5.0 Proposed Modifications to the Order

14. A number of modifications are proposed to the Order by the Authority. These arise both in response to objections, but also by way of factual updates.

³ Ref: PCU/S19/L5810/3286304

15. The Modified Order Land is shown on the Proposed Modifications CPO Plan and Revised Open Space Plan⁴, and is explained in the Authority's accompanying letter of 10 March 2023. The categories of proposed excluded land are: existing open space owned by the Authority and to be retained as open space;⁵ existing highway land that would remain as highway;⁶ and various other land already owned by the Authority, which therefore avoids the need to acquire any further interests⁷ or rights.⁸ The effect of the modifications would be to reduce the extent of the Order Land from 2.03 hectares to 1.72 hectares.⁹ None of the modifications involve the acquisition of any additional land such as to engage section 14 of the 1981 Act.¹⁰
16. The Proposed Modifications and the Revised Open Space Plan were issued to all interested parties on 10 March 2023. Five responses were considered at the Inquiry.¹¹ The responses make reference to various Plots, and my assessment of the principal issues arising is as listed below.
- Plots 26, 27, 58a, 62a, 69a and 85 are identified for exclusion as existing highway land remaining as highway. Plot 87 is identified for exclusion as existing open space owned by the Authority and remaining as open space. I am satisfied these areas do not need to be acquired and so there is no basis for their retention in the Order. Plot 69 has a consequential reduction in area by virtue of Plot 69a.
 - Plot 52 is unaffected by the Proposed Modifications.
 - Particular reference is made within the representations to the existing use of Plot 27 and Plot 85 as flowerbeds, but no substantive evidence has been offered to challenge the Authority's formal status of those sites as public highway.
17. The Proposed Modifications all fall within scope of the Authority's discretion to modify and the relevant Plots are identified in CD 4.02A and INQ-31. The Modifications have been publicised and subsequent representations have been assessed. No sound reason has been offered to challenge their merits and no party would be prejudiced by their acceptance. My overall conclusion in this regard is to accept the Proposed Modifications as submitted and that is the basis upon which the Order is now considered.

6.0 Statutory provisions and accompanying guidance

18. Section 226(1)(a) of the 1990 Act enables a local authority to seek to acquire compulsorily any land in its area to facilitate the carrying out of development, re-development or improvement on, or in relation to, that

⁴ CD 4.02A and CD 4.02B

⁵ Statement of Case, paragraph 5.3.1

⁶ Statement of Case, paragraph 5.3.2

⁷ Statement of Case, paragraph 5.3.4

⁸ Statement of Case, paragraph 5.3.3

⁹ Statement of Case, paragraph 5.5. This includes a correction to the size of Plot 25 (as explained at paragraph 5.4)

¹⁰ The consequential modifications to the Order and its schedules are at INQ-04. See also INQ-31

¹¹ As listed as Modifications under Inquiry Documents on the Inquiry web site

land, and so contribute to the promotion or improvement of economic, social or environmental well-being.

19. The accompanying CPO Guidance advises generally that acquiring authorities should use compulsory purchase powers where it is expedient to do so, but that an order should only be made where there is a compelling case in the public interest. Compulsory purchase should also be used as a last resort to secure assembly of all the land needed for implementation of a project.¹²

7.0 Summary of objections

20. Full details of the 147 objections are as set out on the Inquiry web site¹³ and in the accompanying statements of evidence. This decision should also be read in conjunction with Inquiry Document 39, Objector Responses - Wayfinding Document (INQ-39). This was prepared by the Authority towards the conclusion of the Inquiry and serves to confirm relevant documents and corresponding submissions and any change in status.

21. Objections were presented in person to the Inquiry with reference to the representations and accompanying evidence as listed below.¹⁴

- S-02 - Twickenham Riverside Trust
- S-04 - Tower of Power Limited, T/A Eel Pie Island Bridge Company
- NST-01 - Twickenham Society
- NST-02 - Colin Heath
- NST-07/NS-007.0 to NS-007.1 - Jeremy Hamilton-Miller
- NST-09/NS-001.1 to NS 001.3 - Sue Hamilton-Miller
- NST-18/NS-018 - Councillor Geoffrey Samuel
- NST-25/NS-25 - David Marlow
- NST-38/NS-038.1 to NS-038.4 - Eel Pie Island Boatyard Ltd and Eel Pie Island Association
- NST-134/NS-134 - Howard Vie.

22. The TRT is a statutory objector (S-02) and its relationship towards the Scheme was a recurring theme of the Inquiry. The TRT was granted a 125-year lease in 2014 in relation to the existing open space, the freehold of which is retained by the Authority.¹⁵ The TRT's position has changed in recent years from one of apparent support towards the Authority's initiative, to one of very widespread and detailed criticism of the Scheme as presented throughout the Inquiry.

23. The principal objections to the Order across the 147 representations, and inclusive of those made by the TRT, have various common themes and which, for ease of reference, I summarise as below.¹⁶

Highways, traffic and parking

¹² Paragraph 2

¹³ Available to view under 'Interested Parties'

¹⁴ See Appendix 1 for details of corresponding Appearances

¹⁵ Map K at CD 4.03K refers

¹⁶ There is overlap between some of the points raised, and some of the matters do not fall neatly into the particular themes. Nevertheless, taken together, the summaries represent overall synopses of the principal points of concern

- impacts upon access and servicing arrangements for local residents and businesses arising from closure of The Embankment and from associated proposals for traffic management in Water Lane and Wharf Lane, and including implications for access to Eel Pie Island and to the river
- safety concerns, including at the Water Lane/Embankment and Wharf Lane/Embankment junctions, and the need for outstanding safety audits
- parking implications for residents, visitors and shoppers
- lack of parking bays for persons with disabilities
- conflicts between the interests of cyclists, pedestrians and vehicles

Design and built form

- height, scale and design of the proposed buildings, and particularly of the proposal for Wharf Lane, and including the buildings' relationship to the surrounding Conservation Area
- whether the Wharf Lane building is necessary for the Scheme and the extent to which it would deliver any benefits
- impact of the Wharf Lane building on surrounding daylight and sunlight

Other planning matters

- policy conflict with aspects of the development plan
- implications of flooding
- proposed uses, including issues of a public house/restaurant, affordable and private housing
- absence of an Environmental Impact Assessment
- environmental sustainability
- lack of information about the pontoon and its safety

Open Space

- extent and quality of the proposed open space relative to the existing
- proximity of the open space to vehicular traffic and consequent safety and pollution concerns (and similarly in relation to the Play Space)
- loss of trees

Play Space

- location, including safety and environmental implications for users
- quality of the facility relative to the existing

Events Space

- location within a flood zone and as part of a public highway
- quality of the facility relative to the existing

Oversailing

- possible interference with the use of, maintenance of, and access to, the footbridge/Eel Pie Island and to the river

Exchange Land and the section 19 application

- the Exchange Land is not equally advantageous

- the Exchange Land is less in area
- use of section 19(1)(aa) is inappropriate

Stopping Up Order

- the Stopping Up Order should not be determined before safety audits are completed

Other concerns

- no broad public support for the Scheme and lack of consultation
- inappropriate use of compulsory purchase powers by a public body against the interests of a charitable trust
- implications for rear access to the property of Eric Twickenham Limited (S-03)

Authority's case for compulsory purchase

- lack of a compelling need
- the Order is not a last resort
- lack of effort to deliver the Scheme without the Order
- reasonable alternatives have not been adequately considered
- negotiations have not been exhausted
- lack of funding to deliver the Scheme.

24. A variety of other very detailed matters are raised in the representations, but none affect the principle of the Scheme, nor have significance for the decision whether or not to confirm the Order.

8.0 Summary of the Authority's response to the objections

25. The Authority's responses to the principal issues of concern are summarised as below.

Highways, traffic and parking

- A key objective of the Area Action Plan¹⁷ and of the Design Competition brief¹⁸ is to improve the environment of The Embankment. This is to be achieved by reducing the presence of vehicles which currently blights the riverside, and so enable the Scheme to provide high quality facilities next to the river, to prioritise pedestrians and cyclists, and to introduce soft and hard landscaping.
- The Scheme would fundamentally alter traffic management arrangements, and so produce a significant reduction in car parking in response to lower traffic volumes, and with accompanying lower vehicle speeds.

¹⁷ London Borough of Richmond Upon Thames Local Plan Twickenham Area Action Plan Adopted July 2013 (CD 2.05), Proposal Site TW 7 - Twickenham Riverside (Former Pool Site) and south of King Street

¹⁸ RIBA Full Design Brief (CD 3.01) (Twickenham Riverside Invited Design Competition Invitation to Tender June 2019)

- The Embankment is proposed to be a surface shared by pedestrians and cyclists and other users, and vehicles would only be generally present between the hours of 0700 and 1000, and only at other times for emergencies or unless otherwise arranged. The restrictions and associated measures mean there would be no conflict between vehicles and other users, and no adverse implications for the Events Space.
- Water Lane and Wharf Lane would each be made two-way allowing for servicing and access to Eel Pie Island at all times for all but the largest of lorries, which would need to use The Embankment. The Eel Pie Island Association has previously indicated to the Authority that such larger vehicles are relatively infrequent, but they would still be able to access The Embankment between the hours of 0700 and 1000, or otherwise by prior arrangement.
- Appendix D of the Transport Assessment¹⁹ contains vehicular swept path analysis which shows that the largest rigid heavy goods vehicles likely to need to service the area can pass each other safely on both Water Lane and Wharf Lane and can turn at the southern ends of both roads.
- Tradespeople who may need to park their vehicles on or near to the Scheme Land would be able to use 6 dedicated loading bays on The Embankment. This is more than currently available, and further dedicated bays would be available on Water Lane and Wharf Lane.
- All vehicles that would need to generally service the Scheme and Eel Pie Island would be able to do so and could turn safely.
- Access to the Island via the footbridge or the river would remain the same and would be safeguarded during construction.
- Existing access to the river via the slipway at the bottom of Water Lane would remain and this would be re-surfaced making it more useable. There would also be improved access to the river via a new pontoon on the western side of the Scheme.
- Arrangements would be progressed and formalised through a Servicing and Delivery Plan and the Authority would continue to engage with the Eel Pie Island Association in those regards.
- Concerns regarding the turning circle end of the service road adjacent to the open space would be addressed by a new gate design. This is the subject of a Planning Condition.²⁰
- Water Lane would be the primary pedestrian access route into the Scheme given its relationship to the town centre and would be served by a widened walkway. This would provide pedestrian access as part of the open space²¹, and would be physically distinguished in its detailed design from the carriageway, including by treatment of the relative levels and surfacing, and by terraced seating and planting. The existing footway width along the east side of the carriageway in Wharf Lane would be

¹⁹ CD 4.08D

²⁰ Planning Condition NS106 Service Road Gates

²¹ See Map D at CD 4.03D

maintained and pedestrian safety would be similarly safeguarded through the relative treatment of adjacent levels and surfaces.

- The Scheme would lead to the displacement of a parking demand for 82 on-street parking spaces (81 within the Scheme), but this loss would be off-set by the provision of 28 new spaces within the Central Twickenham Controlled Parking Zone (the CPZ) through the re-allocation of single yellow line marked areas of carriageway, and a change in designation of a further 80 spaces from their current separate uses to shared status. Whilst some residents and visitors might have to park further away from The Embankment than they did previously, there would be enough capacity for everyone to park within the CPZ as a whole.
- The Scheme incorporates two blue-badge parking bays on Water Lane and one on the service road, thereby meeting London Plan standards.²² Further space for two additional bays has been identified on Water Lane if required. Additionally, any visitors or residents with a blue badge could park in any of the on-street parking bays.
- There are a number of existing alternative parking areas within close proximity to the Scheme serving visitors and shoppers. The Authority is proposing to improve directional signage for the town centre car parks, to investigate the feasibility of opening the Civic Centre car park to the public on Saturdays, and to consider measures to help prioritise parking spaces for short-stay visitors on the lower levels of the nearby Arragon Road multi-storey car park.
- The new dwellings would be car-free and so not contribute to further resident parking.
- As part of the Planning Application process, a Stage 1 Road Safety Audit was commissioned by the Authority and undertaken by independent engineers, with an associated Stage 1 Design Response provided by the Scheme's transport consultants. This sets out suitable responses and mitigation on all issues of highway safety and matters in relation to the wider masterplan. The Auditors did not identify any significant outstanding safety concerns for pedestrians or cyclists.
- The Authority is satisfied there is no basis to any objection in relation to matters of highways, traffic or parking.

Design and built form

- The Scheme optimises the unique position and capacity of this town centre and riverside location through a design-led approach to development. The Scheme places new open space at the heart of the development and proposes a new enclosing building either side.
- The Water Lane building would be only four storeys in height and the fourth floor is located fully within the pitched roof space to minimise its impact. The Wharf Lane building would be five storeys in height on the western side, with the fifth floor also located fully within the pitched roof,

²² Mayor of London's The London Plan, The Spatial Development Strategy for Greater London March 2021

and would be four storeys in height on the eastern edge adjacent to the public realm.

- The Water Lane building is taller than the residential buildings on the east side of Water Lane but it is not unusual to have a difference in height in town centre locations. The height of the building has ultimately been designed in the context of the other adjacent buildings in King Street and which are of a similar height to that proposed. The widening of Water Lane would help to offset the various impacts of the building's height as it would be further away from the existing houses on the east side.
- The Wharf Lane building would be located at the opposite western end of the Scheme Land. Its presence, proposed uses and design would contribute to the vitality of the Scheme, and serve as a destination point/building along the river at the end of the path. Of the 5 shortlisted concept designs within the Design Competition, 4 showed a built footprint on the western side of the Scheme Land.
- The potential impact of the Scheme on the surrounding Twickenham Riverside Conservation Area is addressed in detail in the Authority's Planning Committee Report. This concluded that any potential residual adverse impacts on the Conservation Area would be acceptable in planning terms.
- The buildings seek to reflect design characteristics of the existing townscape and would also offer natural surveillance. This, combined with enclosure of the open space and the presence of other uses and of public lighting, would make the area both safer and feel safer.
- Deletion of either building would have a negative impact on viability, as well as unknown cost implications for other aspects of the Scheme. It would also substantially change the overall conception and planning character of the Scheme.
- The daylight and sunlight report confirms the outdoor community spaces would all exceed national recommendations, and there would be no other serious impacts in that regard. No 17 Water Lane would continue to meet sunlight targets and the impact upon daylight is considered to be of limited weight in the Authority's assessment.²³

Other planning matters

- The scheme is generally policy-compliant, including in relation to housing provision, and already has the benefit of planning permission.
- The comparative impact of flooding on the existing and future open space is shown on Maps G and H. By virtue of its closer proximity to the river, the Scheme would result in an increase in open space within the higher risk designations of Flood Zone 2 and Flood Zone 3.

²³ I also note on-going invitations from the Authority to discuss with owners of those adjacent properties which are identified as being subject to light impacts - paragraph 11.74 of LBR-1A and paragraph 11.68 of the Authority's Statement of Case refer

- The evidence is that most flooding along the river edge tends not to occur in summer when a majority of outdoor events would be expected to be staged²⁴, and the Scheme offers flexibility for events to be managed and delivered in anticipation of such occurrences.
- A large part of the Scheme would sit above Flood Zones 2 and 3, and this would include the children's Play Space and pétanque area, and parts of the Terraced Lawns where events could alternatively be held. The Scheme has been designed to include specific remedial works and associated measures to improve flood mitigation on the Order Land.
- The aim is for the public house to be more of a gastro-style public house/restaurant rather than a more conventional drinking establishment. Local Plan Policy LP 27²⁵ recognises that public houses play an important role and social function in the local community and how they add to the local character of an area.
- The Scheme did not meet the criteria necessary for the Planning Application to require an Environmental Impact Assessment.²⁶
- The Scheme would achieve the required energy credentials, and required targets for CO2 emissions, water consumption and zero carbon. The development would be air quality neutral, and construction would have negligible environmental impact with the safeguarding conditions which have been imposed.²⁷ Condition NS31 would secure further mitigation to ensure the Scheme would be resilient to overheating.
- The outline design of the pontoon is considered in the Planning Committee Report and with full details of works, methodology and method statement to be secured through accompanying Planning Conditions.²⁸ Condition NS65 requires further details of waterside lifesaving equipment, and of other general matters such as railings and barriers. A river works licence would also be necessary.

Open space

- The Future Designated Open Space (and the Future Functioning Open Space)²⁹ would be an improvement over the existing space in terms of both quantity and quality.
- The open space would all be connected and be highly accessible, and has been designed to allow for different uses and areas that accommodate a variety of functions. Open space would be available to enjoy from King Street to the river.
- The open space would benefit from an improved and safer environment which would be largely vehicle-free.

²⁴ LBR-2A, paragraphs 10.11 to 10.14

²⁵ London Borough of Richmond Upon Thames Local Plan, July 2018

²⁶ LBR-4A refers

²⁷ CD 3.37

²⁸ Condition NS27 (in accordance with Condition NS02)

²⁹ See CD 4.03D, Map D

- External lighting, power and water would be provided around the perimeter of the open space.
- A total of 49 new trees in the Scheme would replace those being removed.
- An Open Space Management Plan has been conditioned as part of the Planning Permission,³⁰ and principles for the management of the Future Trust Management Area³¹ have been discussed with the TRT.
- The management of the new open space has been at the core of the negotiations with the TRT, and the Authority has set out a proposal for how the Future Functioning Open Space would be managed in draft Heads of Terms. These were previously agreed in principle but are no longer accepted.

Play Space

- The Play Space would be larger than the existing, would offer better facilities, and could be used in conjunction with the adjacent Lawns. It would offer good sight lines for surveillance and be well positioned relative to other facilities.
- The Space would be physically separated from the service road where vehicle movements would be minimal, and it would be no more impacted by pollution than the existing space.

Events Space

- The Events Space would be larger than the existing hardstanding and artificially grassed areas combined, would be more accessible than the current area, and be able to accommodate a full range of functions.
- It would be connected to other parts of the Future Functioning Open Space within the Scheme, and there would be the opportunity for events to take place in other areas, such as on parts of the Lawns.
- The Events Space would be adjacent to the river and have step-free access from the east and west.
- The relevant flood zone has a one-in-one-hundred or greater probability of flooding and this is unlikely to impede delivery of events timed to fit around the tidal timetable.

Over-sailing

- Tower of Power Limited/the Eel Pie Island Bridge Company (S-04) holds a river works licence from the Port of London Authority in respect of the bridge. The company accepted at the Inquiry³² that the right to over-sail would not impact its interests.

³⁰ Condition NS38

³¹ CD 4.03L, Map L

³² Mr Heath

Exchange Land and section 19 application objections³³

- The Scheme's improvement of the Retained Open Space in conjunction with the Exchange Land would offset the proposed Lost Open Space. The Scheme's open space provision would be greater in both extent and quality, and relevant powers are used.

Stopping Up Order

- The Authority considers that previous concerns raised to the Stopping Up Order have now been addressed.

Other concerns

- The Authority's consultations undertaken in advance of planning permission demonstrate considerable public support.
- Negotiations have been successful with Eric Twickenham Limited in respect of a small parcel of land to the rear of King Street, and access would be maintained.

Case for compulsory purchase

- Planning permission has now been granted and there are no planning or other impediments to implementation of the Scheme.
- On 19 January 2023, the Authority's Finance, Policy and Resources Committee approved a total capital budget of £45 million to deliver the project. This would be part funded by capital receipts generated from the Scheme and by available grants and with an estimated net cost to the Authority of £20 million.³⁴
- The Authority has been liaising/negotiating with the TRT since 2018. No legal agreement has been reached, and so it reluctantly concluded that it must resort to compulsory purchase in order to deliver the Scheme in a timely way.
- The TRT has been aware of the masterplan, key objectives, and proposed design throughout the design development period and was integrally involved in approving the design principles within the Competition.³⁵ Detailed elements of the Scheme have changed as part of the normal design development process, and in part as a response to the TRT's own design requests, but the principles of the Scheme and positioning of the Future Designated Open Space³⁶ remain the same.
- The Authority considers that the Future Trust Management Area would allow the Trust to deliver its charitable objectives far better than the

³³ The detailed objections to the Authority's section 19 application, the Authority's response and my assessment of the merits of all relevant matters are set out in the accompanying report to the Secretary of State dated 25 October 2023 (Case Ref: PCU/S19/L5810/3286304)

³⁴ Further details of the Authority's funding commitments are set out in paragraphs 10.43 to 10.47 of its Statement of Case

³⁵ CD 3.01

³⁶ CD 4.03C, Map C

Existing Designated Open Space/Existing Trust Management Area.³⁷ The existing area is stepped back from the river, tired, under-used and lacking in opportunity. The Future Trust Management Area would improve the riverside for the benefit of the public and provide ample opportunities for recreation and community activities.

- The Authority has endeavoured to work with the TRT and that remains its intention. As documented in the minutes of the meeting with the TRT on 21 February 2023, the TRT 'suspended negotiations' on the written Heads of Terms in April 2021.
- The Authority has been negotiating with all interested parties in the hope that agreements could be reached.³⁸ It remains open and committed to continuing negotiations but is clear that the Order represents a last resort to deliver the Scheme, and without which development would not progress.
- A detailed summary of all negotiations with interested parties to date is set out in section 9 of the Authority's Statement of Case and in its Statement of Community Involvement (CD 3.13).
- The Authority does not accept that the Scheme can be delivered without making the Order. All land parcels within the Scheme Land are required to deliver the stated benefits. Previous schemes, including proposals on generally smaller site footprints, have failed to materialise. The brief for the Scheme was developed to provide a whole-site solution. This was supported by the TRT, who allowed the DJG to be included knowing this would likely mean that the open space arrangements on the Scheme Land would change.

9.0 Summary of representations of support

26. Full details of the 66 representations of support are set out on the web site³⁹, and in the accompanying statements of evidence.
27. Expressions of support were presented in person to the Inquiry with reference to the representations and accompanying evidence as listed below.
 - SUP-01 - Deon Lombard (and Clare Frost)
 - SUP-02 - Graham Strudwick
 - SUP-04 - Sheila Hale
 - SUP-07 - Ian Crockford (and Michelle Crockford)
 - SUP-12/12-1 - Ellen Purton
 - SUP-13 - Sam Kamleh-Chapman
 - SUP-21/21A - Anthony Mayer/Chris Palk/Byron Young
 - SUP-50A - Councillor Julia Neden-Watts
 - SUP-50 - Councillor James Chard (and on behalf of Riverside Ward Councillors).

³⁷ CD 4.03K, Map K

³⁸ As detailed in Section 9 of its Statement of Case

³⁹ Available to view under 'Interested Parties'

28. The principal themes of the representations in support are that the Scheme would:

- deliver long over-due and much-needed redevelopment and improvement
- offer a whole-site solution for the riverside
- ensure removal of existing parking and dereliction
- improve the public open space and so attract greater use
- improve the environment and local townscape
- improve accessibility
- enable the TRT to surpass its charitable objectives
- deliver much-needed housing and other uses
- improve connections between the river and the town centre
- make the environmental quality and profile of Twickenham riverside comparable to other nearby centres along the river.

10.0 Inspector's assessment of the objections

Highways, traffic and parking

29. A very significant benefit of the Scheme would be the opportunity for wholesale revision of traffic movements and parking arrangements along The Embankment, and in Water Lane and Wharf Lane. This would provide the basis to transform The Embankment and the wider Order Land into a completely refreshed, high quality and relatively traffic-free riverside neighbourhood.
30. That said, very real and understandable anxieties were expressed to the Inquiry by local interested parties, and principally by local businesses and residents critically dependent upon good access, and particularly in connection with Eel Pie Island. Such concerns relate largely to the need to safeguard good access and to maintain public safety.
31. I am satisfied that the Authority has to date given full and proper regard to such matters to an extent appropriate to the Scheme's current stage of preparation. I am also satisfied that, in principle, the Scheme has the scope to adequately address all outstanding detailed matters, and that the Authority would continue to proceed in a sensitive and iterative manner. In particular, the Inquiry heard how detailed traffic management measures would evolve and be introduced in a phased and considered way, how local interested parties would be engaged in dialogue, and how detailed aspects would be monitored and reviewed as appropriate.
32. That approach is also safeguarded by a number of key Planning Conditions and which require important detailed matters and arrangements to be formally submitted and approved by the Local Planning Authority in advance of any development taking place. These include Condition NS23 relating to Highway Matters and Condition NS25 relating to a Servicing and Delivery Plan.
33. Condition NS23 would require a Stage 2 Safety Audit, building upon the constructive findings and subsequent work around the Stage 1 Audit, and an Equality Impact Needs Assessment.

34. Condition NS25 would require a Servicing and Delivery Plan for the new uses, whilst also ensuring that access for existing surrounding businesses and residents would be maintained. It also makes explicit reference to the need to clarify accompanying management arrangements, and to responsibilities and booking arrangements for access along The Embankment outside the hours of 0700-1000 as may be required. Critically, there is also a requirement for an engagement programme with the local community, including Eel Pie Island residents and businesses.
35. It is also important to appreciate that the Authority is pursuing an ambitious opportunity for a 'whole-site' solution to a wide and complex area already physically constrained by adjacent built form and set against the river. With a Scheme of such scale and complexity, there will always be residual technical pinch-points and a need for detailed design compromise at its very margins. Even within that confined and realistic context, I have not been presented with any significant harm likely to arise in relation to safe and suitable access for all users or matters which could not be reasonably addressed through more detailed consideration as would be intended to follow the terms of the Planning Permission.

Design and built form

36. The existing buildings within the Order Land contribute little to the otherwise rich townscape quality of the wider surrounding area, and include areas of vacancy and dereliction. In this regard, I note the Action Plan actually characterises the area of the Scheme Land's allocation as a 'derelict site'.⁴⁰
37. Each of the two proposed buildings would be of a form not so out-of-keeping with other feature buildings in the town centre and along the riverside, and both have been sympathetically designed to reflect their context.
38. The scale and height of the more exposed Wharf Lane building would be effectively broken up through the different wing components and proposed use of materials and glazing. The staggered heights of the eastern elevation would mitigate the perceived scale of the building adjacent to the open space. The building would still create a strong, defining edge to the western side of the Scheme Land and in a way which would balance a sense of enclosure for the adjacent open space and riverside, but without appearing discordant or overbearing. It would also make a distinct contribution to the identity of the vicinity and serve as an identifiable destination point within the wider river townscape.
39. The Water Lane building would replace an existing relatively modern and visually undistinguished development fronting King Street and would extend south. As with Wharf Lane, the replacement would reflect the gable-fronted design of existing riverside buildings. It would occupy a prominent corner frontage to King Street set within widened landscaped views down Water Lane and towards the river. The building design would thereby reinforce visual and townscape connectivity between the town centre and the riverside. Proposed use of materials and glazing would add similar refinement to the building in Wharf Lane. It would also offer an appropriate riverside elevation.

⁴⁰ Paragraph 7.5.5.1

40. The overall scale of built form would be significantly reduced and set back from the river relative to the original Competition-winning proposal,⁴¹ reflecting subsequent detailed flood-related constraints. It would therefore make for a more modest presence than originally conceived.
41. The Authority has considered the potential impact of the Scheme on the Twickenham Riverside Conservation Area, of which it forms a part.⁴² The King Street frontage is also adjacent to Queens Road Conservation Area, and Table 7 to the Authority's Planning Committee Report identifies various other designated and non-designated heritage assets nearby.
42. Whilst the surrounding area includes some buildings of Georgian design, the significance of the host Conservation Area draws more widely from a varied character of urban and suburban form, and from its historic and impressive relationship to the river.
43. I agree that a number of local historic buildings have a contrasting form to those proposed. Even so, the two new buildings would appear relatively unimposing and self-contained, their important southern elevations would be river-facing, and their overall designs would very much echo the boatsheds and similar gable-fronted buildings and features of other riverside buildings. Both buildings would add further variety and visual interest whilst still acknowledging and reinforcing their riverside and heritage contexts.
44. I am satisfied that the Scheme would contribute positively to the character and appearance of this part of the Conservation Area, and do not consider any harm would be incurred to the significance of any other nearby heritage assets, and nor to the wider town centre or riverside townscapes.
45. Whilst there would be changes to the generally available pattern of daylight and sunlight within the Order Land, and some adjoining land and buildings would also be impacted in different ways, the technical evidence does not show significant overriding harm in those regards. Indeed, this matter was formally considered in detail by the Authority as part of its decision to grant the Planning Permission.⁴³

Other planning matters

46. The DJG already forms part of Flood Zone 1, but parts of the proposed open space would occupy land which is closer to the river and in higher risk of flooding.
47. There is little evidence of substantial, widespread flooding across the entire Order Land and any occurrence would be unlikely without warning or forecast. The flexible configuration of the various component spaces, both in terms of positions and ground levels, would afford reasonable opportunities to plan contingencies for events and to mitigate against such eventualities.
48. That said, any risk to public safety and property must be fully taken into account and managed, and the Scheme has been designed accordingly. The

⁴¹ See CD 3.01 for background to the Design Competition

⁴² See paragraphs 8.112 to 8.122 of the Planning Committee Report (CD 3.37) and paragraphs 6.41 to 6.45 and 6.55.7 of the Authority's Statement of Case

⁴³ CD 3.37, paragraphs 1.8, 8.131, 8.147, 8.155 and 11.4

Planning Committee Report sets out full details of how this would be achieved, and a number of Planning Conditions expressly refer to works and other matters to be addressed as the Scheme would evolve. These matters include detailed design of the flood defences (Condition NS12) and provision of a flood defence wall (Condition NS61). A Flood Emergency Evacuation Plan and requirements for its annual review would also need to be in place (Condition NS102a). It is very clear that flood management has been a formative consideration of the Scheme and would remain so.

49. I particularly note the Planning Committee Report identifies how the Environment Agency has confirmed the Scheme would help deliver an improved flood defence in line with local, regional, and national planning policies and with the requirements of the Thames Estuary 2100 Plan⁴⁴, and how the Planning Permission was granted on that basis.
50. I am satisfied that the serious risks and inconvenience of any likely, but still occasional, flooding, would be suitably mitigated and managed and would be far out-weighed by the wider benefits otherwise generally prevailing.
51. There is no specific evidence to substantiate why the particular gastro-style public house/restaurant as proposed should necessarily be a source of public nuisance. There may always be issues that do arise with such uses in any location and this is a prospect for the Authority to anticipate through its associated controls. These would include, for example, the terms of any disposal in its interest as landowner, and matters of general municipal regulation through the Authority's relevant licensing and other services. I have no reason to doubt those opportunities, if required, would be adequate.
52. Such relatively unfounded concerns raised about the use should not be allowed to preclude the potential benefits of vitality and attractiveness which the facility could offer. The Authority's vision is to draw pedestrians and cyclists towards an attractive and well-used public space and such a use appropriately regulated in the location proposed could undoubtedly contribute accordingly.
53. Both the Water Lane and Wharf Lane buildings would provide residential units at the upper levels. The Water Lane building would accommodate 21 affordable housing units and so deliver the 50% affordable housing requirement expected of the Scheme by Policy LP 36 of the Local Plan and with an acceptable tenure mix. This is also broadly consistent with the expectations of both the London Plan and of the Framework. The Wharf Lane building would provide a further 24 private residential units and would thereby contribute to both further meeting local housing need and to the viability of the proposal.
54. The Authority is able to demonstrate a housing land supply of some 5.3 years, inclusive of the 45 dwellings proposed as part of the Scheme.⁴⁵ A 5-year figure is set as a minimum target by the Framework, and the Authority faces significant challenges in delivering housing in the Borough, with more than two-thirds being protected by heritage or open space

⁴⁴ CD 3.37, paragraph 8.236

⁴⁵ INQ-13, paragraph 11

designations.⁴⁶ Furthermore, the Borough has one of the highest average house prices in the country and there is a continuing need for affordable homes.⁴⁷ For the period between 2014 and 2033, the Borough has a net deficit of 964 affordable homes per annum.⁴⁸

55. Delivery of residential use is recognised by the Action Plan as part of the site allocation and, through both the Water Lane and Wharf Lane buildings, the Scheme would thereby yield significant housing benefits.
56. I have no concerns regarding the absence of a formal Environmental Impact Assessment given the relevant statutory thresholds, nor regarding the sustainability characteristics of the Scheme, and nor regarding full details of safety and other aspects of the pontoon which remain to be approved. Aside from compliance with a range of sustainability criteria, the Scheme would also secure net biodiversity gain⁴⁹, and introduce biodiverse floating ecosystems. These, and other related matters, would be secured through Conditions attached to the Planning Permission.

Open Space

57. In comparison to the proposed Lawns, the existing artificially grassed spaces and hardstanding are each more physically discreet in their form and location, are each generally larger and more regular in shape, and their relative containment may also be advantageous for some uses, such as organised games.
58. The proposed Town Square/Event Space, however, would be a larger hard surface more regular in shape than the Lawns, and is part of the defined Future Functioning Open Space. As acknowledged by the Authority⁵⁰, this area could be used flexibly for other activities and games outside the hours of 0700-1000 and outside of event times. The issue would be how that possibility is to be secured and managed, and Condition NS38 may again have a significant role to play.
59. The existing artificial grass offers all-weather benefits, but the Inquiry was advised how that particular form of surfacing only reflected a previous failure of natural grass due to untreated ground conditions involving remaining debris of former structures.⁵¹ Whilst offering less resilience for users at certain times of the year, the alternative large expanse of natural grass as proposed would be highly attractive environmentally, and particularly to users in seasonal conditions. The Landscape and Public Realm Strategy⁵² explains how the open space is designed to be a lush green space that wraps around the Play Space and pétanque courts. At times of inclement weather, flexible possibilities for use of the Town Square/Event Space would remain.

⁴⁶ LBR-1A, paragraph 9.33.1

⁴⁷ Local Plan, supporting text to Policy LP 36 at paragraph 9.3.1 (CD 2.04)

⁴⁸ Local Plan, supporting text to Policy LP 36 at paragraph 9.3.1 (CD 2.04)

⁴⁹ Condition NS40 requires an Ecological Enhancement Plan and to include demonstration of 19% biodiversity net gain

⁵⁰ Statement of Case at paragraph 11.106, and LBR 2A at paragraph 11.16

⁵¹ Mr Chadwick in oral evidence

⁵² CD 4.07

60. There would be significant loss of trees, but the Scheme would include appropriate replacement and as part of a wider integrated landscape strategy for the whole site. I particularly note that Planning Condition NS48 makes bespoke arrangements in relation to the felling of the valued Black Poplar (T34), and that Planning Condition NS68 requires a wider planting scheme within the Twickenham Riverside Ward to offset the loss of tree cover on the site.
61. Instances of anti-social behaviour and criminal damage have taken place in the immediate area of the DJG and beyond the control of the TRT. I agree the more publicly exposed and overlooked character of the proposed open space and accompanying lighting strategy may also offer the advantage of an alternative deterrence to any such future misconduct.
62. The open space would not be a clearly defined park as such as it has been conceived rather more as an integral feature of a wider mixed-use development. I accept this contrasts markedly with the more enclosed character of the existing facility but, used flexibly and as part of the wider Scheme, it would be no less beneficial as a consequence.
63. The Future Functioning Open Space would be larger than the existing, better connected, more accessible, better disposed towards the river, and provide a comparable range of play/recreational opportunities. It would function centrally as part of a vibrant and attractive mixed-use area linking the riverside and town centre. It would benefit from a greatly enhanced and safer environment made possible by the accompanying traffic management and experience no increase in pollution.

Play Space

64. The Play Space would be placed towards the rear of the Scheme Land to maximise views across the Future Designated Open Space to the river and to incorporate trees. It would also be positioned centrally so allowing good sight lines for surveillance and drawing children and families into the middle of the Scheme and adjacent to the café. The Play Space would be no smaller than the existing space and offer better facilities.
65. The Lawns with natural grass offer further opportunity for play, ball games or similar.
66. Whilst the Play Space would be located near to the service road in the Scheme, the two areas would be physically separated and this arrangement would incur no significant harm for users.

Events Space

67. The Events Space would be an area of comparable size and flexibility to the existing, but would benefit from a more open and more central location closer to the river. When accommodating events, the location and its surroundings would also be vehicle-free.
68. There would be no physical cycle path across the Space as such. The surface would simply be available for shared use by pedestrians and cyclists as occurs widely elsewhere, and for any other activities outside of event times.

69. The upper levels of the Future Designated Open Space would look down towards the adjacent Events Space. Timber seating terraces would transition between the two levels on two sides and offer open views out towards the water as its natural backdrop and as an integral and highly attractive feature of both its design and of its wider location. The seating would also have the added advantage of doubling-up as an inviting opportunity for people just to relax, to sit peacefully in the sun and to enjoy the riverside at those times when events would not be taking place.

Oversailing

70. I am satisfied no harm throughout the Order Land should arise in this regard.⁵³

Exchange Land and the Section 19 application

71. For the reasons set out in detail in my accompanying report relating to the section 19 application and indicated above, I have concluded the Scheme would comfortably surpass the statutory threshold of being no less in area and equally advantageous to the relevant section 19 parties. I concluded the Authority's use of section 19(1)(aa) to be appropriate.
72. Accordingly, a recommendation has been made that the Certificate be given.

Stopping Up Order

73. I find there are no outstanding impediments to the Compulsory Purchase Order arising from the Stopping Up Order.

Other concerns

74. As the schedule of representations to the Order demonstrates, there is significant objection to the Scheme, but also significant support. The Planning Committee Report similarly highlights divided local opinion between some 314 letters of objection to its original publicity and some 227 letters of support.
75. The TRT has referred to its 'Stop The Land Grab!' petition calling for retention of the DJG footprint, deletion of the Wharf Lane building and retention of trees. This has attracted over 3,000 signatures.⁵⁴ I accept the DJG is a valued open space and that the facility is well-supported by parts of the local community. I also note the various successful uses and activities of the TRT as set out in its evidence.
76. In contrast, the Authority's various public consultations have been extensive, and responses identified that 84% of some 800 respondents would be more likely or just as likely to visit the riverside after the redevelopment, with only 12% saying they would be less likely to attend. Some seven in ten respondents (73%) agreed that the Scheme would achieve the ambition of high-quality open space and pedestrianised priority on the river frontage.⁵⁵

⁵³ The statutory locus of Objection S-01 arises from proposed rights of oversailing, but the objection itself relates to other more general matters as addressed

⁵⁴ W 4.1.1, page 14

⁵⁵ Statement of Community Involvement (CD 3.13)

The Inquiry received written representations from 66 supporters of the Order, and a number attended the Inquiry and spoke in person.

77. I find no objection to the principle of a public body seeking to dispossess a charitable trust created to promote a public interest. Such action is not precluded by law and the issue is not about the status of the relevant parties involved. Rather, the key issue should be about how the particular underlying public interests can best be served and their accompanying responsibilities.

78. Agreement in principle has been reached with Eric Twickenham Limited.

Authority's case for compulsory purchase

79. I address this in section 11.0 below.

11.0 Inspector's assessment of the Order

80. The CPO Guidance sets out the factors that the Secretary of State will generally take into account when deciding whether or not to confirm an Order made under s226(1)(a). These, and other relevant considerations identified, are assessed in turn below as they relate to the Order and to outstanding matters raised by objectors, and by supporters.

Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up-to-date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework

81. As to be expected with such a major Scheme, a multitude of development plan policies are engaged, and of varying degrees of significance. The development plan comprises the Local Plan, the Action Plan and the London Plan, and there is no suggestion of it not being up-to-date.

82. The Scheme does not offer full conformity with the broad indicative principles of the Action Plan and would involve some development of existing open space and a different configuration of development. The proposal does, however, remain faithful to the Action Plan's fundamental aims for the site. These include ensuring that a substantial area of open land is retained and for some of this to be green space, and improving the whole area through a comprehensive programme of change involving a better pedestrian environment, reduced dominance of traffic and an upgrade of The Embankment.

83. In terms of building heights, I consider the Scheme to be broadly consistent with Policy LP 2 of the Local Plan, insofar as this seeks for new buildings to respect and strengthen the setting of the Borough's valued townscapes, through appropriate building heights, by requiring buildings to make a positive contribution towards the local character, townscape and skyline, and to generally reflect prevailing building heights within the vicinity. It expects proposals that are taller than the surrounding townscape to be of high architectural design quality and standards, to deliver public realm benefits and to have a wholly positive impact on the character and quality of the

area. The Local Plan further states that the centre of Twickenham is one such area where 'taller' buildings may be appropriate.⁵⁶

84. Some degree of development plan tension or shortcoming is always possible given the far-reaching and all-encompassing nature of the policies which may apply to a such a large-scale development. The Courts have made plain, however, that planning applications should be assessed relative to the development plan as a whole, and that is the approach followed by the Authority in its decision already taken to grant planning permission.⁵⁷
85. Going forward, a consistent development plan position is also proposed by the Authority's Regulation 19 Plan⁵⁸. Site Allocation 17 (Twickenham Riverside and Water Lane/King Street) is described as an opportunity for comprehensive redevelopment to provide high-quality public realm and improvements to the riverside and open space, and including housing.
86. At the national level, the Framework sets out the Government's objective of significantly boosting the supply of homes. It underlines the importance of a sufficient amount and variety of land coming forward where it is needed, and of how land with permission should be developed without unnecessary delay.⁵⁹
87. The Framework expects planning policies and decisions to support development that makes efficient use of land, taking into account various factors. These include, amongst other things, the identified need for different types of housing and other forms of development.⁶⁰
88. The Framework seeks to ensure the vitality of town centres⁶¹ and to promote healthy and safe communities.⁶² It also acknowledges that access to a network of high-quality open spaces and opportunities for sport and physical activity are important for the health and well-being of communities.⁶³ It requires that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.⁶⁴ I consider all those national expectations to be met by the Scheme.

The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area

89. The economic benefits of the Scheme would include investment in construction and related employment as it is developed, and new business/commercial floorspace and possible accompanying local job opportunities once complete.

⁵⁶ Paragraph 4.2.2

⁵⁷ See paragraph 1.17 of its Planning Committee Report

⁵⁸ INQ-18 Extract from Local Plan Publication (Regulation 19) June 2023

⁵⁹ Paragraph 60

⁶⁰ Paragraph 124

⁶¹ Paragraph 86

⁶² Paragraph 92

⁶³ Paragraph 98

⁶⁴ Paragraph 99

90. There would also be an economic legacy through a likely increase in local household expenditure and demand for services once additional dwellings and premises are occupied, so contributing to the future viability and vitality of the immediate area.
91. The social benefits would principally, but not exclusively, relate to the substantial improvement of the open space and other aspects of the public realm, and to addressing housing need. There would undoubtedly be greater general recreational use of a more pleasant riverside, and this would potentially include the pontoon and facilities for boat/kayak/paddleboard storage.
92. In environmental terms, the Scheme would be transformative. The upper photograph on page 9 of the Design Competition Invitation to Tender document⁶⁵ is taken from the Eel Pie Island Bridge and is a mere snapshot of the riverside from one particular view. Nevertheless, it vividly portrays the currently vehicle-dominated and physically congested environment of the Embankment and illustrates how this significantly shapes the existing character and appearance of the wider Order Land. The Scheme would dismantle that existing physical and environmental barrier between the river and the open space, and introduce in its place a far more enhanced and more directly connected relationship between the two.
93. The Scheme is likely to make Twickenham a far more attractive place to visit and enjoy and that, in turn, is also likely to add to the vitality and strength of the local economy.
94. It is clear the Order would promote all three aspects of well-being set out in section 226(1)(a).

Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means

95. The Scheme reflects a long-standing commitment to the riverside by the Authority. Historically, the Order Land has been subject to various other proposals and suggested developments and, more recently, the ideas put forward in the representation made by Mr Vie. No previous comprehensive proposal has ever come to fruition, no other proposal was before the Inquiry ready for implementation and, critically, none has been reflective of the key up-to-date flood constraints and which the Scheme now accommodates.
96. Extensive dialogues have taken place between the Authority and the local community over many years. Details of the current Scheme have been progressed in consultation with the TRT and, notwithstanding its various more recent objections and concerns and changes in its membership, the proposal had hitherto been the subject of various degrees of qualified support and encouragement from the Trust. This included confirmation in September 2019 that the Trustees were unanimous that the subsequently selected proposal, and which now forms the basis of the Scheme, should be preferred from those shortlisted.⁶⁶

⁶⁵ CD 3.01

⁶⁶ LBR-05A Appendix 15. I have also noted the TRT's own various commentaries on the discussions and negotiations held with the Authority

97. The TRT and other objectors have suggested that upgrade of the existing open space without reconfiguration would be a better alternative. No such proposal was before the Inquiry but any thinking along those lines would fail to realise the far more widespread benefits of the Scheme, not just to users of the open space, but to the riverside and to the town centre more generally, and to other stakeholders. The Scheme is not just about open space, but necessarily reflects a wider regenerative agenda.
98. The suggestion is similarly made that traffic management measures could be introduced without wider reconfiguration. That may well be the case, but any such measures would again be far more modest and limited in their benefits and fail to realise the full traffic management opportunities and other advantages which a much wider and more comprehensive proposal would yield, as enabled by the Scheme, and as anticipated by the Action Plan. In terms of visions and outcomes, such propositions simply do not compare like-with-like.
99. Opportunities to progress voluntary acquisition have been available to the outstanding interests as an alternative to the Order, but the necessary outcomes have simply failed to materialise. Outstanding interests, and particularly of the TRT, now represent a substantial impediment to the Scheme's continuing and timely delivery.
100. The Scheme has been sensitively progressed and I am satisfied that the purposes for which the Authority is proposing to acquire the Order Lands could not now be achieved by other means.

Financial viability and funding

101. The Scheme would be funded through the Authority's own resources, and evidence was provided of its formal commitments in that regard. There was no clear basis before the Inquiry to suggest the Scheme would not be financially viable, nor any doubt regarding the available funding.⁶⁷
102. I am satisfied that the proposal is consistent with the expectations of the CPO Guidance with particular regard to information relating to the sources and timing of funding. The evidence is of a very committed Authority for which available funding and imminent delivery are high priorities.

Any other possible impediments to delivery

103. The Inquiry received no convincing evidence of any other impediments that would prevent or delay implementation of the Scheme as proposed.

Whether the correct power has been used

104. The CPO Guidance advises that acquiring authorities should look to use the most specific power for the purpose in mind and should only use a general power if a specific authority is not available.
105. More particularly, it states that section 226 is intended to provide a positive tool to help acquiring authorities with planning powers to assemble

⁶⁷ And Mr Chadwick further confirmed, in response to the Inspector's direct question, that the necessary money was available, and available now

land where this is necessary to implement proposals in their local plan or where strong planning justifications for the use of the power exist.⁶⁸ It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would apply.

106. I consider section 226 to be appropriate and no suggestion has been offered of any alternative provisions which could better serve the Scheme in the manner required.

Human Rights

107. Section 6 of the Human Rights Act 1998 (the HRA) renders it unlawful for a public authority to act in a way which is incompatible with a right contained in the European Convention on Human Rights.

108. Article 1 of the First Protocol (Article 1), as incorporated by the HRA, provides that every person is entitled to peaceful enjoyment of their possessions, including their property. Article 1 requires that no one shall be deprived of their possessions except in the public interest and subject to conditions provided by law. Article 8 of the HRA also confers a right to respect for private and family life.

109. Neither Article 1 nor Article 8 are unqualified such that interference may be justified where it is necessary and in accordance with the law, and is proportionate to the public interest being served.

110. The Authority's evidence demonstrates how it has properly acknowledged that relevant rights are engaged, and how it has endeavoured to respond appropriately throughout its actions.

111. Article 6 is also engaged and relates to the right to a fair trial. The Order has followed the required statutory procedures in terms of publicity and opportunities for interested parties to engage, and the Inquiry has provided a fair and public hearing by an independent and impartial tribunal to consider outstanding representations. Throughout its conduct, the Inquiry sought to be as inclusive and accommodating as reasonably possible and, with the support and co-operation of the Authority, this extended to acceptance and consideration of many late and previously unannounced submissions by unrepresented local interested parties. The Order was also accompanied by statutory opportunities for public engagement in connection with the Planning Application and other informal engagement undertaken by the Authority.

112. In accordance with paragraph 2 of the CPO Guidance, I am sure that the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected.

Public Sector Equality Duty (the PSED)

113. I am satisfied that the requirements of the PSED have been addressed by the Authority in its preparations for, and making of, the Order. The various

⁶⁸ Paragraph 95

potential adverse effects of the Order upon persons with protected characteristics have been, and continue to be, managed through the details of the Authority's engagement and consultation, and through its commitments and specific actions arising.

114. The Authority undertook an Equality Impact and Needs Assessment in May 2021.⁶⁹ This made a number of recommendations and identified a range of groups with protected characteristics that would be potentially impacted, including young children, people with disability or mobility issues, adults with learning disabilities, and employees within the King Street premises.
115. Of the many relevant impacts identified, I regard access and parking for persons with protected characteristics, the employment benefits of the café, and the welfare of children in relation to the future Play Space to be of particular significance to the Scheme.
116. The Existing Functioning Open Space has only very limited step-free access. By contrast, a key feature of the Scheme is that accessibility throughout would be far less physically impeded and thereby far more accommodating.
117. The Scheme would remove parking from the Embankment. Although none of the spaces proposed for removal are dedicated disabled bays, the withdrawal of such parking could still negatively affect the general convenience of people confronted by mobility issues. The Scheme would include disabled parking bays and, whilst the Authority is satisfied there would be sufficient provision within the local CPZs to meet the community's parking needs, it is important for any possible negative effect to be further considered and reviewed as the Scheme would evolve. Not least, this would be engaged through relevant equality and safety aspects of Condition NS23 and which are expected to be monitored accordingly.
118. The existing café is Authority-run and employs adults with learning difficulties. The café is within the Authority's control and its future is due for review regardless of the Scheme.⁷⁰ A number of options may be considered by the Authority and, as appropriate, the Council's Adults Social Services will be working to find alternative employment opportunities for the staff and/or to relocate the café to another site should that be required, and/or to transfer management to a local voluntary group. I am satisfied the relevant interests and needs of its existing employees, insofar as possibly attributable to any impact arising from the Scheme, would be appropriately considered as part of that process.
119. Implementation would mean that children and other users of the existing open space with protected characteristics would suffer temporary loss of a valued facility until the replacement Scheme is completed. This is an inevitable consequence if improvement is to take place. That short term impact would be offset by the longer-term benefits to be realised once complete.

⁶⁹ As attaching to CD 1.06

⁷⁰ Statement of Case, paragraph 13.18

120. In terms of its enclosure, the existing Play Space would seem to be a very secure and safe environment for children during the hours of daylight. Its proposed replacement would be more open in character. Whilst it would be reasonably overlooked and adjacent to other facilities, it is critical that the detailed design should deliver a particularly secure environment for the children. I note that, prior to the commencement of development, Condition NS42 requires approval by the Authority of full details of the play provision, including siting, equipment, design, materials, surface treatment, accessibility and sensory provision. I expect the safety and security of children to be an inherent feature and backdrop of those considerations and to be reflected in the Space's subsequent detailed form and content.
121. Aside from addressing relevant PSED matters in the Order's preparation, I have no reason to conclude that appropriate access to the Scheme's significant benefits would be impeded to any relevant person by reason of matters specifically arising from protected characteristics.
122. I am satisfied that the Authority has complied with the PSED in seeking to progress the Scheme and would continue to address relevant detailed matters should the Order be confirmed.

12.0 Overall summary

123. My decision whether or not to confirm the Order is to be made principally with reference to the statutory provisions of section 226 of the 1990 Act, and read in conjunction with the CPO Guidance.
124. As recognised by the Authority, the Scheme has detailed outstanding issues to be resolved, but nothing in the evidence suggests these involve matters of unacceptable harm, or are matters which cannot, in principle, be reasonably considered and addressed as the project moves forward and takes shape. Indeed, the Authority's commitment to such matters is made plain by some 125 Conditions which it chose to attach to the Planning Permission. Further, many of these are in the relatively restrictive terms of conditions precedent and which thereby require resolution in advance of development.
125. An inevitability is that a project of this size and intricacy may always give rise to some very limited harms, or similarly encounter some minor conflicts with particular policy or technical standards, such as in relation to the various slight impacts upon existing lighting, or necessary loss of valued, long-established trees. Any such matters have to be appreciated and assessed in appropriate context, and relative to any accompanying mitigation that would be provided.
126. The key conclusion I draw from the Inquiry is that whilst some detailed aspects remain to be addressed, there is nothing fundamentally wrong with the principle of the Scheme or with the Order or with the Authority's proposed way forward.
127. The quality of the Scheme draws from its distinctive relationship to the river. It seeks to embrace and harness that relationship through creation of a far safer and far more attractive riverside environment, and one in which both open space and the wider public realm would be promoted to the fore.

Open space and the exciting untapped environmental potential of the river would no longer be marginalised and rendered subservient to vehicles and to vehicle parking. Additional to that would be the enhanced relationship the Scheme would facilitate between the town centre and the riverside and, more generally, the considerable housing and economic and other benefits to be delivered.

128. I have found no failings by the Authority in relation to the technical content of the Order, and nor in its accompanying procedures. Each representation as listed on the web site, whether for or against, has been carefully considered as part of this decision, and I find no specific reason within any of the outstanding objections to withhold its confirmation.
129. The identified interference with Human Rights arising from the Order is necessary and in accordance with the law. It cannot be achieved by means less imposing and does not constitute an excessive or disproportionate effect on the interests involved relative to the purposes of the Order and the scale of public interest to be served. Should the Order be confirmed, the law is also inclusive of an entitlement to compensation in respect of the necessary interference.
130. I have no clear reason to conclude that the Order would result in any discrimination, harassment, victimisation and nor any such other conduct as prohibited by the EA, and nor that it would incur an overall negative consequence for any person with a protected characteristic.
131. The Scheme has evolved from a Competition-winning design in response to a specific Authority brief, and prepared and submitted by a distinguished practice of architects and other professionals. Details of the Scheme have also progressed in consultation with members of the TRT and many other local interested parties.
132. The CPO Guidance explains that the planning framework justifying an Order made under section 226(1)(a) should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the Scheme.⁷¹ There can be no clearer affirmation of such detail than an extant planning permission, and there is no evidence that all outstanding Conditions within that permission are not capable of being discharged.
133. The decision to grant the Planning Permission was relatively recent, it was based upon an up-to-date development plan, there has since been no material change in planning circumstances, and that decision is not subject to any legal challenge. This now means there is no planning impediment to the Scheme's delivery. Nor is implementation to be thwarted by any of the other factors identified in the CPO Guidance. The Authority is committed to the Scheme and I am satisfied has expended every reasonable effort to address and accommodate outstanding concerns as far as reasonably possible, and will continue to do so.
134. As reflected by the public representations of support, Twickenham riverside has a long-standing and unmet need for renewal. The Scheme,

⁷¹ Paragraph 104

involving a high-quality transformative development with widespread public benefits for the local area and its community, is now poised ready to deliver much-needed positive outcomes and without further unnecessary delay.

135. For the reasons set out above, I am satisfied that acquisition of all the Order Land and interests, as modified, are required to facilitate the carrying out of development, re-development and improvement works comprised within the Scheme, and that compulsory acquisition would thereby secure improvement to the economic, social and environmental well-being of the modified Order Land and, more widely, of both Twickenham and of the Thames riverside.

136. In summary, there is a compelling case in the public interest for the use of compulsory purchase powers and such action is expedient.⁷²

13.0 Conclusion

137. Accordingly, I conclude that the Modified Order should be confirmed.

Peter Rose
INSPECTOR

The Authority's attention is drawn to the requirements under section 15 of the Acquisition of Land Act 1981, as amended, relating to the publication and service of notices now that the Order has been confirmed. The Authority is requested to inform the Planning Inspectorate and the Secretary of State of the date on which notice of the confirmation of the Order is first published in the press.

⁷² It further follows that my conclusion of a compelling case in favour of the Order is consistent with the establishment of proportionality - R. (on the application of Hall) v First Secretary of State, 2007 WL 1729815 (2007) refers

APPENDIX 1: APPEARANCES

For the Authority:

Andrew Tait KC
Daisy Noble of Counsel

They called:

Paul Chadwick - Director of Environment and Community Services,
Councils of the London Boroughs of Richmond and Wandsworth

Chris Bannister - Director, Hopkins Architects

Nick O'Donnell - Assistant Director, Traffic & Engineering,
Councils of the London Boroughs of Richmond and Wandsworth

Iyabo Johnson - Associate Director, Savills

For Twickenham Riverside Trust:

Celia Holman - Secretary and Trustee, Twickenham Riverside Trust

She called:

Ted Cremin - Chair and Trustee, Twickenham Riverside Trust

Mark Brownrigg - Trustee, Twickenham Riverside Trust

Janine Fotiadis-Negrepontis - Trustee, Twickenham Riverside Trust

Celia Holman also gave evidence herself on various matters

Annabel Graham Paul of Counsel appeared for the TRT in relation to the accompanying section 19 application but not in relation to other Order-related matters as set out in this separate decision

Other local interested parties (with accompanying representation/evidence reference):

Councillor Geoffrey Samuel (NST-018/NS-018)

Ian Crockford (SUP-07)

Sam Kamleh-Chapman (SUP-13)

Anthony Mayer (SUP-21)

Byron Young (SUP-21/21A)

Councillor James Chard (SUP-50)

Councillor Julia Neden-Watts (SUP-50A)

Ellen Purton (SUP-12/12-1)

Howard Vie (NST-134/NS-134)

David Marlow (NST-025/NS-025)

Jeremy Hamilton-Miller (NST-07/NS-007.0 to NS-007.1)

Sue Hamilton Miller (NST-001/NS-001.1 to NS-001.3)

Sheila Hale (SUP-04)

Mark Montgomery-Smith (NST-38/NS-038.1 to NS-038.4)

Helen Montgomery-Smith (NST-38/NS-038.1 to NS-038.4)

Colin Heath (Tower of Power Limited/Eel Pie Island Bridge Company)
(S-04/NST-02))

Deon Lombard (SUP-01)

Graham Strudwick (SUP-02)

APPENDIX 2: AGREED LIST OF DOCUMENTS SUBMITTED DURING THE INQUIRY

The following list of Inquiry Documents, and as agreed by the Authority and the TRT at the conclusion of the Inquiry, relates to both the Order and to the section 19 application.⁷³ The documents are available to view at:

[Twickenham Riverside - Gateley \(gateleyhamer-pi.com\)](https://gateleyhamer-pi.com)

Reference	Subject
INQ-01	Opening Statement on behalf of the London Borough of Richmond Upon Thames
INQ-02	AA Compliance Note
INQ-03	AA Revised Definitions
INQ-04	AA Modified Order Schedule
INQ-05	AA Update Note on Status of the Stopping Up Order
INQ-06	Withdrawal of Objection submitted by the Port of London Authority
INQ-07	TRT Opening Statement
INQ-08	AA Note on LBR-5 Appendix 35
INQ-09	Twickenham Society Additional Statement dated 7 June 2023
INQ-10	David Marlow Updated Statement dated 7 June 2023
INQ-11.1	Eel Pie Island Association and Eel Pie Boatyard Statement as read
INQ-11.2	Twickenham Working Waterfront Presentation dated September 2016
INQ-11.3	Mark Montgomery-Smith Statement as read
INQ-12	TRT Open Space and Design
INQ-13	AA Housing Delivery and Targets Note
INQ-14	Mark Brownrigg - Planning Policy on behalf of the TRT
INQ-15	Graham Strudwick Presentation as read
INQ-16	David Marlow - Notes raised on 13 June 2023
INQ-17	AA Note on Timelapse Footage
INQ-18	AA Extract from Local Plan Publication (Regulation 19) June 2023 - Site Allocation 17
INQ-19	AA Additional Note on LBR5 Appendix 35
INQ-20	AA Podium Edge Measurements Plan
INQ-21	AA Programme for Adoption of the Draft Local Plan
INQ-22	Revised Statement of Janine Fotiadis-Negrepontis on behalf of the TRT
INQ-23.1	TRT Presentation for Ted Cremin Evidence
INQ-23.2	Ted Cremin - Consultation and Engagement
INQ-23.3	Ted Cremin - Negotiations
INQ-23.4	Ted Cremin - Justification
INQ-24	Agreed Existing Land Uses between the AA and TRT
INQ-25	AA Rebuttal to INQ-9 Twickenham Society
INQ-26	AA Rebuttal to INQ-10 and INQ-16 David Marlow
INQ-27	AA Rebuttal to INQ-11.1 Eel Pie Island
INQ-28	AA Rebuttal to INQ-11.3 Mark Montgomery-Smith
INQ-29.1	Road Safety Audit March 2022 submitted by Colin Heath on behalf of the EPIBC
INQ-29.2	Systra Study 1 submitted by Colin Heath on behalf of the EPIBC
INQ-29.3	Systra Study 2 submitted by Colin Heath on behalf of the EPIBC
INQ-30	Additional Submission from Deon Lombard
INQ-31	AA Note on the Proposed Modifications

⁷³ The TRT also presented the Inquiry with some time-lapse film of the Scheme Land. This was viewed in the Inquiry room but not on-line by the Inquiry on Thursday 22 June. The film is retained by the TRT and any further enquiries should be directed to the Trust

INQ-32	AA Note of Viability
INQ-33	AA Urban Heat response to Janine Fotiadis-Negrepontis
INQ-34	Further AA response to Colin Heath
INQ-35	AA CAVAT Report
INQ-36	AA response to Ted Cremin evidence
INQ-37	AA rebuttal to Jill Garrow
INQ-38	AA rebuttal to Jon Rowles
INQ-39	AA Objector Wayfinding Document
INQ-40	TRT Legal Submissions
INQ-41	Section 19 Areas of Agreement & Disagreement between the AA and TRT
INQ-42	Site Visit Itinerary
INQ-43.1	TRT Closing Statement - CPO
INQ-43.2	TRT Closing Statement - CPO (paragraph 76 corrected)
INQ-44.1	TRT Closing Statement - section 19
INQ-44.2	Appendices to TRT section 19 Closing Statement
INQ-45.1	AA Closing Statement
INQ-45.2	AA Closing Statement (updated and as read)