

LONDON BOROUGH OF RICHMOND UPON THAMES

REPORT TO: Finance, Policy and Resources Committee

DATE: 16 November 2020

REPORT OF: Director of Environment and Community Services

TITLE OF DECISION Twickenham Riverside Development

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

KEY DECISION? YES

IF YES, IN FORWARD PLAN? YES

For general release

1. MATTER FOR CONSIDERATION

- 1.1 A report to this Committee on 20th February 2020 agreed the appointment of the design team following a RIBA competition process, approved the appointment of the professional client-side team to deliver the proposed Twickenham Riverside regeneration proposals and approved the funds up to the award of a construction contract.
- 1.2 This report offers the Committee an update on the project's progress and next steps. It also gives details and seeks approval, in principle, for the use of the Council's compulsory purchase powers to facilitate the delivery of the scheme. This would provide certainty and allow the preliminary processes required for the making of a Compulsory Purchase Order (CPO) to be carried out at the same time as negotiations with landowners are ongoing. Committee authority will still need to be sought in the future to make a CPO to acquire any property interest that is required for the Scheme that cannot be secured via a negotiated settlement.

2. RECOMMENDATIONS

The Committee is asked to:

- 2.1 Note the update given in this report.
- 2.2 Agree in principle that the Council will use compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 (as amended) to acquire the land and any rights within the area described in the report and shown on the plan attached to this report, the Council being of the view that compulsory acquisition of the land may be necessary in order to secure the delivery of the Scheme and to bring forward its benefits in a timely way.
- 2.3 Authorise Officers to carry out preparatory work for the use of its compulsory purchase powers, including, subject to the 'in-principle' decision being made,

serving statutory requisitions for information on land owners and appointing land referencing agents (if considered necessary) to thoroughly investigate all land interests, the preparation of a Statement of Reasons and all other necessary documentation.

- 2.4 Note that the overall cost estimates, including the acquisition costs of those interests which are still to be acquired, will be detailed in the further report to this Committee setting out the justification for making a compulsory purchase order.

3. DETAIL

Introduction

- 3.1 Regenerating Twickenham Riverside (the Site) is a priority for the Council. The Riverside should be a flourishing centre for Twickenham and the local area but instead the proposed development options for the riverside area have been subject to a long and contentious history. Over the near forty-year history of this Site, and since the closure of the public swimming pool there have been a number of proposals, but none have fully matched the ambitions of the Council and desires of the local community. Currently the Council is in a better position to deliver a scheme that could fulfil those ambitions and deliver improvements to this area and the wider Borough with the potential to create a destination for all to enjoy.

Project update

- 3.2 Following the February Finance, Policy and Resources Committee the winning architect-led design team were confirmed as Hopkins Architects. For the past several months Hopkins have been testing their competition scheme and developing the design supported by a consultant Project Management team. The Council has been procuring consultants, and carrying out surveys, required to support the design development and take the project forward to a planning application.
- 3.3 The Hopkins' scheme was well received during the period of public engagement held in 2019 and the Council was able to capture many comments through the consultation questionnaire. The main comments, which the design team have considered include:
- Better connecting the town and the river by opening up Water Lane
 - Pulling the development back from the river edge
 - Eel Pie Island businesses must be catered for in terms of servicing and access
 - Encourage use of the river
 - Green the Embankment
 - Consider the massing and scale of buildings
- 3.4 One of the biggest challenges faced by the design team has been borne out of engagement with the Environment Agency regarding flooding and the need to make changes to the concept design to fully adhere to policy concerning the flood defence wall and flood storage requirements. This has resulted in necessary changes to the scheme presented during the competition, notably the reduction in building footprint by nearly one third to ensure the building is

behind the flood defence (not on stilts above as shown in the concept design) and that flood storage is replaced like for like at each level. The design team continue to work through these requirements under instruction from the Council that any changes must be as in keeping with the concept design as possible.

- 3.5 There have been a number of positive changes in the scheme as a result of design development, including the widening of Water Lane so that the Eel Pie Island Bridge can be seen from King Street, an increased amount of public open space and space for events, softening and greening of the Embankment, the potential for a new boathouse towards the end of Wharf Lane, a larger specific loading and servicing area for Eel Pie Island, to name but a few. The team continue to work through the design, and it will be presented in full during a period of public consultation later this year.
- 3.6 The Council and design team have been continuing to engage with key stakeholders including the Twickenham Riverside Trust (who hold the lease for the Diamond Jubilee Gardens), the Eel Pie Island Association (who represent residents and businesses on the island), other site neighbours, local businesses, the stakeholder reference group and others. Feedback from these meetings has helped guide the design team in developing the design and the Council has committed to continuing an open dialogue as the scheme progresses. It is also very important that the Council hears the opinion of all local residents.
- 3.7 It is anticipated that there will be a period of public consultation scheduled to start in November 2020 and will run for four weeks. There will be questionnaire seeking feedback on the developed designs. The Council will be carefully planning this in line with guidance around COVID, though it is likely that engagement will be required to be largely online. Feedback from this period of engagement will be worked into the design, as required, ahead of a planning submission early 2021.
- 3.8 This Committee will receive a further update on the project next year, where details on the delivery route and construction contract and costs will be presented for approval.

Land Assembly

- 3.9 In order for the Council to secure full land assembly of all required parcels of land for the development to proceed the Council needs to decide, in principle, to use its compulsory purchase powers for all land interests.
- 3.10 Further to the decisions taken at the February 2020 meeting, officers have been negotiating to acquire land interests in third party control. It had been anticipated that the Council would acquire the interests of the commercial tenants pursuant to landlord and tenant powers, the use of those powers is predicated on the Council being able to satisfactorily demonstrate a settled intention to develop, which will include having obtained a satisfactory planning consent and confirmation of funding, to deliver the proposals. Similar principles apply to the compulsory purchase process.
- 3.11 It is envisaged that use of the Council's compulsory purchase powers to acquire the required parcels of land may be necessary in order to assemble

all of the land interests and rights required to develop the Scheme in a timely manner. Therefore, Committee authority is sought for an 'In Principle' decision to begin preparatory and planning work for the Council to use its compulsory purchase powers for all the land interests not yet in the ownership or control of the Council needed to facilitate the Scheme.

- 3.12 Subject to approval, it should be noted that the seeking of authority to make and serve a CPO will be made in a separate future decision by the Committee, following submission of detailed report by officers.
- 3.13 Although there have been significant discussions with some landowners no firm agreements have been reached to date. Those discussions will continue with all those affected parties with a view to acquiring their land interests by agreement.
- 3.14 A Statement of Reasons setting out the justification for the CPO will be prepared to ensure the Council is satisfied that all the statutory tests have been met and it has complied with the Guidance (summarised below).

Land which is the subject of the CPO

- 3.15 The land which would be potentially included in the CPO ("the Order Land") is as follows:
- Diamond Jubilee Gardens which is subject to a lease granted by the Council in 2014 to the Twickenham Riverside Trust; the lease is for a term for 125 years. The lease has no break provisions although it is outside the security of tenure provisions of the Landlord and tenant Act 1954 (Part II).
 - Part of the embankment is owned by the Port of London Authority – the Council is in discussions with the PLA in relation to this land.
 - The King Street building which forms part of the site is owned by the Council, however 1 and 1B King Street are currently held subject to leases, all of which will come to an end within the next 18 months. The leases are secure leases subject to the security of tenure provisions under Part II of the Landlord & Tenant Act 1954. This building will need to be demolished for the regeneration proposals to be delivered.
 - 1 King street – subject to a secure lease to Santander which expires 31/12/2020.
 - 1B King Street – subject to a secure lease to Superdrug which expires 03/09/2021.
 - Additionally, the site may also be subject to third party rights such as informal easements and rights of light which will need to be addressed before development can proceed.
- 3.16 The remainder of the land required is already in the Council's ownership, or is public highway which is owned by the Council.

Use of CPO Powers

- 3.17 The use of compulsory purchase powers requires a compelling case in the public interest to be made. Therefore, this report will explain the context and

justification for recommending that the Committee agrees an 'in principle' recommendation to use such powers in this case.

- 3.18 In order to compulsorily acquire land the Council must have a relevant statutory power that authorises such acquisition. Further, the Council must use the most specific and appropriate power available to it. In the case of a CPO in connection with the Scheme the Council's planning powers under section 226 of the Town and Country Planning Act 1990 (the Act) are the most appropriate, as the Scheme would make a positive contribution to the economic, social and environmental well-being of the area. At the time of making the CPO it would need to be ensured that the proposal fulfils the requirements of this statutory power. As part of the site is open space the Council will also need to comply with the statutory provisions relating to the compulsory purchase of this type of land.
- 3.19 Detailed advice to acquiring authorities on the use of compulsory purchase powers is set out in the Guidance. The Guidance provides helpful information on the matters which the Secretary of State will take into account when considering whether or not to confirm a CPO, so should be fully considered by Members now in relation to the 'in principle' use of its compulsory purchase powers and later with reference to the making and implementing of the CPO that may be considered in future. These matters and how they relate to the Scheme are considered below.
- 3.20 The Guidance states that in considering whether or not to confirm a CPO, the Secretary of State will have regard to the extent to which the purpose for which the land is being acquired fits with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and National Planning Policy Framework. The Council's Local Plan was adopted in July 2018 and March 2020, The Riverside/Site is recognised in the Local Plan as one of the sites in Twickenham that provides an excellent opportunity to rejuvenate and contribute to the vitality and viability of Twickenham Centre. The Site offers the opportunity, in a constrained borough, to provide more housing, retail, business, leisure and community services that the Local Plan identifies as needed to support growth in the borough. The Local Plan also identifies Twickenham as one of the keys areas of the borough expected to deliver the highest number of new housing units as part of the targets set out in the London Plan. Residential units delivered as part of this regeneration would help meet the overall demands for homes.
- 3.21 The Site is also identified as an opportunity area (TW 7) in the Twickenham Area Action Plan (TAAP). The plan provides a framework for development and change and has revitalising the town centre at the heart of strategy. The TAAP details how the future use and appearance of the Riverside site is critical to the success of Twickenham as a visitor and tourist destination and that a comprehensive approach is required to ensure enhanced connections between the Riverside and the town. The TAAP states that the Council will consider use of its CPO powers to deliver proposals set out in the TAAP.
- 3.22 The CPO Guidance states that the Council must demonstrate a 'compelling case in the public interest', and that the public benefits that will arise from the purpose for which the land is to be acquired (i.e. the Scheme) outweigh the impact on those affected. The Council must demonstrate both the need for the Scheme in general and the need to acquire every parcel of land included

in the CPO. Based on legal advice and the Guidance, officers are of the view that such a compelling case can be demonstrated from the desirability of implementing the scheme and in particular from the substantial wider benefits resulting from it, some of which were detailed in the February 2020 report to this Committee, they included

- Delivery of key Corporate Plan priorities
- Meeting ambitions set out in the Twickenham Area Action Plan and Local Plan, including in direct relation to this site
- Regenerating Twickenham, a need identified in a number of Council documents including Local Economic Assessments
- Developing housing in general and affordable housing, to meet housing needs/demands, delivery of which would align with the Council's Housing and Homelessness Strategy
- Putting into action some of the targets set out in the Council's Climate Change and Sustainability Strategy
- Improving the cycling and pedestrian environment, linking to the Council's Cycling Strategy and Active Travel Strategy
- Links to Council policies on improving health and wellbeing

3.23 Part of the justification for obtaining confirmation of a CPO would involve demonstrating that compulsory powers are necessary because the land required cannot be acquired by agreement. Compulsory purchase is seen as a last resort and the acquiring authority must be able to show that it has made genuine attempts to acquire the land by negotiation. The Council has made significant efforts to acquire all interests by voluntary agreement. The Guidance expects that the Council will continue those efforts and detailed evidence of those further efforts should be available prior to the making of a CPO. The negotiations will be detailed in the full report to the Committee in due course.

3.24 The Council must also demonstrate that there are no other impediments to proceeding with the Scheme, for example the need for planning permission, other consents or physical constraints. The planning application in relation to the proposals is due to be submitted for determination in early 2021. It is anticipated that the Local Planning Authority will have determined the application by July 2021.

3.25 The Council would have to demonstrate that it has, or will obtain, the resources necessary not only to pay compensation for the land but also to implement the Scheme. The reason for this requirement is to avoid a situation in which private land has been acquired compulsorily for a purpose which, in the event, cannot be achieved for lack of funds. A report was submitted to the February 2020 Finance, Policy and Resources Committee which approved the capital budget required to take the project up to the award of a construction contract and noted the estimated overall scheme viability. A report is due to come to this Committee next year seeking the required funds to deliver the scheme.

Resource Implications

3.26 At this stage, the Council is being asked to only make an "in principle" decision to use its' powers. A full detailed assessment of the financial

implications and costs of making a Compulsory Purchase Order (CPO) will be prepared and presented to this Committee in a further report should a CPO be required.

- 3.27 The work required to prepare for the use of CPO powers, including all work needed to support the making of such an order will be managed and coordinated by Council officers. The Council has appointed a specialist firm of CPO advisors to provide specialist advice and support. Officers may also decide to appoint a Land Referencing firm. The purpose of the land referencing exercise is to gather information from landowners about their land interests on the Council's behalf and to complete the schedule of the CPO which sets out all of the relevant land interests.
- 3.28 The estimated costs associated with this preparatory stage of preparing for a CPO and obtaining a full Council resolution would be approximately £35,000 in respect of the associated professional fees. Should the Council be required to use its CPO powers, the full costs associated with completing the Order are estimated to be £250,000. These costs are in addition to the capital funding approved at the February 2020 Committee.
- 3.29 In summary, under a CPO, property or rights are acquired and the owner receives a right to receive statutory compensation calculated in accordance with the rules set out in the legislation. This is usually calculated as the open market value for the interest but disregarding any increase (or decrease) in value attributable to the Scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. The Council will be responsible for paying all compensation to landowners, whether payable by purchases through voluntary negotiation or through the CPO process.
- 3.30 There is a possibility that blight claims could be made by affected landowners that require the Council to acquire their land in advance of the compulsory purchase process taking effect, but such claims would not be valid prior to the making of any CPO. This risk will be considered further in the detailed report that comes forward to this Committee seeking authority to make the CPO.

4 COMMENTS OF THE DIRECTOR OF RESOURCES ON THE FINANCIAL IMPLICATIONS

- 4.1 The Director of Resources comments that there is budgetary provision of £4.56 million in the Council's capital programme for the design and delivery of Twickenham Riverside. The approved budget contains a provision for contingency items of expenditure but does not include the potential full costs which could be incurred in undertaking a CPO, should this be necessary. The estimated costs on professional fees for the preparatory stage of the CPO can be met from within the projects existing approved capital budget provision. The requirement and cost of any CPO will be the subject of a future report to this Committee.

5. COMMENTS OF THE ASSISTANT DIRECTOR, PROPERTY SERVICES

- 5.1 Discussions with the Trust have been ongoing for some considerable time

and will continue regardless of a Council decision to use CPO powers to assemble the land required to deliver the Twickenham Riverside redevelopment proposals.

- 5.2 The CPO is proposed to be made under Section 226 of the Town and Country Planning Act 1990. The CPO must be pursued in accordance with legislation. The Council should only make the CPO if it is of the view that there is a compelling case in the public interest. If the Secretary of State agrees, he or she may confirm the CPO.

6. PROCUREMENT IMPLICATIONS

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

7. COMMENTS OF THE COUNCIL'S EXTERNAL LEGAL ADVISERS

- 7.1 The Council has wide powers to deliver regeneration under the General Power of Competence contained in s2, Localism Act 2011. This provision empowers local authorities to do anything that individuals, including for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area but this is subject to the remit of powers contained in existing legislation. It is noted that this report sets out a wide range of matters relating to the benefits and risks of this proposed scheme including impediments to delivery of development and how this proposed regeneration may deliver for the betterment of the area and the wider Borough. These are all matters that members are entitled to take into account in this case, particularly in the context where the current assessment are that, in purely financial terms, the scheme is expected to incur a net cost as the Council has stated in paragraph 4.1. Members' assessment under s2 is not limited to matters of finance, and they are entitled to take into account all the potential non-financial benefits highlighted herein.
- 7.2 A local authority is empowered by the Local Authorities (Land) Act 1963 to erect any building and construct or carry out works on land for the benefit or improvement of their area. It is noted that the proposed scheme intends to deliver a number of mixed tenure housing units and, as the housing authority, it is noted that the Council is empowered pursuant to the Housing Act 1985 to deliver housing in reference to the housing needs of the Borough.
- 7.3 Members are reminded, the Council, its committees and Officers are obliged at all times to act in accordance with their fiduciary duty; to act with reasonable care, skill and caution and with due regard to the interests of the Council's taxpayers. In view of the fiduciary duty and the general legal requirement of reasonableness, the Committee should approve the recommendations only if they consider, on a rational basis and having fully considered the officers' advice, the identified benefits of progressing with this scheme are such that they outweigh the identified risks and that those risks are not, in themselves, unreasonable.

8. CONSULTATION AND ENGAGEMENT

- 8.1 During the Design Competition the Council held a 4-week period of engagement, encouraging feedback and comments on the five concept designs. All comments received through the online engagement were collated into a report which was made available to the Design Panel prior to the final interviews.
- 8.2 In line with the Corporate Plan priority to make sure residents have a real say over issues that affect them and to promote opportunities for underrepresented groups, engagement sessions were delivered with approximately 300 children and young people between the ages of 7-15. The team also delivered a session with the Richmond Mencap group.
- 8.3 During the competition process a Local Stakeholder Reference Group was established to formalise the Council's engagement with the various community groups with an interest in the Riverside redevelopment and to enable groups to engage with the RIBA Design Competition process. Group attendance will be revised as we move forward to ensure that the Council has allowed full representation of resident's needs, however this group continues to meet and will be revised at the point that a planning application is submitted.
- 8.4 As the design is developed in a lead up to the submission of a Planning Application there will be a 4-week period of consultation and engagement. There will be statutory consultation (by the Council as LPA) on the planning application once it has been submitted.

9. WIDER CORPORATE IMPLICATIONS

9.1 POLICY IMPLICATIONS / CONSIDERATIONS
All relevant policies are being considered and advice sought where required.
9.2 RISK CONSIDERATIONS
A full project risk register is kept by the project management team.
9.3 EQUALITY IMPACT CONSIDERATIONS
All necessary Equality Impact Needs Assessments will be prepared for the Planning Application and future Committee decisions.
9.4 ENVIRONMENTAL CONSIDERATIONS
An EIA screening letter for the Twickenham project has been submitted and the Planning Authority have confirmed that an Environmental Impact Assessment is not required for this site.

10. BACKGROUND INFORMATION:

- [Corporate Plan](#)
- [Twickenham Area Action Plan](#)
- [Local Plan](#)
- [Local Economic Assessment](#)
- [Housing and Homelessness Strategy](#)

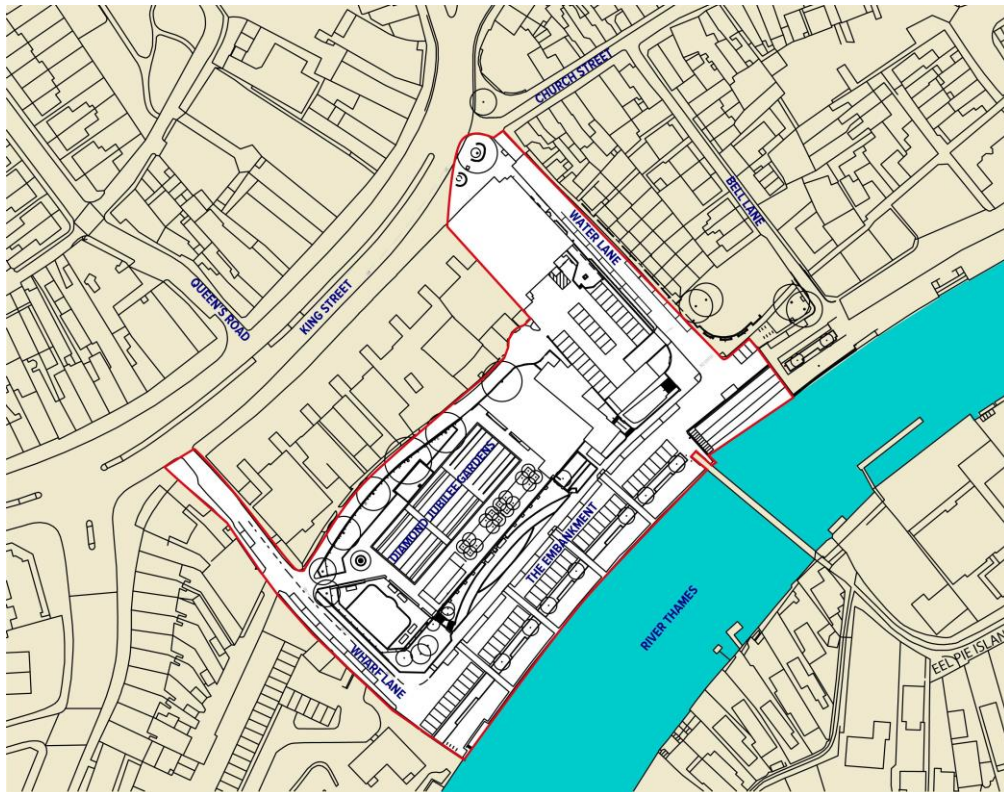
[Climate Change and Sustainability Strategy \(draft\)](#)
[Biodiversity Action Plan](#)
[Richmond Cycling Strategy](#)

11. BACKGROUND PAPERS

[November 2018 Cabinet Report](#)
[February 2020 Committee Report](#)

12. APPENDICES

12.1 Appendix 1 – Site Map (not to scale)



13. CONTACTS

Paul Chadwick
Director of Environment and Community Services
Paul.Chadwick@richmondandwandsworth.gov.uk