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**By email and special delivery**

Dear Sirs

**The London Borough of Richmond Upon Thames (Ham Close) Compulsory Purchase Order 2023**

**Application for a certificate under Schedule 3 of the Acquisition of Land Act 1981 (the Act)**

The London Borough of Richmond Upon Thames (the **Acquiring Authority**) has made a compulsory purchase order known as the London Borough of Richmond Upon Thames (Ham Close) Compulsory Purchase Order 2023 (the **Order**). The Order is made for the purpose of facilitating the redevelopment of the housing estate known as Ham Close including demolition of existing buildings, and the erection of new buildings for residential and community uses, as well as new infrastructure, public realm and access (the **Scheme**).

The Order will be submitted to Secretary of State under separate cover, but we enclose copies of the Order, the Order Map, the Schedule and Statement of Reasons for reference. We anticipate submitting the Order to the Secretary of State for confirmation in late October 2023.

Within the Order boundary is part of the open space known as Ham Village Green comprising plot numbers: 32, 33 and 52 (the **Ham Village Green**). Ham Village Green is open space as defined for the purpose of paragraph 6 of Schedule 3 to the Act. Ham Village Green is open space by being a park that is laid out and used for public recreation. The reference numbers above relate to the plot numbers on the enclosed Order Map.

The Acquiring Authority requests the Secretary of State to issue a certificate for the purpose of paragraph 6(1)(a) of Schedule 3 to the Act in connection with the creation and acquisition of new rights over plot numbers: 32, 33 and 52 which comprise unregistered land in unknown ownership.

**The Site and Context**

The Order relates to the regeneration of Ham Close which is a housing estate in the Ham, Petersham and Richmond Riverside ward of the Acquiring Authority's administrative area. Ham

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Close covers a total area of approximately 4.1 hectares and is bounded by Woodville Road to the north, Ashburnham Road to the south, Wiggins Lane and Ham Street to the east and the Woodville Centre and St Richards Church of England School to the west.

The land subject to the Order (the **Order Land**) forms part of Ham Close consisting of:

- 26 flats owned on a long leasehold originally acquired through statutory right to buy;
- two electricity substations; and
- unregistered land comprising hardstanding and access road leading from the car park adjacent to Ham Village Green to Ashburnham Road; and
- land over which new rights are required to undertake the works and allow for future maintenance.

The Order Land is shown edged red on the Open Space Plan enclosed.

The existing open space at Ham Close, known as Ham Village Green is located to the east of the housing estate, to the south of Woodville Road and north of Ashburnham Road. Ham Village Green is shown coloured green on the accompanying Open Space Plan.

Ham Village Green is maintained and managed by the Acquiring Authority. It is a well-used open space, consisting mainly of grassed areas, along with children's play area and an outdoor gym. It is 11,817 square metres in area.

Public rights currently exercised are the use of Ham Village Green for recreation, sport, walking and dog walking. Ham Village Green is classified as open space in accordance with paragraph 6(5) of Schedule 6 to the Act and does not constitute a formal "village green" despite being referred to as the Ham Village Green.

### **The Scheme**

Ham Village Green is not proposed for redevelopment as part of the Scheme, however in developing the scheme some utilities will need to be diverted underneath Ham Village Green and there will also be temporary use of small areas of it during construction of the community centre, for scaffolding, hoarding and working areas.

The Scheme includes open space, public realm and accessibility improvements which will increase opportunities for the public to use and enjoy the open space in and around Ham Close, including Ham Village Green. Ham Village Green will also benefit from direct connection with the new Linear Park with its associated recreational areas and facilities

Most of Ham Village Green is within the ownership of the Acquiring Authority, as such no additional land or rights are required for the diversion of the sewer or scaffolding on other parts of Ham Village Green. However, plots 32, 33 and 52 are unregistered land, and despite diligent inquiry, to date it has not been possible to identify any third parties who may have interests in this land, so new rights are required to allow works to be undertaken on these areas.

The acquisition of land and rights by the Acquiring Authority will not impact on the continued use of Ham Village Green for recreation and all purposes for which the land is currently and ordinarily used.

### **Rights over Open Space sought in the Order**

Plots 32, 33 and 52 (shown coloured pink on the enclosed Open Space Plan) are proposed for the creation and acquisition of new rights comprising:

#### Plot 32 (217 square metres)

The Order includes the acquisition of the following new rights: (i) lay or relocate services (ii) use inspect maintain or repair services within the land (iii) access to undertake works on adjoining land (vi) access over the land with or without vehicles and (vi) swing the jib of a crane, loaded or unloaded, through the airspace.

A foul water sewer will be diverted as part of the Scheme underneath Ham Village Green. Rights to construct this sewer are required as well as rights to allow future maintenance of the sewer. In addition, there are existing services beneath plot 32 and access may be required to inspect, maintain or replace those or to undertake works as part of the sewer diversion. Cranes in connection with the community centre construction may also oversail this plot.

#### Plot 33 (32 square metres)

The Order includes the acquisition of the following new rights: (i) erect scaffolding and hoarding in connection with works on adjoining land (ii) access on to the land to undertake works on adjoining land (iii) undertake works to the party walls (iv) lay or relocate services (v) use inspect maintain or repair services within the land (vi) to access over the land with or without vehicles (vii) swing the jib of a crane, loaded or unloaded, through the airspace above the land and (viii) erect or overhang scaffolding and scaffolding fans.

These rights are required to allow some existing services to be diverted around the new community centre. As with plot 32 the right inspect, maintain or replace the services is required. In addition scaffolding and hoarding in connection with construction works on the new community

centre will be required on this area, which will be used for construction working area. Cranes in connection with the community centre construction may also oversail this plot.

Plot 52 (4 square metres)

The Order includes the acquisition of the following new rights: (i) lay or relocate services (ii) use inspect maintain or repair services within the land (iii) access to undertake works on adjoining land and (iv) access over the land with or without vehicles.

As with plot 32, the diverted sewer will encroach on plot 52, and rights are required to lay the sewer, as well as the right to the right inspect, maintain or replace the sewer.

**Justification**

This application is made on the basis that the land, when burdened with the new rights will be no less advantageous to those people in whom it is vested, and other persons, if any entitled to rights, and to the public than it was before, pursuant to paragraph 6(1)(a) of Schedule 3 of the Act.

These works have been the subject of extensive discussions with the Acquiring Authority in its role as owner and manager Ham Village Green, to ensure that the continued use and enjoyment of the land by the public is preserved. The Acquiring Authority has also assessed the planning application in its role as local planning authority.

The acquisition of land and rights by the Acquiring Authority will not have an impact the continued use of Ham Village Green for recreation and all purposes for which the land is currently and ordinarily used.

All existing activities and uses of Ham Village Green will be unaffected by the Order. The sewer will be underground, as such will not affect the use of Ham Village Green. Ham Village Green already has utility services beneath it, so the principle of laying services in this location is already established.

The diversion of the sewer/services to be carried out by Thames Water and works relating to the community centre construction may require a temporary closure of part of the Ham Village Green but only for the period of the works and only to the extent required for relocation of the sewer, and a small area close to the community centre. Most of Ham Village Green will remain open and unaffected by the temporary works. It is (conservatively) estimated that the works to the land around the community centre will be for a period of approximately 24 months and the works relating to the sewer/services will be for a period of approximately 12 months. The closures relate

to approximately 10% of the area of Ham Village Green. The remainder of the Ham Village Green will remain open throughout construction.

The new rights over plots 32, 33 and 52 do not affect or impact the continued use of Ham Village Green for all purposes. In addition, the open space, public realm and accessibility improvements mean that the Scheme will increase the opportunities for the public to use and enjoy the open space in and around Ham Close, including Ham Village Green. Ham Village Green will benefit from direct connection through the new Linear Park, with its associated recreational areas and facilities.

The Acquiring Authority is not aware of any other person who may be disadvantaged by the acquisition of the rights over plots 32, 33 and 52. The Acquiring Authority already maintains and manages plots 32, 33 and 52 as part of the wider Ham Village Green, which it owns. Plots 32, 33 and 52 have been part of Ham Village Green since at least 1970 and the Acquiring Authority has been in effective occupation of the land since that time. The plots are unregistered and following diligent inquiries the Acquiring Authority has been unable to identify any possible or reputed owners of plots 32, 33 and 52.

The open space when burdened with new rights will be no less advantageous to the persons in whom it is vested and other persons, if any, entitled to rights and to the public than it was before.

### **Conclusion**

The new rights are included in the Order to carry out infrastructure and construction works necessary for the regeneration of the Ham Close. The works will not affect the long-term usability or appearance of plots 32, 33 and 52 or Ham Village Green in any way. The impacts of the new rights will be limited to small areas of closures of Ham Village Green for a temporary period during construction of the Scheme only. The Scheme generally will bring about significant enhancement to open space in the vicinity by linking Ham Village Green to a new Linear Park.

The Acquiring Authority requests that the Secretary of State certifies that the land (plots 32, 33 and 52) forming part of open space when burdened with new rights will be no less advantageous to the persons in whom it is vested and other persons, if any, entitled to rights, and to the public than it was before (Paragraph 6(1)(a), Schedule 3, to the Act).

### **Enclosed**

1. Draft Certificate under Schedule 3 of the Act
2. Application Map of the Open Space (open space plots shown pink, shown in context of the wider Ham Village Green shown in green)



3. Draft Notice of Intention to issue a Certificate under Paragraph 6(1)(a), Schedule 3 to the Act
4. Order (sealed)
5. Order Map (sealed)
6. Statement of Reasons

Yours faithfully

*Trowers & Hamlin*

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