



Application for Certificates in Respect of Compulsory Acquisition of Open Space and Rights over Open Space pursuant to Section 131 (4A) and Section 132s (3) and (4A) – Planning Act 2008

Supporting Statement

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Thames
Tideway Tunnel



Creating a cleaner, healthier River Thames

**Application for
Certificates in Respect of
Compulsory Acquisition
of Open Space and Rights
over Open Space
pursuant to Section
131(4A) and Sections 132
(3) and (4A) – Planning
Act 2008**

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1 Executive summary

- 1.1.1 Thames Water Utilities Limited ('TWUL') has made an application to the Secretary of State for development consent to authorise the construction and operation of the Thames Tideway Tunnel, a wastewater storage and transfer project in London.
- 1.1.2 A development consent order ('DCO') will be subject to Special Parliamentary Procedure ('SPP'), to the extent that it authorises the compulsory acquisition of open space or the compulsory acquisition of rights over open space, unless the Secretary of State issues a certificate under sections 131(4A), 132(3) or 132(4A) of the Planning Act 2008.
- 1.1.3 This statement is made in support of TWUL's application for certification. It describes the tests set out in the provisions mentioned above and explains how, in respect of the application, each test has been satisfied.
- 1.1.4 More particularly, in respect of the open space and the rights over open space to be compulsorily acquired, this statement, broadly, does three things:
- 1.1.5 First, it explains why the land which is the subject of the application for certification is, in fact, open space and why it is not common land or fuel or field garden allotments.
- 1.1.6 Secondly, it describes the exercise TWUL has undertaken to seek to identify suitable land that could be given in exchange for the open space to be acquired and explains why such land is not available or, where potentially available, is only available at prohibitive cost. Here, the statement considers 87 sites, explains the methodology adopted to assess their suitability, assesses the sites in the context of the methodology and explains how, for instance, the use of certain land as replacement land would conflict with local planning policies and sets out the likely (prohibitive) cost of their acquisition. Moreover, in respect of the rights over land which are to be acquired under the DCO, it also explains how land burdened with those rights would be no less advantageous than it was before to the persons in whom it is vested and to those who use it.
- 1.1.7 Thirdly, it explains how it is strongly in the public interest for the development to be capable of being begun sooner than is likely to be possible if the DCO were subject to Special Parliamentary Procedure. Here, the statement emphasises the urgent need for the Thames Tideway Tunnel (as described in the National Planning Statement for Waste Water), the legal necessity for the project to proceed without delay (particularly in the light of possible steps that could be taken by the European Commission against the UK Government for its failure to comply fully with a judgement of the European Court of Justice concerning sewage spills in the River Thames), and the increased project costs which would arise from the delay that Special Parliamentary Procedure would cause.

- 1.1.8 Owing to the robust case set out in the statement, it concludes by urging the Secretary of State to issue the relevant certificates.

2 Introduction

2.1 Background

- 2.1.1 The Thames Tideway Tunnel is a major new linear infrastructure project in the centre of the capital. It comprises a tunnel which will run for approximately 25km from west to east London to intercept storm sewage overflows and transfer them for treatment at Beckton Sewage Treatment Works, via the Lee Tunnel. The tunnel is required to tackle the c.39 million cubic metres of untreated sewage and rainwater every year from London's combined sewer overflows (CSOs). The Thames Tideway Tunnel represents the preferred infrastructure solution to address the discharges into the River Thames.
- 2.1.2 An application for development consent for the Thames Tideway Tunnel was submitted in February 2013, and the examination into the application opened on 13 September 2013. As part of the proposals, compulsory acquisition of land and rights over land is sought for some areas of open space

2.2 Purpose of document

- 2.2.1 This statement supports the application by TWUL for certificates by the Secretary of State pursuant to Section 131 (4A) (for land) and Section 132 (3) and/or (4A) (for rights) of the Planning Act 2008 in respect of open space which is the subject matter of compulsory purchase powers sought under the *Draft Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 2013* (the 'Draft DCO').
- 2.2.2 The application is for certificates to be issued so that the *Draft DCO* does not need to undergo Special Parliamentary Procedure.

2.3 Scope of document

- 2.3.1 This application addresses each of the relevant tests in s.131 (4A) for land acquisition and s.132 (3) and (4A) for the acquisition of rights over land. The evidence prepared for this application is specific and includes only that open space where TWUL is proposing to acquire an interest in the land or rights in the land, pursuant to the powers contained in the *Draft DCO*.

2.4 Structure

- 2.4.1 This document is structured to mirror the tests within the relevant sections of the Act (as amended), as follows:
- Section 3:** sets out the legislative context for this application
- Section 4:** confirms that the land is open space (s.131 (4A)(a) and s.132 (4A)(a))

- Section 5:** explains that the land does not fall within other open land designations (s.131 (4A)(b) and s.132 (4A)(b))
- Section 6:** addresses the tests for suitable exchange land (s.131 (4A)(c) and s.132 (3) and (4A)(c))
- Section 7:** explains the approach to presenting planning and property considerations for each of the potential exchange sites in the individual site sections
- Section 8:** Barn Elms
- Section 9:** Putney Embankment Foreshore (both foreshore and land based sites)
- Section 10:** King George's Park
- Section 11:** Falconbrook Pumping Station
- Section 12:** Chelsea Embankment Foreshore
- Section 13:** Albert Embankment Foreshore
- Section 14:** Deptford Church Street
- Section 15:** King Edward Memorial Park Foreshore (both foreshore and land based sites)
- Section 16:** presents the case for why it is strongly in the public interest that there should not be SPP
- Section 17:** addresses the tests for a certificate to be issued in relation to s.132 (3) for rights
- Section 18:** summarises the full application case for certificates.

3 The legislative context

- 3.1.1 The Planning Act 2008, as amended by Section 24 of the Growth and Infrastructure Act 2013, contains provisions at sections 131 and 132 for the protection of land forming part of a common, open space or fuel or field garden allotment where compulsory acquisition powers are proposed to be included in a development consent order. Generally, the inclusion of such powers means that the development consent order cannot be made by the Secretary of State until it has undergone Special Parliamentary Procedure. The Secretary of State is, however, empowered to issue certificates avoiding that process in certain circumstances.
- 3.1.2 In the case of the Thames Tideway Tunnel project, the area of open space to be acquired exceeds the 200m threshold specified in s.131 (5) and no replacement land has been, or will be given, pursuant to s.131 (4) and s.132 (4). This application therefore relies on the certification tests set out in s.131 (4A), s.132 (3) and s.132 (4A).

3.2 Sections 131(4A) and 132 (4A)

3.2.1 Sections 131 (4A) and 132 (4A) were introduced by s.24 of the Growth and Infrastructure Act 2013. This Act received the Royal Assent on 25 April 2013 and the first commencement order¹ was made on 8 May. That order provided (see Article 4) that the provisions relating to development consent applications (sections 23 and 24) would come into force on 25 June 2013. The provisions of Section 24 (re s.131 and s.132) are subject to transitional provisions. The effect of these transitional provisions is that, for the Thames Tideway Tunnel project, the new certification process is dealt with by the Secretary of State for Communities and Local Government as a separate process with its own notification and inquiry procedures. Section 131 (4A) provides that where the land to be acquired is open space (and not any other description of land in subsection 131 (1)) and the Secretary of State is satisfied that:

- a. there is no suitable land to be given in exchange for the order land; or
- b. any suitable land to be given in exchange is available only at prohibitive cost; and
- c. it is strongly in the public interest for the development for which the DCO grants consent to be capable of being begun sooner than is likely to be possible if the DCO were to be subject (to any extent) by Special Parliamentary Procedure

then Special Parliamentary Procedure will not apply.

¹ The Growth and Infrastructure Act 2013 (Commencement No.1 and Transitional and Saving Provisions) Order 2013 (SI 2013 / 1124)

- 3.2.2 Section 132 (4A) makes similar provision in relation to open space over which permanent rights are sought, save that the test in a. above refers to land to be given in exchange for the order right, not the order land.

3.3 Section 132 (3)

- 3.3.1 Section 132 (3) provision of the Planning Act was unchanged by the amendments introduced by the Growth and Infrastructure Act 2013. It applies to the proposed acquisition of permanent rights over all types of land described in s.132 (1) (so includes commons and fuel or field garden allotments).

- 3.3.2 It states that if the Secretary of State is satisfied that if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons:

- a. the persons in whom it is vested;
- b. other persons, if any, entitled to rights of common or other rights; and
- c. the public

then the Secretary of State will issue a certificate to that effect and Special Parliamentary Procedure will not apply.

3.4 Statutory tests

- 3.4.1 This statement seeks to establish that the relevant statutory tests for the certification described above have been met.

4 The order land is, or forms part of, open space – Section 131 (4A) (a) and Section 132 (4A) (a)

4.1 Definition

- 4.1.1 The proposed order land is, or forms part of, an open space for the reasons set out below.
- 4.1.2 Section 131(12) of the Planning Act states that, in Section 131, open space has “*the same meaning as in section 19 of the Acquisition of Land Act 1981*”. Section 132(12) says the same in respect of that section.
- 4.1.3 Section 19 of the Acquisition of Land Act 1981 defines open space as: “*any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.*”
- 4.1.4 This is the definition used to determine which parcels of the order land constitute open space for the purposes of this certificate application.

4.2 The land falling within the definition

- 4.2.1 The application concerns ten sites which are considered to form open space within the terms of the definition. These sites are listed in Table 4.1 below.

Table 4.1 Application sites

Site	Land or foreshore
Barn Elms in the London Borough of Richmond upon Thames	Land
Putney Embankment Foreshore in the London Borough of Wandsworth	Land
Putney Embankment Foreshore in the London Borough of Wandsworth	Foreshore
King George’s Park in the London Borough of Wandsworth	Land
Falconbrook Pumping Station in the London Borough of Wandsworth	Land
Chelsea Embankment Foreshore in the Royal Borough of Kensington and Chelsea	Land
Albert Embankment Foreshore in the London Borough of Lambeth	Foreshore
Deptford Church Street in the London Borough of Lewisham	Land

4 The order land is, or forms part of, open space

Site	Land or foreshore
King Edward Memorial Park Foreshore in the London Borough of Tower Hamlets	Land
King Edward Memorial Park Foreshore in the London Borough of Tower Hamlets	Foreshore

4.2.2 It excludes deep subsoil required for tunnelling and land temporarily acquired for construction purposes. Deep subsoil plots were excluded for both legal and practical reasons. Namely, because the tunnelling for the project would not impact on the use of the land for public recreation at the surface. Land used temporarily under *Draft DCO* articles 34 and 35 is also excluded as it would not be subject to 'compulsory acquisition' for the project.

4.3 Land based sites

4.3.1 Land based sites which fall within the definition of open space are set out on the Schedule included with this application. The Schedule identifies the land by local authority; site name; the plot numbers comprising that site (with areas in m² for each plot); and the total site area. The plots are also described in the Schedule, and the purpose of the acquisition of each plot is set out. A distinction is drawn between land falling within s.131 (permanent acquisition) and s.132 (acquisition of permanent rights). The rights sought are described in the Schedule. Land sites are distinguished from foreshore sites.

4.3.2 Table 4.2 below identifies the land based open space sites, and indicates the work site name for the Thames Tideway Tunnel, the name given to the open space (that the site forms, or forms a part of), the relevant London borough the land is within, the size of the land (in hectares), and the designation given (if any) by the local authority.

Table 4.2 Land based open space sites

TWUL site name	Publicly accessible open space	London borough	Permanently acquired land (ha)	LPA designated areas
Barn Elms	Barn Elms Schools Sports Centre	London Borough of Richmond upon Thames	1.83	Metropolitan Open Land
Putney Embankment Foreshore	Waterman's Green	London Borough of Wandsworth	0.046	Not designated
King George's Park	King George's Park	London Borough of Wandsworth	0.26	Metropolitan Open Land

4 The order land is, or forms part of, open space

TWUL site name	Publicly accessible open space	London borough	Permanently acquired land (ha)	LPA designated areas
Falconbrook Pumping Station	York Gardens	London Borough of Wandsworth	0.10	Other Large Protected Open Spaces
Chelsea Embankment Foreshore	Ranelagh Gardens and Chelsea Embankment Gardens	Royal Borough of Kensington and Chelsea	0.057	Not designated
Deptford Church Street	Crossfield Street Open Space	London Borough of Lewisham	0.42	Public Open Space
King Edward Memorial Park Foreshore	King Edward Memorial Park	London Borough of Tower Hamlets	0.86	Public Open Space – Local Park

4.4 Foreshore sites

- 4.4.1 As for the land sites set out in Section 4.3 above, the schedule provided with this application clearly identifies the foreshore sites which are proposed to be compulsorily acquired. The same information is provided for each foreshore plot, including the distinction between land sought for s.131 and s.132 purposes.
- 4.4.2 A foreshore site was considered to fall within the definition of open space where public access to the foreshore is possible with access within 800m of the project worksite, and where affected foreshore area and land is available to walk on.

5 None of the order land is any of the other land types – Section 131 (4A) (b) and Section 132 (4A) (b)

5.1 Land falling within s.131 (1)

5.1.1 Section 4 of this document explains that the application sites identified in Table 4.1 have been identified as open space. Section 5 explains why these sites are not also considered to be common land or fuel/field allotments.

5.1.2 Sections 131(12) and 132(12) of the Planning Act state that, in respect of those sections, ‘common’ and ‘fuel and field garden allotment’ have the same meaning as in Section 19 of the Acquisition of Land Act 1981. Section 19 of that Act defines those terms as follows:

- a. ‘Common’ includes any land enclosed as a common under the Inclosure Acts 1845 to 1882, and any town or village green
- b. ‘Fuel or field garden allotment’ means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act.

Common land

5.1.3 Sites are not defined as common land for the following reasons.

5.1.4 First, common land would normally be identified as such on the relevant Land Registry documents. None of the sites listed in this application are referenced in the Land Registry document in relation to any Commons Registration Act or Inclosure Act.

5.1.5 Secondly, site visits have shown nothing to indicate the presence of common land. None of the sites are named ‘common’, or are locally known as such, as is otherwise normally the case across Greater London.

5.1.6 Thirdly, the Commons Registration Act 1965 (‘the 1965 Act’) appointed what are now county councils and London borough councils as commons registration authorities, and required them to establish registers of commons and greens for their areas. Essentially, the current commons and greens registration system is based on that set out in the 1965 Act.

5.1.7 Throughout the DCO process, we have been in contact with all relevant local authorities regarding land and sites falling within the limits of the Thames Tideway Tunnel project. Spatial requests were made to each council requesting information on special category land. We have not had any communication from any of these authorities indicating that any land within the limits of the project is common land, whether registered or unregistered.

5.1.8 Fourthly, a database of registered common land compiled by Defra (the ‘Common land database’)² contains records for parcels of registered

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/218756/common-land.xls

common land in England. None of the open space sites referred to in this supporting statement is identified as common land on that database.

- 5.1.9 Fifthly, a desktop investigation of the history of individual open space, land based sites which might potentially be considered or registered as common land has also been conducted (excluding foreshore sites). No evidence has been found to suggest that any of the open spaces have been registered as common land.
- 5.1.10 LB Richmond upon Thames (Barn Elms): Research shows that Barnes Common and Barnes Green are registered as common land. Plots 70, 72, 73, 76, 79 and 85 in this location are required for temporary use at surface level and for permanent acquisition at deep subsoil level. These plots are identified in Part 5 of the Book of Reference for Richmond upon Thames. Plots 75, 77 and 78 are owned by Wimbledon & Putney Commons Conservators but these are at subsoil level only and, for that reason, are not identified in Part 5 of the *Book of Reference*. All these plots are either required for temporary use and/or deep subsoil and have therefore not been identified as open space for the purposes of this application.
- Barn Elms Playing Field does not have this designation. Barn Elms Playing Field is listed under 'parks and open space' on the council's website and this description clearly indicates that it is used for public recreation, which reinforces the assertion that it is open space. There is no mention of it being common land.
- 5.1.11 LB Wandsworth (Waterman's Green): Putney Bridge Shrubbery at the southwest corner of Putney Bridge was formed on land purchased in connection with the erection of Putney Bridge (which is listed) in 1882/6 by Sir Joseph Bazalgette which replaced an earlier bridge of 1727/9. The site is railed with grass, trees and shrubs. It was formerly the responsibility of the London County Council and later passed to Wandsworth Council. In c.2004 it was renamed Waterman's Green. There is no indication that the land is common land.³
- 5.1.12 LB Wandsworth (King George's Park): The park, originally called Southfields Park, was laid out during 1921 to 1923 by Percy Cane. It was opened in 1923 by King George V. A short report by LB Wandsworth documents the history and development of the park. Although the park was formally on the English Heritage Register of Parks and Gardens of Special Historic Interest in England, it has since been downgraded. It is classified as a 'site of borough importance Grade 2', but there is no indication that the park is common land.
- 5.1.13 LB Wandsworth Falconbrook (York Gardens): The council's website⁴ categorises York Gardens within its 'local parks, gardens, open spaces and recreation grounds'. The *York Garden Management Plan 2008 – 2013*, produced by the council, clearly indicates that York Gardens is categorised as an 'open space' site. There is no mention of it having been

³ <http://www.londongardensonline.org.uk/gardens-online-record.asp?ID=WND070>

⁴ See: http://www.wandsworth.gov.uk/info/200073/parks_and_open_spaces/272/your_local_parks_gardens_open_spaces_and_recreation_grounds/2lt

registered as a common or village green. The London Parks and Gardens Trust also confirms that York Gardens is not a common or a village green⁵.

- 5.1.14 Royal Borough of Kensington and Chelsea (Ranelagh Gardens and Embankment Gardens): Chelsea Embankment Gardens is described as “one of the Borough’s open spaces” on RBKC’s website⁶. It is described as public gardens by the London Parks and Gardens Trust⁷. It is not on the English Heritage Register and is not registered under the 1965 Act as a common or village green. The Ranelagh Gardens were laid out by John Gibson in c.1860 on the site of the old pleasure gardens of the same name, Ranelagh House, the Rotunda and other buildings. London Parks and Gardens Trust states that the ‘Royal Hospital Chelsea, including Ranelagh Gardens, South Ground and Burton’s Court’ site is a Grade II site on the English Heritage Register of Parks & Gardens of Special Interest. They are described as public gardens and not registered as a common or village green under the Commons Registration Act 1965⁸.
- 5.1.15 LB Lewisham Deptford Church St (Crossfield Gardens/St Paul’s Churchyard Gardens): Crossfield Gardens is not listed under the council’s ‘Park’s and Open Spaces’ webpage. However, there is significant online reference to the site as an open space adjacent to St Paul’s Church. The London Parks and Gardens Trust lists St Paul’s Churchyard as having a ‘public gardens’ named Crossfield Open Space⁹ between Crossfield Street and the churchyard which is not registered as a common or village green under the 1965 Act.
- 5.1.16 LB Tower Hamlets (King Edward Memorial Park): This is listed on the council’s website¹⁰ as a park, not a common. The *King Edward Memorial Park Management Plan 2007 – 2017* (revised 2008), produced by the council, gives a history of the park’s development and does not give any indication that it has been registered as common land. The park is said to be “recovered from Marsh land around the 16th century.... In 1910, a committee was formed by the Lord Mayor of London to develop projects in the memory of King Edward VII, these would be funded from donations; the park at Shadwell was one project that found approval”. There is no mention of it being enclosed under the Inclosure Acts 1845 to 1882, as one would expect if it were common land.

Fuel and field garden allotments

- 5.1.17 As mentioned, for the purposes of sections 131 and 132 of the Planning Act, ‘fuel or field garden allotment’ means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act.

⁵ Source: <http://www.londongardensonline.org.uk/gardens-online-record.asp?ID=WND076>, *York Gardens Management Plan 2008 – 2013*

⁶ See: <http://www.rbkc.gov.uk/az/az.aspx?searchletter=&orgid=267>

⁷ Source: <http://www.londongardensonline.org.uk/gardens-online-record.asp?ID=KAC031>

⁸ Source: <http://www.londongardensonline.org.uk/gardens-online-record.asp?ID=KAC125>

⁹ Source: <http://www.londongardensonline.org.uk/gardens-online-record.asp?ID=LEW048>

¹⁰ See: http://www.towerhamlets.gov.uk/lgsl/451-500/461_parks.aspx

5 None of the order land is any of the other land types

- 5.1.18 The London boroughs keep comprehensive lists of the allotments located within their borough boundaries. Desktop research has shown that the listed allotments in the relevant boroughs do not fall within the limits of the Thames Tunnel Tideway project for permanent surface acquisition. Owing to this, none of the application sites identified in Table 4.1 is considered to be a fuel or field allotment.

6 Suitable land to be given in exchange – Section 131 (4A) (c) and Section 132 (4A) (c)

6.1 The appropriate tests

6.1.1 These are set out in Section 3 of this statement. As noted above, in order to be granted a certificate under sections 131 (4A) or 132 (4A), the land in question must be open space, and not one of the other categories of land referred to in s.131 (1) and s.132 (1). This is dealt with in Section 5 of this document.

6.1.2 The next step in sections 131 (4A) and 132 (4A) is to consider the reasons why no suitable land is to be given in exchange for the open space to be taken.

6.1.3 Section 131 (4A)(c) applies where:

*“(i) there is no suitable land to be given in exchange for the order land, or
(ii) any suitable land available to be given in exchange is available only at prohibitive cost”*

and it is strongly in the public interest for the development for which the DCO grants consent to be capable of being begun sooner than is likely to be possible if the DCO were to be subject (to any extent) by Special Parliamentary Procedure.

6.1.4 Section 132 (4A)(c) applies where:

*“(i) there is no suitable land to be given in exchange for the order right, or
(ii) any suitable land available to be given in exchange is available only at prohibitive cost”*

and it is strongly in the public interest for the development for which the DCO grants consent to be capable of being begun sooner than is likely to be possible if the DCO were to be subject (to any extent) by Special Parliamentary Procedure.

6.1.5 At Section 17 of this report, we also consider the application in relation to s.132 land against the tests within s.132 (3). However, our application under s.132 (4A) is consistent with and supplementary to our arguments under s.132 (3) that the land is not less advantageous, etc.

6.1.6 This section deals with the tests identified in paragraphs 6.1.3 and 6.1.4 above. The overriding public interest test is dealt with in Section 16 of this document.

6.2 Structure of this section

6.2.1 This section will set out the approach to identifying open space land which might be provided in exchange for the order land, in particular:

- a. the methodology applied to testing for land based exchange land; and
- b. the methodology applied to testing for alternative foreshore sites.

6.2.2 We will demonstrate in the following site-specific sections our findings whether land is or is not available, and that land which is available is only available at a prohibitive cost. We will provide a methodology of how we have tested what constitutes ‘prohibitive cost’ for the exchange land where this is appropriate.

6.3 Methodology for testing for exchange land (land based sites)

6.3.1 For land based ‘order land’ that is, or forms part of, an open space, the following methodology was employed to identify replacement land that could potentially be given in exchange for the order land.

6.3.2 The area of search for suitable replacement land to be given in exchange for order land was defined by identifying the accessibility catchment of the order land. The ‘catchment area’ is the area which the majority of users of the order land are likely to come from when travelling on foot to use the land (walking is recognised in both borough and Greater London Authority (GLA) standards as the accepted mode of transport for assessing open space accessibility). Suitable accessibility catchments are based on the type of open space that the order land is, or forms part of. The catchment is based on locally derived open space accessibility catchments or, where none exist, the GLA park hierarchy catchments. Accessibility catchments have been used to ensure that any replacement land serves the needs of the same community as the order land.

6.3.3 Table 6.1 sets out the appropriate catchment areas for each of the land based open spaces (the subject of the compulsory acquisition of land or rights in the draft development consent order), and the rationale for that catchment area.

Table 6.1 Accessibility catchments

TW site name	Publicly accessible open space	London borough	Accessibility catchment	Rationale
Barn Elms	Barn Elms Schools Sports Centre	London Borough of Richmond upon Thames	1,200m	This is based on the accessibility catchment for 'organised outdoor pitch sports' within London Borough of Richmond upon Thames (1.2km).
Putney Embankment Foreshore	Waterman's Green	London Borough of Wandsworth	400m	Based on GLA hierarchy/Atkins experience and Waterman's Green use as an amenity green space.
King George's Park	King George's Park	London Borough of Wandsworth	1,200m	This is based on the accessibility catchment for District Parks

6 Suitable land to be given in exchange

TW site name	Publicly accessible open space	London borough	Accessibility catchment	Rationale
				identified in Wandsworth open space assessment
Falconbrook Pumping Station	York Gardens	London Borough of Wandsworth	800m	This is based on the accessibility catchment for Local Parks identified in Wandsworth open space assessment
Chelsea Embankment Foreshore	Ranelagh Gardens and Chelsea Embankment Gardens	Royal Borough of Kensington and Chelsea	400m	This is based on the accessibility catchment for Local Parks identified in Royal Borough of Kensington and Chelsea open space assessment
Deptford Church Street	Crossfield Street Open Space	London Borough of Lewisham	400m	This is based on the accessibility catchment for amenity green space identified in Lewisham open space assessment
King Edward Memorial Park Foreshore	King Edward Memorial Park	London Borough of Tower Hamlets	400m	This is based on the accessibility catchment for Local Parks (see GLA open space hierarchy) identified in the Tower Hamlets open space strategy.

6.3.4 It should be noted that, in addition to considering potential exchange land within the area of search, the project team also assessed land just outside the catchment boundary to ensure that all potential exchange land was considered.

6.3.5 For each piece of order land, a study was completed to identify potential replacement land within the catchment of the order land. The objective was to identify any suitable replacement land which could be given in exchange for the order land. No discussions have taken place with owners of the potential exchange land sites but the following data sources have been explored to support the study:

- a. Ordnance Survey mapping
- b. Satellite imagery
- c. Relevant local plan (and saved UDP policy) documents:
 - i Local Development Framework (LDF) core strategy documents
 - ii LDF site allocations documents
 - iii proposals maps
- d. LDF/local plan supporting evidence base documents

- i Employment Land reviews
 - ii Strategic Housing Land Availability assessments.
- 6.3.6 To identify the 'suitability' of exchange land, the statutory definition of 'replacement land' was considered¹¹ and the following principles were applied:
 - a. Size of the order land: The area of the exchange land should be at least equivalent in size to the order land (as set out in the Schedule accompanying the application).¹²
 - b. Current status of exchange land: The way in which the exchange land is currently used.
 - c. Potential use of exchange land: The future potential use of the land (as identified in either local plan allocations or extant or pending planning permissions).
- 6.3.7 Land in the catchment area that is currently used as a common, open space, or fuel or field garden allotment was omitted from the exercise, as this land is already in the same use as the order land and therefore is not suitable.
- 6.3.8 Land in the catchment area that is currently or could in future be used for essential infrastructure of community value has been omitted from the exercise as it is not suitable. This includes the following:
 - a. Transport – roads or railways, including stations
 - b. Health – hospitals, health centres, doctors' surgeries, dental surgeries
 - c. Education – schools, nurseries, colleges
 - d. Religious – places of worship
 - e. Civic – land or buildings used for council services.
- 6.3.9 Land in the catchment area that is in beneficial use at present or is planned to be in beneficial use¹³ in future has been included as potential exchange land, although the fact that land in beneficial use or is planned to be in such use is taken into account in considering whether it is 'available' (see below). As a starting point, land that is adjacent to the order land was considered to examine if there would be potential to expand the existing sites (where not all the land is being acquired).
- 6.3.10 Potential sites for exchange land were assessed according to their size. Those sites that were not of at least the same size as the order land are unlikely, on their own, to be suitable exchange land; however, two or more smaller sites in combination could be suitable. Therefore, for the purposes of this report, sites which are in beneficial use or have a potential beneficial use planned (either through a local plan allocation or extant or pending planning permission) have been investigated. It should be noted

¹¹ Section 131 (12) and Section 132 (12) of the Planning Act 2008

¹² As per Section 131 (12) – "no less in area"

¹³ The use of property in any lawful manner to gain a profit, advantage or enjoyment from it

that the study placed no maximum size on the potential exchange land, because if the potential exchange land is larger than the order land, only part of the exchange land would need to be acquired as exchange land.

6.3.11 The potential exchange land sites have been considered against the following criteria in order to assess whether they would be suitable for the provision of exchange land:

- a. Ownership – land in multiple ownership will be more difficult to acquire, and therefore land of the right size in single ownership would be more suitable than land in multiple ownership.
- b. Demolition of buildings – if the site currently has buildings on it, there would be a need to factor in demolition and other costs and therefore sites with buildings that require demolition would be less suitable.
- c. Relocation of uses – the requirement to relocate existing occupiers or residents so that the land can be given as exchange land would make the land less suitable than land which is currently vacant.
- d. Planning policy – if replacing an existing beneficial use with open space would be contrary to current national and local planning policy, the land would be less suitable than land where the change of use would be in accordance with current planning policy.

6.3.12 Taking into account these four principles, a judgement overall about whether the exchange land site was suitable has been made. For suitable land, a further assessment was then undertaken as to whether the site was available. Availability was assessed using the following criteria:

- a. The exchange land being for sale, or being marketed by an agent
- b. The ownership and occupation structure being beneficial to achieving vacant possession of an area sufficient to provide the exchange land
- c. Whether land is or is planned to be in beneficial use
- d. There being an area of equivalent size to the open space to be replaced within the identified site likely to be available for sale separately. This limits the requirement to purchase more land than needed for the exchange land.
- e. Where the required exchange land only formed part of the identified site, the splitting up of the site and use of part of the site as open space could have a material effect on value of the remainder. The extent of this diminution in value was a factor in our consideration of availability.
- f. Where the acquisition of a site would leave Thames Water with surplus land not required for open space replacement, the prospect of a subsequent resale was taken into consideration.
- g. The reasonable prospect of the exchange land being acquired without having to use the compulsory acquisition powers under the DCO
- h. Where using the compulsory acquisition powers under the DCO was identified as likely to be necessary, the time necessary to prepare and make available the exchange land as open space was checked

against the project programme. The ability to provide the exchange land after a development consent order but before the open space land would be needed for a commencement of project works reflected in its availability.

- 6.3.13 Taking into account these points, a judgement overall about whether the exchange land is available was made. Where sites have been considered suitable and available, an assessment of whether the acquisition of the exchange land could be achieved other than at 'prohibitive cost' has been undertaken.
- 6.3.14 In the absence of any published guidance, we have explored but found no other informative guidance for making the assessment of the 'other than at a prohibitive cost' criterion referred to in the legislation.
- 6.3.15 Our general approach has been to align the test to the commercial considerations one would anticipate from a property developer in considering the opportunity to develop the area of open space that is identified in the order land and for which exchange land is to be provided. The stages for this approach have been as follows:
- a. The RICS Valuation and Standards manual (the 'Red Book') provides guidance on the valuation of specialised properties where it states that the land value to apply should equate to the nearest recognised commercial use. We therefore adopted an industrial land value of the open space land to be acquired to reflect the specialised nature of the proposed development, which comprises large underground structures, plant and equipment for the transfer of wastewater.
 - b. Market research was used to establish average current market values for industrial development land. This was carried out on a borough-by-borough basis to capture geographical differences.
 - c. To implement a scheme comprising industrial development of the open space land, a property developer would need to provide replacement land. The cost of the replacement land would be a factor in his appraisal of the opportunity.
 - d. Market experience indicates that a developer would not pay more for the replacement land than the land to be developed is worth as a development site.
 - e. The developer is taken to be willing to pay no more than the full uplift in the value of the industrial land (the former open space land) in order to acquire the replacement open space. In fact he would normally pay less but if he paid more the development return would be eroded.
 - f. We have made an assessment of the value of the potential exchange land sites. The methodology for this is set out from paragraph 6.3.16 onwards, below.
 - g. In our assessments, the cost becomes prohibitive at the point which the estimated cost to acquire the exchange land exceeds the industrial development value of the open space land to be replaced.

- 6.3.16 The estimated cost of exchange land has been assessed using the following methodology:
- a. Where large numbers of potential exchange land sites were identified in the same or similar use, we assessed only a sample to represent the suitability of sites, as it was safe to assume that these sites in similar uses were likely to have the same constraints in terms of obtaining planning permission, ability to acquire the site in time to meet the timescale of the project and acquisition costs.
 - b. The cost of acquiring the site:
 - i For commercial properties, the estimate of freehold value takes into account the 2010 Rateable Value of the property, which is assumed to be the market rent, capitalised at an appropriate yield based on experience of valuing similar properties. The value adopted assumes freehold acquisition of the whole site unless otherwise stated in the individual chapter.
 - ii For residential properties, the estimate of freehold value is based on comparable properties' asking prices available on the market in the locality.
 - iii No allowance for property that may be constructed between now and assessment of compensation has been made.
 - c. Disturbance compensation payments:
 - i Disturbance payments to occupiers have been assessed at 40 per cent of the estimated freehold value.
 - ii Disturbance payments to freeholders include an estimate of owner's reinvestment costs at 5.8 per cent of freehold value.
 - iii We have made an allowance for surveyors' fees in assessing, negotiating and agreeing compensation, and the legal fees to complete the transfer.
 - d. Statutory loss payments:
 - i An estimate of Basic and Occupiers Statutory Loss Payments due in accordance with the Land Compensation Act 1973 has been applied.
 - e. Demolition cost:
 - i We have applied an estimated demolition cost at £75 per square metre of building on site.
 - f. Cost of creating the open space:
 - i We have applied an estimated cost of £300,000 per hectare to create the open space.
- 6.3.17 For sites with limited beneficial use and planning permission for redevelopment, an assessment of the value of the site was undertaken, based on the extant planning permission. This was then analysed to arrive at a rate per hectare, which was then applied to other sites in close proximity where it was anticipated they would achieve similar values.

- 6.3.18 Any sites which are currently available to purchase we have assumed can be acquired by agreement without the need for compulsory purchase powers.
- 6.3.19 We have assumed that no sites are contaminated and therefore require no remediation above what is required in order to create the open space.
- 6.3.20 Any resale value is based on present day values, with no deferral/discount, and assumed to be receivable after completion of construction.
- 6.3.21 The estimated costs provided do not include any contingency or risk element in addition to the estimate provided.

6.4 Methodology for testing for exchange land (foreshore sites)

- 6.4.1 For order land that is publicly accessible Thames foreshore, the following method was employed to identify replacement land that could be given in exchange for the order land. Thames foreshore is considered open space where it dries at different stages of the tide and members of the public can, and do, access it from the land, from either steps or a slipway.
- 6.4.2 Site surveys were undertaken to verify whether the foreshore area at the project worksites that are in the Thames foreshore are publicly accessible. To be considered publicly accessible, a point of access, either a slipway or steps down to the foreshore, need to be available within 400m of the worksite.
- 6.4.3 The area of search for suitable replacement land to be given in exchange for order land was defined by identifying the potential accessibility catchment of the order land. There are no borough or GLA pedestrian accessibility standards for foreshore, and therefore the project team has defined an accessibility catchment of a maximum of 400m from the point of access (either a slipway or steps down to the foreshore). This aligns with the GLA accessibility index for local parks, which are considered to be comparable with the foreshore areas identified. This is on the basis that the publicly accessible foreshore is, on the whole, only used for informal use, such as beachcombing or walking (although in some cases, it is also used to launch vessels into the Thames); and foreshore is only dry during times of low tide, limiting times when the foreshore can be used and enjoyed for recreation. Given the limited function and time constraints on use, the catchment of foreshore areas is unlikely to be more than could be expected for a local park¹⁴.
- 6.4.4 Replacement foreshore can only be provided adjacent to the river; therefore, the area of search for replacement foreshore has been defined as anywhere on the river within 400m of the existing access point (walking distance following footways), including land on the opposite side of the river where it can be reached by a bridge.

¹⁴ 400m as set out GLA Parks Hierarchy

6 Suitable land to be given in exchange

- 6.4.5 For each piece of order land, a study was completed to identify potential replacement foreshore land within the area of search. The objective was to identify any foreshore that is not currently publicly accessible that could be made publicly accessible, in order to provide suitable replacement land which could be given in exchange for the order land. The study included both a site-based assessment at low tide and a review of the following secondary data sources:
- a. Ordnance Survey mapping
 - b. Secondary data sources.
- 6.4.6 To identify the 'suitability' of exchange land, the statutory definition of 'replacement land' was considered¹⁵ and the following principles were applied:
- a. Size of the order land: The area of replacement land for exchange should be at least equivalent in size to the order land (as set out in the Schedule accompanying the application).¹⁶
 - b. Current public accessibility of the exchange land.
- 6.4.7 Foreshore in the area that is currently publicly accessible foreshore was omitted from the exercise, as this land is already in the same use as the order land and therefore is not suitable.
- 6.4.8 Where foreshore in the area of search is of a suitable size and not currently accessible, an assessment of whether the land could be made publicly accessible was undertaken. This considered whether there were opportunities to open up existing access points that may have been closed off, or whether there are opportunities to create new access points.
- 6.4.9 Taking into account these principles, a judgement overall about whether the exchange foreshore was suitable has been made. For suitable foreshore, a further assessment was then undertaken as to whether the site was available. Availability was assessed using the following criteria:
- a. The practicality of creating an access to the exchange foreshore
 - b. The likelihood of obtaining planning permission to provide the necessary access to the exchange foreshore
 - c. The prospect of securing an approval from the Harbour Master and Port of London Authority
- 6.4.10 Taking into account these points, a judgement overall about whether the exchange foreshore is available was made. Had sites been considered suitable and available, an assessment of whether the acquisition of the exchange foreshore land could be achieved other than at 'prohibitive cost' would have been undertaken.
- 6.4.11 There is no published guidance and we have found no other informative guidance for making the assessment of the 'other than at a prohibitive cost' criterion under the legislation.

¹⁵ Section 131 (12) and Section 132 (12) of the Planning Act 2008

¹⁶ As per Section 131 (12) – "no less in area"

- 6.4.12 Our general approach has been to align the test to the commercial considerations one would anticipate from a property developer in considering the opportunity to develop the area of open space foreshore that is identified in the order land and for which exchange foreshore is to be provided.
- 6.4.13 Whereas the area of exchange foreshore would not have required an acquisition from the owner of the riverbed, the need to acquire the necessary rights of access to make the foreshore accessible would have been necessary:
- a. For the same reasons as previously stated a developer would not pay more for the access rights to the exchange foreshore than the foreshore to be developed is worth as a development site.
 - b. The developer is taken to be willing to pay no more than the full uplift in the value of the industrial land (the former foreshore) in order to acquire the exchange foreshore. In fact he would normally pay less but if he paid more the development return would be eroded.
 - c. In our assessment methodology, the cost would become prohibitive at the point which the estimated cost to acquire the access rights to the exchange land exceeds the industrial development value of the foreshore to be replaced.

7 Potential exchange land

7.1 Content of the site based chapters

- 7.1.1 The following sections 8 to 15 are comprised of site based chapters to deal with each of the proposed development sites where open space is to be compulsorily acquired. This includes land based, as well as foreshore based, sites for each of the ten sites identified in Table 4.1.
- 7.1.2 For each site area, the relevant methodology (land or foreshore, as described in sections 6.3 and 6.4) has been applied and the results presented. This includes a general description of the order land and surroundings, an indication of the source documentation used in the research, and worked examples of sites examined.
- 7.1.3 The open space land, and the options for exchange land to meet the tests in both s.131 (4A)(c) and s.132 (4A)(c), are presented for each site area.
- 7.1.4 A separate section, Section 17, deals with the alternative test in relation to s.132 (3) and is without prejudice to the evidence presented in sections 9, 11 and 15 of this report.

7.2 Suitable alternative land

- 7.2.1 As part of the extensive exercise which was undertaken to examine where potential exchange land could be found, in accordance with the methodology, the following two criteria indicate 'potential' for being suitable replacement land:
- a. The land was within the catchment area, or within close proximity of that catchment boundary; and
 - b. The land was at least the same size as the order land or, where it was not, it might be combined if two parcels could be found.

7.3 Summary of suitable sites

- 7.3.1 The sites which were determined to be potential replacement land, to be given in exchange for open space to be taken, are set out in the table identified at Appendix A. Eighty-seven sites were considered in all.
- 7.3.2 In accordance with the methodologies set out in sections 6.3 and 6.4, the sites were assessed in detail and subject to a planning and property appraisal to determine whether they could potentially provide exchange land.
- 7.3.3 The maps produced at Appendix B illustrate geographically the extent of the search for exchange land, as follows:
- a. Appendix B(i) shows the seven land based sites, including the relevant catchment areas. Potential exchange sites are highlighted with stars and the code for each corresponds to the code provided in the table attached at Appendix A.

- b. Appendix B(ii) shows the three foreshore sites and identifies other areas of foreshore (both currently accessible and inaccessible), within a 400m catchment of the access point to the foreshore order land.

7.3.4 The results of the detailed examination of these sites are set out in the following site based sections.

8 Barn Elms

Overview

- 8.1.1 Table 8.1 below shows the plot numbers for the permanent acquisition of land and of rights for the land which is required to be replaced. This is detailed in the Schedule accompanying the application.

Table 8.1 Barn Elms plot numbers

Site name	Permanent acquisition or rights	Plot no.	Plot size (m ²)
Barn Elms	Permanent acquisition	64	17,161
Barn Elms	Permanent acquisition	71	3
Barn Elms	Permanent acquisition	80	1,143

- 8.1.2 The area of public open space is located at Barn Elms Schools Sports Centre (the 'BESSC'), which is in Barnes in the London Borough of Richmond. Wandsworth Borough Council holds the freehold title to the Barn Elms site.
- 8.1.3 The BESSC will be directly affected by the Barn Elms CSO shaft site. Approximately 1.83 hectares (18,307m²) of the BESSC is to be permanently acquired by the Thames Tideway Tunnel project.
- 8.1.4 The site itself comprises a band of greenfield land along the northern, eastern and southern borders of the BESSC, covering an area of approximately 31,000m² (3.1ha). The playing fields area of the BESSC measures approximately 230,000m² (23ha) and is owned and operated by the London Borough of Wandsworth.
- 8.1.5 The site is bounded to the north by the pedestrian section of Queen Elizabeth Walk, to the east by a line of mature trees and the Thames Path, to the southeast and south by the Beverley Brook footpath and to the west by the BESSC. The Thames Path and the Beverley Brook footpath are both public rights of way.
- 8.1.6 The surrounding area comprises a combination of open space and residential and community facilities. The London Wetland Centre Site of Special Scientific Interest lies to the north of the site.

Current use

- 8.1.7 The site is used as access to the playing fields which comprise a number of marked-out football and cricket pitches. Barn Elms is considered to offer good sports facilities.

Surroundings

- 8.1.8 The surrounding area comprises a combination of open space and residential and community facilities.
- 8.1.9 The London Wetland Centre Site of Special Scientific Interest lies to the north of the site. Barn Elms Boat House, an existing council-run rowing club, sits on the eastern boundary of the site. The access route to the boat house runs from the BESSC car park, eastwards across the BESSC playing fields, along a path lined with lime trees.
- 8.1.10 The site lies approximately 35m from the River Thames and the River Thames and Tidal Tributaries Site of Importance for Nature Conservation. On the opposite bank of the river are residential properties, the Fulham Football Club and Bishop's Park. To the southeast lie an existing scout hut, a learning disability centre, and the confluence of the River Thames and Beverley Brook. On the far side of the confluence are the Wandsworth Sea Cadet Corps building and Leader's Gardens. Leader's Gardens is a small public park, adjacent to Putney Embankment, which features open grassland, scattered mature trees and play equipment.
- 8.1.11 The nearest residential properties are five- and six-storey blocks of flats located beyond the Beverley Brook on Horne Way, including Pearson House, Huntingford House, Lancaster House and Jay House, which are between 35m to 55m from the site boundary and fall within the London Borough of Wandsworth. These properties are separated from the southern boundary of the site by the Beverley Brook, the Beverley Brook footpath and a narrow area of woodland, which provides intermittent visual screening. There are also residential properties at Stockhurst Close, approximately 60m from the site boundary. Barn Elms Playing Fields, to the west of the BESSC, form the Barn Elms Playing Fields Site of Importance for Nature Conservation. The playing fields feature numerous corridors of mature trees. The facilities include marked sports pitches, an athletics track, a fishing lake and a number of tennis courts. The tennis courts are located to the west of the changing room facilities. There are also three residential properties, directly to the north of the tennis courts, on Queen Elizabeth Walk. Access to the BESSC is taken from Queen Elizabeth Walk, which then joins the A307 (Rocks Lane).
- 8.1.12 Table 8.2 identifies those documents reviewed during the desktop exercise to identify potential replacement land for this site.

Table 8.2 Barn Elms research

Source
Richmond upon Thames LDF Proposals Map (2011)
Wandsworth Site Specific Allocations Document (SSAD) (2012)
London Borough of Richmond upon Thames Employment Land Study (2009)
London Borough of Richmond upon Thames, Local Housing Availability Assessment (2008)

Source
Richmond planning application search: http://www2.richmond.gov.uk/PlanData2//Planning_Search.aspx
Wandsworth planning application search: http://ww3.wandsworth.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx

Accessibility catchment

- 8.1.13 Barn Elms is located within the London Borough of Richmond upon Thames. An accessibility catchment of 1,200m (1.2km) has been applied to the site. This is based on the accessibility catchment of 1,200m for 'organised outdoor pitch sports' within the London Borough of Richmond upon Thames.
- 8.1.14 Three potential replacement land sites were identified as being within the 1,200m accessibility catchment during the review (see Table 6.1).

Value of the land to be replaced and date of possession

- 8.1.15 For the purposes of assessing 'prohibitive cost', the value of the land to be replaced has been assessed as industrial development land. An average value per ha for industrial development land in this borough has been used. This gives a value of £4,600,000. The shape, size and suitability for development of the land to be replaced have not been taken into account. If these characteristics were taken into account, the figure would be much lower.
- 8.1.16 The land to be replaced at Barn Elms is expected to be needed in 2017.

Potential exchange sites considered

- 8.1.17 Potential replacement land was sought in exchange for land that is to be permanently acquired. There is a requirement to identify replacement land totalling 18,300 m² (1.83 hectares) within the Barn Elms 1,200m accessibility catchment.
- 8.1.18 Four potential replacement land sites were identified as being within the 1,200m accessibility catchment. These are listed in Appendix A, Table A.1, and are shown graphically in the plan provided in Appendix B(i).

Barnes Station and Former Goods Yard

Site ID: BARE001

Site overview

- 8.1.19 The size of the site is 14,300m² (1.43ha) and it is approximately 1,200m from Barn Elms.
- 8.1.20 The site is located on Queens Ride by Barnes Station. Part of the site has recently been developed to provide 14 new flats with the remainder of the site being vacant land, which has been upgraded to provide open space for the public.

- 8.1.21 The land is accessible by vehicles and by foot. The site is close to Barnes Common, which provides better amenity space than Barn Elms but does not offer similar sports facilities, apart from Putney Cricket Club, which is close by. The lack of similar sports facilities in the area means that provision of open space at this location will not offer the same amenity as Barn Elms.

Planning status

Planning policy

- 8.1.22 This site is within the Barnes Common Conservation Area and is designated as Metropolitan Open Land, a Site of Nature Importance and a proposed area for tree planting.

Planning applications

- 8.1.23 There are no extant planning permissions or applications.

Suitability

- 8.1.24 The site is smaller than the land to be replaced (14,300 sq m compared to 18,300 sq m) but could provide exchange land if combined with the Putney Hospital site.
- 8.1.25 The site is in multiple ownership.
- 8.1.26 Demolition of approximately half of the recently constructed flats would be required, together with the relocation of the current residents.
- 8.1.27 The London Borough of Richmond upon Thames *Development Management Plan* (2011), Policy DM HO 1, states that existing housing should be retained; therefore, the demolition of buildings for use of the developed part of the site for open space would be contrary to local planning policy.

Availability

- 8.1.28 The site as a whole is not available on the market but four of the 14 flats are currently being marketed. In order to acquire the land required, compulsory purchase powers would need to be used. However, it is considered that it would be difficult to demonstrate there is a compelling case in the public interest, as the loss of residential is contrary to local planning policy.

Estimated cost if available to purchase

- 8.1.29 An initial property cost estimate has been carried out using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £8,500,000 (eight million, five hundred thousand pounds).

Prohibitive cost

- 8.1.30 The site has failed the suitability and availability tests, and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial

development land, and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 8.1.31 The likelihood of gaining planning permission to provide open space is very limited as it would be contrary to the council's planning policy, which also means that it is unlikely a confirmed compulsory purchase order could be obtained on the site in order to assemble the requisite interests.

Conclusions

- 8.1.32 This site is not suitable as exchange land because:
- a. it is not capable of offering the same amenity space as Barn Elms
 - b. it is smaller than the land to be replaced
 - c. the site is in multiple ownership
 - d. demolition of flats would be required
 - e. use of the developed part of the site for open space would be contrary to local planning policy (loss of residential accommodation)
 - f. all the land required is not currently on the market
 - g. the acquisition cost is prohibitive.

Putney Hospital

Site ID: BARE003

Site overview

- 8.1.33 The size of the site is 10,000m² (1.00ha) and it is approximately 430m from Barn Elms.
- 8.1.34 The site is located on the north side of Lower Richmond Road, close to its junction with Comondale. It is surrounded by Putney Lower Common, which is designated as an area of Metropolitan Open Land. The land is accessible by vehicles and by foot.
- 8.1.35 A bowling club, separated by a public footpath, adjoins the site to the north. Areas further to the east and south of the site are largely residential.
- 8.1.36 The site comprises a number of vacant buildings which were formerly used as a hospital.

Planning status

Planning policy

- 8.1.37 This site is allocated in the Wandsworth *Site Specific Allocations Document* for a primary care centre, for residential and the retention of community facility uses.

Planning applications

- 8.1.38 In 2012, a planning application was submitted to demolish all existing buildings and erect a two-storey primary school (with rooftop playground) for 420 pupils, with associated parking and drop-off/pick-up area; to construct a three-part, four-storey building at the northern end of the site comprising 24 flats with basement level car and cycle parking.
- 8.1.39 In 2011, a planning application was submitted to demolish the existing buildings and redevelop to provide a primary school and block of 24 flats with associated access and parking.
- 8.1.40 Planning permission was granted in July 2010 to provide a new primary care centre and 24 flats.
- 8.1.41 Planning permission was granted for the primary school and the residential but the planning applications will be reconsidered following a judicial review.

Suitability

- 8.1.42 The site is smaller than the land to be replaced (10,000 sq m compared to 18,300 sq m), but could provide exchange land if combined with another site in the catchment area.
- 8.1.43 The site is in single ownership.
- 8.1.44 The demolition of the vacant buildings would be acceptable in principle as planning permission for this has been granted.
- 8.1.45 The site is owned by the London Borough of Wandsworth, which has the aspiration to use the site for a primary school, as this is considered a much needed community resource. *Core Strategy Policy IS 6* supports the provision of facilities for community services, including education, childcare, health, etc. The site is allocated in the *Wandsworth Site Specific Allocations Document (2012)* for a primary care centre, for residential and the retention of community facilities. The use of the site for open space would be contrary to the site allocation for the site and local planning policy that supports the provision of community facilities.

Availability

- 8.1.46 The site is not available on the market but could be available for purchase if the council is not able to obtain planning permission to use the site as a school.

Estimated cost if available to purchase

- 8.1.47 An initial property cost estimate has been carried out using the information available and on the basis of the assumptions set out in the methodology section. We are aware that the council paid £4,400,000 in July 2012 to purchase the site and consider it will only sell at a price at least equivalent to this. The total figure estimated for acquiring the site and creating the open space (including demolition and setting out open space) is, at the date of this report, estimated to be in excess of £5,000,000 (five million pounds).

Prohibitive cost

- 8.1.48 The site has failed the suitability and availability tests and therefore, the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 8.1.49 Planning permission is unlikely to be granted for its use as open space in preference to the consented uses for this site.

Conclusions

- 8.1.50 This site is not suitable as exchange land because:
- a. it is smaller than the land to be replaced
 - b. use of the site for open space in place of the consented alternative uses (community, education and residential uses) would be contrary to local planning policy
 - c. the land required is not currently on the market
 - d. the acquisition cost is prohibitive.

3-8 Queens Drive and Chester Close

Site ID: BARE004

Site overview

- 8.1.51 The size of the site is 19,200m² (1.92ha) and it is approximately 895m from Barn Elms.
- 8.1.52 The site is located on Queens Ride, close to the junction with Hallam Road. It comprises approximately 18 houses and two flats.
- 8.1.53 The land is accessible by vehicles and by foot.

Planning status

Planning policy

- 8.1.54 This site is within the Barnes Common Conservation Area and is predominantly designated as white land¹⁷. Some of the rear gardens of the Queens Ride houses are designated as 'other open land of townscape importance'.

Planning applications

- 8.1.55 There are currently no significant planning applications for this site.

¹⁷ "white land" (and buildings) is considered for these purposes to be land without any specific proposal for allocation in the development plan

Suitability

- 8.1.56 The site is close to Barnes Common and Putney Lower Common, and the land is at least equivalent in size to the land to be replaced.
- 8.1.57 The site is in multiple ownership.
- 8.1.58 Demolition of a number of houses would be required, together with the current residents having to be relocated.
- 8.1.59 The London Borough of Richmond upon Thames *Development Management Plan* (2011), Policy DM HO 1, states that existing housing should be retained. Policy DM HD1 designates and protects conservation areas, and buildings which make a positive contribution to the character and appearance or significance of the area should be retained. Therefore, demolition of residential buildings and use of the site for open space in place of residential accommodation would be contrary to local planning policy.

Availability

- 8.1.60 The site is currently not available on the market and it is likely that, to assemble the site, compulsory purchase powers would be required. However, it is considered that it would be difficult to demonstrate that there is a compelling case in the public interest, as the loss of residential property is contrary to planning policy and a successful compulsory purchase order is unlikely to be achieved.

Estimated cost if available to purchase

- 8.1.61 An initial property cost estimate has been carried out, using the information available and on the basis of the assumptions set out in this report. The total figure for acquiring the site and creating the open space is estimated to be in excess of £57,000,000 (fifty-seven million pounds).

Prohibitive cost

- 8.1.62 The site has failed the suitability and availability tests, and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 8.1.63 The likelihood of gaining planning permission to provide open space at the expense of residential properties is very limited as it would be contrary to the council's planning policy. Furthermore, it is unlikely a confirmed compulsory purchase order could be obtained on the site in order to assemble the requisite interests.

Conclusions

- 8.1.64 This site is not suitable as exchange land because:
- a. the site is in multiple ownership
 - b. demolition of houses would be required

- c. use of the site for open space would be contrary to local planning policy protecting residential accommodation
- d. the site is not currently on the market
- e. the acquisition cost is prohibitive.

Putney Exchange Shopping Centre, Putney High Street

Site ID: BARE005

Site overview

- 8.1.65 The size of the site is 20,100m² (2.01ha) and it is approximately 3,400m from Barn Elms.
- 8.1.66 The site is located on Putney High Street, close to the junction with Lacy Road. It comprises a modern shopping centre of approximately 38 shops and a car park.
- 8.1.67 The land is accessible by vehicles and by foot.

Planning status

Planning policy

- 8.1.68 The shopping centre is in a designated town centre and the frontage of the centre is within a protected core shopping frontage. Under Policy PL8 of the London Borough of Wandsworth *Core Strategy*, town centres are identified as the continued focus for shopping and complementary activities. The ground floor of the shopping centre is a protected core shopping frontage. Under Policy DMTS 3 of the council's *Development Management Plan Document* (2012), core shopping frontages are to be retained for retail and other complementary uses

Planning applications

- 8.1.69 There are no relevant planning permissions or applications.

Suitability

- 8.1.70 The land is large enough to be exchange land for Barn Elms.
- 8.1.71 It is in multiple ownership.
- 8.1.72 Demolition of the buildings on the site would be required, together with the relocation of the occupiers.
- 8.1.73 The site is in beneficial use providing a retail development on a primary shopping frontage, and as such, its use as open space would be contrary to planning policy which protects core shopping frontages such as this on the High Street.

Availability

- 8.1.74 The site is not available on the market and, to assemble the site, compulsory purchase powers would have to be used.
- 8.1.75 It is considered that it will be difficult to demonstrate there is a compelling case in the public interest, as the loss of modern retail units is contrary to

local planning policy and it is unlikely that a confirmed compulsory purchase order would be achievable.

Estimated cost if available to purchase

- 8.1.76 An initial property cost estimate has been carried out, using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £78,000,000 (seventy-eight million pounds).

Prohibitive cost

- 8.1.77 The site has failed the suitability and availability tests, and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 8.1.78 The likelihood of gaining planning permission to provide open space is very limited as it would be contrary to the council's planning policy, which also means that it is unlikely a confirmed compulsory purchase order could be obtained on the site in order to assemble the requisite interests.

Conclusions

- 8.1.79 This site is not suitable as exchange land because:
- a. the site is in multiple ownership
 - b. demolition of retail units on a core shopping frontage would be required
 - c. use of the site for open space at the expense of retail floorspace would be contrary to local planning policy
 - d. the land required is not currently on the market
 - e. the acquisition cost is prohibitive.

8.2 Conclusions in respect of Barn Elms sites

- 8.2.1 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. Using information available, it has been possible to determine that all of the potential replacement land sites considered are currently in active use, have been permanently developed, or are allocated for development to provide beneficial uses. Therefore, none of these sites are considered suitable as potential replacement land sites.
- 8.2.2 In total, four potential 'replacement land' sites were identified as being within the accessibility catchment for Barn Elms. Two of the sites, when combined, and the remaining sites are at least equivalent in size to the land being permanently acquired at Barn Elms. The current status of the sites has been determined and they are either in active use or are required

for community uses. Therefore, none of these sites are considered suitable as potential replacement land sites.

9 Putney Embankment Foreshore

9.1 Putney Embankment Foreshore – land and foreshore sites

- 9.1.1 This section considers three different types of order land subject to s.131 (4A) and s.132 (4A).
- 9.1.2 At Putney Embankment Foreshore, TWUL seeks powers of compulsory purchase over three different areas of open space, those being:
- land that is currently used as open space. At Putney Embankment Foreshore, this land is known as ‘Waterman’s Green’
 - Thames foreshore land that is publicly accessible. Thames foreshore is considered open space where it dries at different stages of the tide and members of the public can, and do, access it from the land from either steps or a slipway. At Putney Embankment Foreshore, this land is ‘Putney Embankment Foreshore’
 - s.132 land, which is land or Thames foreshore, as described above, where rights are proposed to be acquired over it by TWUL.

9.2 Putney Embankment Foreshore (land)

Overview

- 9.2.1 At Putney Embankment Foreshore, TWUL seeks the power of compulsory purchase over land which is currently used as an open space and is known as Waterman’s Green. Approximately 0.046 hectares (464m²) of Waterman’s Green is to be permanently acquired by TWUL.
- 9.2.2 This area of open space land is in the *Book of Reference* at plot number 29 as shown in the Schedule, and as referenced in Table 9.1 below.

Table 9.1 Putney Embankment Foreshore plot numbers

Site name	Permanent acquisition or rights	Plot No.	Plot size (m ²)
Putney Embankment Foreshore	Permanent acquisition	29	464

- 9.2.3 Waterman’s Green is located in Putney, an area of southwest London in the London Borough of Wandsworth. At Putney Embankment Foreshore, Waterman’s Green is located within a defined flood risk zone and conservation area.
- 9.2.4 It is understood that the London Borough of Wandsworth has the freehold title absolute for Waterman’s Green.

9.2.5 Waterman's Green is a public open space which is roughly rectangular in shape, level, and consists of grass, shrubbery and trees. It is bounded by the River Thames on its north side, and the Grade II listed Putney Bridge on its east and south sides.

9.2.6 Waterman's Green is presently only accessible from the slip road junction further down Lower Richmond Road, through the main gated entrance. The steps and doorway to the old public conveniences which used to provide a secondary access have now been shut off.

Current use

9.2.7 Waterman's Green is used by the public for leisure activities and is particularly popular in the summer months with recreational painters, due to its views of the river Thames and Putney Bridge, which is a Grade II listed structure. Currently, however, Waterman's Green is poorly used by the general public due to its isolated position against the bridge wall.

9.2.8 The frequency of use by the public on Waterman's Green is likely to increase due to the following planning applications:

- a. The occupants of 2 Putney High Street submitted a planning application to Wandsworth Borough Council (reference: 2010/3543) in 2010 which was approved, subject to conditions. The permission grants access through the underground vaults onto Waterman's Green via an opening in the river wall. It is understood that this permission has been partially implemented by the applicant, who is currently in discussions with Wandsworth Borough Council about taking a lease of part of Waterman's Green. This would include provision of a landscaped, illuminated terraced area, which would enable the siting of tables and chairs for public use.
- b. The occupants of 4-6 Putney High Street submitted a planning application to the Wandsworth Borough Council (reference: 2012/1998) in 2012 which was approved, subject to conditions. The permission grants access through the underground vaults onto Waterman's Green via an opening in the river wall. Similar to the application of 2 Putney High Street, the applicant proposes to create a new, landscaped, paved terrace area on Waterman's Green, which would enable the siting of tables and chairs for public use.

Surroundings

North

9.2.9 The River Thames surrounds Waterman's Green to the north. On the opposite bank of the River Thames are Fulham Palace, Fulham Palace Gardens, Pryors Bank Spice Café and Restaurant, and All Saints Fulham Church.

9.2.10 The existing Putney Embankment Foreshore slipway is located directly to the north and abuts Waterman's Green.

East

9.2.11 Putney Bridge, a Grade II listed structure, lies to the east of Waterman’s Green. Beyond the bridge lies the church of St Mary the Virgin, Putney Wharf Tower and Putney Wharf, where there are a number of buildings in commercial use.

West

9.2.12 Putney Pier is to the west of Waterman’s Green, where two residential houseboats are permanently moored on the inner face of the pontoon. The outer face of the pontoon is used by passenger, pleasure and tripping vessels. Just beyond Putney Pier to the west are approximately 20 small vessels moored in the river on chains and buoys.

9.2.13 To the west of Waterman’s Green main gated entrance is the Thai Square restaurant and bar building over two storeys. Next door to Thai Square sits the Star and Garter public house, a four-storey restaurant and bar with function rooms above.

South

9.2.14 To the south of Waterman’s Green, on Lower Richmond Road, are three residential, six-storey, period apartment blocks that form part of Kenilworth Court, Richmond Mansions, and numbers 2 and 4-6 Putney High Street, which are both in commercial use.

9.2.15 Table 9.2 identifies those documents reviewed during the desktop exercise to identify potential replacement land for this site.

Table 9.2 Waterman’s Green research

Source
Wandsworth Site Specific Allocations Document (SSAD) (2012)
London Borough of Wandsworth Employment Land Study (2010)
London Strategic Housing Land Availability Assessment (2009)
Wandsworth planning application search: http://ww3.wandsworth.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx
Map/aerial photo search

Accessibility catchment

9.2.16 An accessibility catchment of 400m (0.4km) has been applied to Waterman’s Green. This is based on the GLA Open Space Hierarchy, which applies a 400m accessibility catchment to amenity green space.

9.2.17 Six potential replacement land sites were identified as being within the 400m accessibility catchment. These are listed in Appendix A, Table A.2, and shown graphically in the plan provided in Appendix B(i).

Value of the land to be replaced and date of possession

9.2.18 For the purposes of assessing ‘prohibitive cost’, the value of the land to be replaced has been assessed as industrial development land. An average

value per ha for industrial development land in this borough has been used. This gives a value of £125,000. The shape, size and suitability for development of the land to be replaced have not been taken into account. If these characteristics were taken into account, the figure would be lower.

- 9.2.19 The land to be replaced at Putney Embankment is expected to be needed in 2016.

Potential exchange sites considered

- 9.2.20 Replacement land was sought in exchange for land that is proposed to be acquired permanently. We have sought to identify replacement land for Plot 29 totalling 464m² (0.046 hectares) within the Waterman's Green 400m accessibility catchment.

- 9.2.21 The following potential replacement land sites were identified as being at least equivalent in size to the land being permanently acquired within Waterman's Green.

Wereldhave Site, 55-66 Putney High Street, SW15

Site ID: PutneyF001

Site overview

- 9.2.22 The total size of the sites is 3,100m² (0.31ha) and it is approximately 215m from Waterman's Green.
- 9.2.23 The site is located on Putney High Street and comprises a part two-storey, part four-storey building which offers ground floor retail with office and gym above. The ground floor retail space is occupied by Barclays Bank Plc, TK Max, Superdrug and Halfords.

Planning status

Planning policy

- 9.2.24 This site has been allocated for high-density mixed used development to include retail at Putney High Street frontage (*Wandsworth Site Specific Allocations Document*).

Planning applications

- 9.2.25 There are currently no significant planning applications for this site.

Suitability

- 9.2.26 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is approximately six times larger in size than Waterman's Green and fully developed, but an area of exchange land could be accommodated on the land if existing buildings were to be demolished.
- 9.2.27 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.

- 9.2.28 The building on the land is currently in beneficial use and is occupied by a variety of commercial occupiers which provide a range of services to the general public. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 9.2.29 The range of commercial business on the land would mean that they would have to relocate if the land was to be given as exchange land.
- 9.2.30 The Wereldhave site is in a designated town centre. Under Policy PL8 of the London Borough of Wandsworth *Core Strategy*, town centres are identified as the continued focus for shopping and complementary activities. The high street frontage is a protected secondary shopping frontage. Under Policy DMTS 4 of the council's *Development Management Plan Document* (2012), secondary shopping frontages are to be retained for retail and other complementary uses. It is considered that it would be difficult to demonstrate that there is a compelling case in the public interest, as the loss of modern retail units is contrary to local planning policy and it is unlikely that a confirmed compulsory purchase order would be achievable.

Availability

- 9.2.31 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately, as the site is assumed to be in single freehold ownership.
- 9.2.32 This site is allocated for high-density mixed use development to include retail at Putney High Street frontage, and it is unlikely the freehold owner would wish to dispose of its interest and not realise the long-term investment value of the site as a whole.
- 9.2.33 A splitting up of the site and the use of part of it as open space would restrict planning and have a material impact on the value of the remaining land available to be developed.
- 9.2.34 The whole site identified could be purchased and the land not required for open space replacement resold.
- 9.2.35 There is no reasonable prospect of the exchange land being acquired before the compulsory purchase acquisition of Waterman's Green, so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 9.2.36 If land were to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Putney Embankment Foreshore site.

Estimated cost if available to purchase

- 9.2.37 The land is not available to purchase and is not currently on the market.
- 9.2.38 TWUL has assumed the site is in a single freehold ownership and subject to multiple occupational interests.
- 9.2.39 The nature and layout of the building on site would require the whole site and building to be acquired.

- 9.2.40 An area of exchange land of equivalent size to the land to be replaced could be accommodated to the corner of the overall site, which would be of equivalent size to the order land. This area would be on the site of No. 66, which fronts both Putney High Street and Lacey Road. The remainder of the site would be resold.
- 9.2.41 An initial property cost estimate has been carried out, based on the assumptions set out within the methodology in Section 6.3 of this report.
- 9.2.42 The total cost of replacing the order land at this site, at the date of this report, is estimated to be in excess of £5,500,000 (five million five hundred thousand pounds).

Challenges to overcome

- 9.2.43 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would accord with the relevant planning policies outlined would be difficult to justify to the local planning authority. In particular, such a proposal would be contrary to local planning policy protecting secondary shopping frontages.
- 9.2.44 This site would require the acquisition and demolition of all of the existing buildings on site to provide an open space solution.
- 9.2.45 The site is subject to multiple occupational interests.
- 9.2.46 This site fronts Putney High Street and, as such, an open space solution would increase traffic generation from the construction works.
- 9.2.47 We have identified seven businesses trading from this site. In the event of a compulsory acquisition, those businesses would have to either relocate to alternative premises or be extinguished.
- 9.2.48 The employees of the businesses would potentially be made redundant, which could result in a loss of employment overall in the local borough.

Conclusions

- 9.2.49 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by a number of businesses which serve the same general public which use Waterman's Green.
- 9.2.50 While the whole site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space before the compulsory purchase of Waterman's Green. It is highly unlikely that the existing freeholder would sell its interest and not realise the long-term investment potential.
- 9.2.51 In any event, acquisition of the site as replacement land for Putney Embankment Foreshore could only be achieved at a prohibitive cost.

Jubilee House and Cinema, Putney High Street SW15

Site ID: PutneyF002

Site overview

- 9.2.52 The total size of the site is approximately 4,800m² (0.48ha) and it is approximately 150m from Waterman's Green.
- 9.2.53 The site is located on Putney High Street, Putney Bridge Road, Brewhouse Lane and Church Square.
- 9.2.54 The overall site consists of two substantial buildings: one occupied by the Odeon Cinema; the other a multi-storey office building.

Planning status

Planning policy

- 9.2.55 This site has been allocated for high-density mixed used development, to include retail at Putney High Street frontage (*Wandsworth Site Specific Allocations Document*).

Planning applications

- 9.2.56 There are currently no significant planning applications for this site.

Jubilee House

- 9.2.57 The property comprises a building of concrete construction over ten floors, including basement, providing office accommodation. The Metropolitan Police Service is understood to currently occupy the property.

Odeon Cinema

- 9.2.58 The property comprises a building of concrete construction over two floors, providing entertainment accommodation. Odeon Cinema occupies the property.

Suitability

- 9.2.59 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is approximately ten times larger in size than Waterman's Green and fully developed. An area of exchange land, approximately three times the size of Waterman's Green, could be accommodated on the Odeon Cinema site if the existing building were to be demolished.
- 9.2.60 The building is assumed to be in single ownership, which makes it more suitable to provide exchange land than a site in multiple ownership.
- 9.2.61 The building on the land is currently in beneficial use and is occupied by Odeon Cinema, which provides a leisure service to the general public. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 9.2.62 The cinema would have to relocate if the land were to be given as exchange land.

- 9.2.63 The Jubilee House and Odeon Cinema site is in a designated town centre. Under Policy PL8 of the London Borough of Wandsworth *Core Strategy*, town centres are identified as the continued focus for shopping and complementary activities. The cinema is protected under Policy DMTS 11 of the council's *Development Management Plan Document (2012)*, which would not permit development that would result in the loss of arts, culture and entertainment uses. Town centres are a focus for office development and Policy DMTS 13 would not permit the net loss of office floor space through change of use or redevelopment. It is considered that it will be difficult to demonstrate that there is a compelling case in the public interest, as the loss of town centre uses, such as office and entertainment uses, is contrary to local planning policy and it is unlikely that a confirmed compulsory purchase order would be achievable.

Availability

- 9.2.64 There is an area of equivalent size to the land to be replaced within the identified site.
- 9.2.65 This site is allocated for high-density mixed use development, to include retail at Putney High Street frontage, and it is unlikely the freehold owner would wish to dispose of its interest and not realise the long-term investment value, including any marriage value created from developing the whole site, which would include Jubilee House.
- 9.2.66 A splitting up of the site and the use of part of it as open space would restrict planning and have a material impact on the value of the remaining land available to be developed.
- 9.2.67 There is no reasonable prospect of the exchange land being acquired before the compulsory purchase acquisition of Waterman's Green, so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 9.2.68 If land were to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Putney Embankment Foreshore site.

Cost if available to purchase

- 9.2.69 The land is not available to purchase and is not currently on the market.
- 9.2.70 We have assumed that the site is in a single freehold ownership and subject to an occupational interest.
- 9.2.71 The nature and layout of the building on site would require the whole site and building to be acquired, but the Jubilee House office block adjacent could remain.
- 9.2.72 An area of exchange land of equivalent size to the land to be replaced could be accommodated.
- 9.2.73 An initial property cost estimate has been carried out, based on the assumptions set out within the methodology in Section 6.3 of this report.

- 9.2.74 The estimated figure, at the date of this report, is estimated to be in excess of £1,500,000 (one million and five hundred thousand pounds).

Challenges to overcome

- 9.2.75 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the public would be difficult to justify to the local planning authority, given that this is contrary to local planning policies.
- 9.2.76 This site would require the acquisition and demolition of all of the existing buildings on site to provide open space.
- 9.2.77 The site is subject to an occupational interest.
- 9.2.78 This site fronts Putney High Street and, as such, open space would increase traffic generation from the construction works.
- 9.2.79 The site sits adjacent to the historic St Mary's Church. Construction works would disrupt nearby users.
- 9.2.80 In the event of a compulsory acquisition, the business would have to either relocate to alternative premises or be extinguished.
- 9.2.81 The employees of the businesses would potentially be made redundant, which could result in a loss of employment overall in the local borough.
- 9.2.82 The Odeon Cinema is the only cinema in Putney. An acquisition of this use would be to the detriment of the general public within the catchment area.

Conclusions

- 9.2.83 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by an important local business which serves the same general public which use Waterman's Green.
- 9.2.84 While the Odeon Cinema site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space before the compulsory purchase of Waterman's Green. It is highly unlikely that the existing freeholder would sell its interest and not realise the long-term investment potential and marriage value from the future redevelopment of both the cinema building and the Jubilee House.
- 9.2.85 In any event, acquisition of the site as replacement land for Putney Embankment Foreshore could only be achieved at a prohibitive cost.

Corner of Putney Bridge Road and Putney High Street SW15

Site ID: PutneyF003

Site overview

- 9.2.86 The total size of the site is 3800m² (0.38ha) and it is approximately 220 metres from open Waterman's Green.
- 9.2.87 The site is located on Putney High Street and Putney Bridge Road.
- 9.2.88 The overall site comprises a part three-storey, part four-storey building with ground floor retail and offices above.
- 9.2.89 The ground floor retail space is occupied by ten occupiers, ranging from Boots the Chemist to Preto Brazilian Restaurant.

Planning status

Planning policy

- 9.2.90 This site has been allocated for high-density mixed use development, to include retail at Putney High Street frontage (*Wandsworth Site Specific Allocations Document*).

Planning applications

- 9.2.91 There are currently no significant planning applications for this site.

Suitability

- 9.2.92 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is approximately eight times larger in size than Waterman's Green and fully developed, but an area of exchange land approximately the same size as Waterman's Green could be accommodated on the site of 329-339 Putney Bridge Road if the existing building were to be demolished.
- 9.2.93 No. 329-339 is assumed to be in single ownership, which makes it more suitable to provide exchange land than a site in multiple ownership.
- 9.2.94 The building on the land is currently in beneficial use and is occupied by a range of commercial uses, from ground floor retail to office accommodation on the floors above. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 9.2.95 There are five retail businesses and many smaller start-up businesses occupying the offices above which would have to relocate if the land was to be given as exchange land.

The site is in a designated town centre. Under Policy PL8 of the London Borough of Wandsworth *Core Strategy*, town centres are identified as the continued focus for shopping and complementary activities. The high street frontage at the site is a protected core shopping frontage. Under Policy DMTS 3 of the council's *Development Management Plan Document* (2012), core shopping frontages are to be retained for retail and other complementary uses. It is considered that it would be difficult to

demonstrate that there is a compelling case in the public interest, as the loss of modern retail units is contrary to local planning policy and it is unlikely that a confirmed compulsory purchase order would be achievable.

Availability

- 9.2.96 There is an area of equivalent size to the land to be replaced within the identified site.
- 9.2.97 This site is allocated for high-density mixed use development, to include retail at Putney High Street frontage, and it is unlikely the freehold owner would wish to dispose of its interest and not realise the long-term investment value of the site as a whole.
- 9.2.98 A splitting up of the site and the use of part of it as open space would restrict planning and have a material impact on the value of the remaining land able to be developed.
- 9.2.99 The whole site identified could be purchased.
- 9.2.100 There is no reasonable prospect of the exchange land being acquired before the compulsory acquisition of Waterman's Green, so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 9.2.101 If land were to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Putney Embankment Foreshore site.

Estimated cost if available to purchase

- 9.2.102 The land is not available to purchase and is not currently on the market.
- 9.2.103 TWUL has carried out an initial property cost estimate on the basis of the assumptions set out later in this report. The cost has been estimated in accordance with the methodology set out in Section 6.3 of this report.
- 9.2.104 The total figure estimated for property costs to provide exchange land on the site of 329-339 Putney Bridge Road, at the date of this report, is estimated to be in excess of £9,000,000 (nine million pounds).

Challenges to overcome

- 9.2.105 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the public would be difficult to justify to the local planning authority, particularly given that it would be contrary to local planning policy protecting core shopping frontages.
- 9.2.106 This site would require the acquisition and demolition of the existing building on site to provide open space.
- 9.2.107 The site is subject to multiple occupational interests.
- 9.2.108 This site fronts Putney Bridge Road and, as such, open space would increase traffic generation from the construction works.

- 9.2.109 There are approximately five retail businesses trading from this site. In the event of a compulsory acquisition, those businesses would have to either relocate to alternative premises or be extinguished.
- 9.2.110 The employees of the businesses would potentially be made redundant, which could result in a loss of employment overall in the local borough.

Conclusions

- 9.2.111 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by a number of businesses which serve the same general public which use Waterman's Green.
- 9.2.112 While the site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space before the compulsory purchase of Waterman's Green. It is highly unlikely that the existing freeholder would sell its interest and not realise the long-term investment potential and marriage value from the future redevelopment of the site as a whole.
- 9.2.113 In any event, acquisition of the site as replacement land for Putney Embankment Foreshore could only be achieved at a prohibitive cost.

Putney Telephone Exchange, Montserrat Road, SW15

Site ID: PutneyF004

Site overview

- 9.2.114 The total size of the site is 2,900m² (0.29ha) and it is approximately 250 metres from Waterman's Green.
- 9.2.115 The site lies immediately to the east of nos. 85-93 Putney High Street, with access off Montserrat Road. It is bounded to the east and south by residential property in Montserrat Road and Burstock Road.

Planning status

Planning policy

- 9.2.116 This site has been allocated for high-density mixed use development, to include retail at Putney High Street frontage (*Wandsworth Site Specific Allocations Document*).

Planning applications

- 9.2.117 There are currently no significant planning applications for this site.

Suitability

- 9.2.118 The land identified is fully developed and is accessible by vehicle and by foot. The total site area is approximately six times larger in size than Waterman's Green and fully developed, but an area of exchange land could be accommodated on the site if the existing building were to be demolished.

- 9.2.119 The telephone exchange is assumed to be in single ownership, which makes it more suitable to provide exchange land than a site in multiple ownership.
- 9.2.120 The building on the land is currently in beneficial use and is occupied by a commercial use. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 9.2.121 The existing business which occupies the building would have to relocate if the land were to be given as exchange land.
- 9.2.122 The telephone exchange is in a designated town centre. Under Policy PL8 of the London Borough of Wandsworth *Core Strategy*, town centres are identified as the continued focus for shopping and complementary activities. Policy PL14 sets out the strategic approach to development in East Putney, which seeks to deliver modern offices, new housing, new retail/restaurant space and an improved public realm. The telephone exchange is one of several sites that offer opportunities to help to achieve the council's strategic approach for Putney. The site is allocated for high-density mixed use development, to include retail at ground floor and other town centre uses, such as leisure, entertainment, cultural, business and residential. It is considered that it will be difficult to demonstrate that there is a compelling case in the public interest to develop the site for open space, as this is contrary to local planning policy and it is unlikely that a confirmed compulsory purchase order would be achievable.

Availability

- 9.2.123 There is an area of equivalent size to the land to be replaced within the identified site.
- 9.2.124 This site is allocated for high-density mixed use development, to include retail at Putney High Street frontage, and it is unlikely the freehold owner would wish to dispose of its interest and not realise the long-term investment value of the site as a whole, or with a joined-up development with adjoining owners.
- 9.2.125 A carve-up of the site and the use of part of it as open space would restrict planning and have a material impact on the value of the remaining land available to be developed.
- 9.2.126 The whole site identified could be purchased.
- 9.2.127 There is no reasonable prospect of the exchange land being acquired before the compulsory purchase acquisition of Waterman's Green, so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 9.2.128 If land were to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Putney Embankment Foreshore site.

Estimated cost if available to purchase

- 9.2.129 The land is not available to purchase and is not currently on the market.

- 9.2.130 The estimated figure has been estimated in accordance with the methodology set out in Section 6.3 of this report.
- 9.2.131 The total figure estimated for property costs, at the date of this report, is estimated to be in excess £2,000,000 (two million pounds).

Challenges to overcome

- 9.2.132 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the public would be difficult to justify to the local planning authority, particularly as the site is one of the key development opportunity sites in Putney town centre.
- 9.2.133 This site would require the acquisition and demolition of the existing building on site to provide an open space solution.
- 9.2.134 The site is subject to an occupational interest.
- 9.2.135 This site is accessed off Montserrat Road and, as such, open space would increase traffic generation from the construction works.
- 9.2.136 There is a business trading from this site. In the event of a compulsory acquisition, that business would have to either relocate to alternative premises or be extinguished.
- 9.2.137 The employees of the businesses would potentially be made redundant, which could result in a loss of employment overall in the local borough.
- 9.2.138 The site is surrounded by residential properties which could be disrupted by construction works.

Conclusions

- 9.2.139 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by an important local business which services the same general public who use Waterman's Green.
- 9.2.140 While the site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space before the compulsory purchase of Waterman's Green. It is highly unlikely that the existing freeholder would sell its interest and not realise the long-term investment potential from the future redevelopment of the site as a whole.
- 9.2.141 An acquisition of the site as replacement land, having regard to the Thames Tideway Tunnel property budget for Putney Embankment Foreshore, confirms that the cost of this land is prohibitive.

1a Merivale Road Putney

Site ID: PUTEF005

Site overview

- 9.2.142 The total size of the site is 700m² (0.07ha) and it is approximately 320 metres from Waterman's Green.
- 9.2.143 The site is currently laid out as a number of workshop units occupied by building contractors. It is accessed from Merivale Road in Putney, a residential street of terraced houses.

Planning status

Planning policy

- 9.2.144 This site is not included within an allocation (*Wandsworth Site Specific Allocations Document*).

Planning applications

- 9.2.145 There are currently no significant planning applications for this site.

Suitability

- 9.2.146 The land identified is fully developed and is accessible by vehicle and by foot. The total site area is approximately the same size as Waterman's Green and fully developed, therefore exchange land could be accommodated on the site if the existing buildings were demolished.
- 9.2.147 The site is assumed to be in multiple ownership and occupation. This makes it less suitable to provide exchange land than a site in single ownership and occupation.
- 9.2.148 The buildings on the land are currently in beneficial use and occupied by commercial users. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 9.2.149 The existing businesses which occupy the buildings would have to relocate if the land were to be given as exchange land.
- 9.2.150 1a Merivale Road is currently used for employment purposes. The site is occupied by businesses and is in an accessible location close to Putney town centre, making this a good location for business use. Although not protected under the council's employment policies, the site is providing small-scale premises that are providing jobs for the local economy. The NPPF makes it clear that the planning system should support economic growth in order to create jobs and prosperity (paragraph 18). It is considered that it would be difficult to demonstrate that there is a compelling case in the public interest to move businesses off the site in order to develop the site for open space, as this contrary to national planning policy aims of creating jobs and prosperity.

Availability

- 9.2.151 There is an area of equivalent size to the land to be replaced within the identified site.

- 9.2.152 This site is not included within an allocation (*Wandsworth Site Specific Allocations Document*).
- 9.2.153 The whole site identified could be purchased.
- 9.2.154 There is no reasonable prospect of the exchange land being acquired before the compulsory purchase acquisition of Waterman's Green, so the area of exchange land may not be ready for public use at the point of acquisition under the Order.

Cost if available to purchase

- 9.2.155 The land is not available to purchase and is not currently on the market.
- 9.2.156 The estimated figure has been estimated in accordance with the methodology set out in Section 6.3 of this report.
- 9.2.157 The total figure estimated for property costs, at the date of this report, is estimated to be in excess £650,000 (six hundred and fifty thousand pounds).

Challenges to overcome

- 9.2.158 The likelihood of gaining planning permission to provide open space replacement, as an alternative to other schemes which would benefit the public, would be difficult to justify to the local planning authority, particularly given that the site is a fully occupied employment site, which is providing jobs for the local economy, in an accessible, edge of centre location.
- 9.2.159 This site would require the acquisition and demolition of the existing building on site to provide an open space solution.
- 9.2.160 The site is subject to an occupational interest.
- 9.2.161 This site is accessed off Merivale Road and, as such, open space would increase traffic generation from the construction works.
- 9.2.162 There is a business trading from this site. In the event of a compulsory acquisition, that business would have to either relocate to alternative premises or be extinguished.
- 9.2.163 The employees of the business would potentially be made redundant, which could result in a loss of employment overall in the local borough.
- 9.2.164 The site is surrounded by residential properties which could be disrupted by construction works.

Conclusions

- 9.2.165 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by important local businesses, which service the same general public which use Waterman's Green.
- 9.2.166 While the site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space before the compulsory purchase of Waterman's

Green. It is highly unlikely that the existing freeholder would sell its interest and not realise the long-term investment potential from the future redevelopment of the site as a whole.

- 9.2.167 In any event, acquisition of the site as replacement land for Putney Embankment Foreshore could only be achieved at a prohibitive cost.

39-42 Lower Richmond Road and 1-2 Thames Place

Site ID: PUTEF006

Site overview

- 9.2.168 The size of the site is approximately 800m² (0.08ha) and it is approximately 210 metres from Waterman's Green.
- 9.2.169 The site is located on Lower Richmond Road and is currently occupied by six established residential properties.

Planning status

Planning policy

- 9.2.170 This site is not included within an allocation (*Wandsworth Site Specific Allocations Document*).

Planning applications

- 9.2.171 There are two significant planning applications of relevance to this site.
- 9.2.172 Planning permission was granted for change of use from office to two-bedroom houses, together with alterations for 1 Thames Place in 2008 (ref 2008/5542).
- 9.2.173 Planning permission was also granted for the erection of rear roof extensions and formation of part/flat roofs to two-storey back additional in connection with formation of roof terraces. Installation of new shop fronts and erection of single-storey rear extensions in 2002 (ref 2002/4463).

Suitability

- 9.2.174 The land identified is fully developed and is accessible by vehicle and by foot. The total site area is approximately the same size as Waterman's Green and fully developed, therefore exchange land could be accommodated on the site if the existing buildings were to be demolished.
- 9.2.175 The site is assumed to be in multiple ownership, which makes it less suitable to provide exchange land than a site in single ownership.
- 9.2.176 The buildings on the land are currently in beneficial use and are in residential use. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 9.2.177 The existing residents who occupy the building would have to relocate if the land were to be given as exchange land.

The London Borough of Wandsworth *Development Management Plan Document* (2011), Policy DM H1, protects residential land and buildings from development that would lead to the net loss of residential units or

land previously used for residential purposes. Therefore, demolition of buildings for the use of the site for open space would be contrary to local planning policy.

Availability

- 9.2.178 There is an area of equivalent size to the land to be replaced within the identified site.
- 9.2.179 The whole site identified could be purchased.
- 9.2.180 There is no reasonable prospect of the exchange land being acquired before the compulsory purchase acquisition of Waterman's Green, so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 9.2.181 If land were to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Putney Embankment Foreshore site.

Cost if available to purchase

- 9.2.182 We have carried out an initial property cost estimate, using the information available and on the basis of the assumptions set out later in this report. The estimated figure has been estimated in accordance with the methodology set out in Section 6.3 of this report.
- 9.2.183 The total figure estimated for property costs, at the date of this report, is estimated to be in excess of £3,500,000 (three million and five hundred thousand pounds).

Challenges to overcome

- 9.2.184 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the public would be difficult to justify to the local planning authority, particularly given that the council seeks to prevent the loss of residential land and buildings.
- 9.2.185 This site would require the acquisition and demolition of the existing residential buildings on site to provide open space.
- 9.2.186 The site is subject to occupational interests.
- 9.2.187 This site is accessed off the Lower Richmond Road and, as such, an open space solution would increase traffic generation from the construction works.
- 9.2.188 The site is surrounded by residential properties which could be disrupted by construction works.

Conclusions

- 9.2.189 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by six terraced houses.

9.2.190 While the site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space before the compulsory purchase of Waterman’s Green. It is highly unlikely that all of the existing freeholders would sell their interests now and potentially forego any long-term investment potential from the future redevelopment of the site as a whole.

9.2.191 In any event, acquisition of the site as replacement land for Putney Embankment Foreshore could only be achieved at a prohibitive cost.

Putney Embankment Foreshore (land) summary

Current status

9.2.192 Using information contained within the Wandsworth *Site Specific Allocations Document*, it has been possible to determine that all six of the potential replacement land sites are currently in active use or have been permanently developed (see Table A.2, Appendix A). Therefore, none of these sites are considered suitable as potential replacement land sites.

Potential role

9.2.193 This criterion was not applied as all sites identified in the catchment area have an active use and, therefore, none of the sites are considered as being suitable potential replacement land sites.

Summary

9.2.194 In total, six potential replacement land sites were identified as being within the accessibility catchment for Waterman’s Green. All of these sites are at least equivalent in size to the land being permanently acquired at Waterman’s Green. The current status of each site has been determined as being in active use or developed. Therefore, none of these sites are considered suitable as potential replacement land sites.

9.3 Putney Embankment Foreshore (foreshore)

Overview

9.3.1 The area of foreshore is located in Putney in the London Borough of Wandsworth. Table 9.3 below identifies the plot numbers.

Table 9.3 Putney Embankment Foreshore plot numbers

Site name	Permanent acquisition or rights	Plot no.	Plot size (sq m)
Putney Embankment Foreshore	Permanent acquisition	17	906
Putney Embankment Foreshore	Permanent acquisition	18	131

Site name	Permanent acquisition or rights	Plot no.	Plot size (sq m)
Putney Embankment Foreshore	Permanent acquisition	24	1,710
Putney Embankment Foreshore	Permanent acquisition	38a	482
Putney Embankment Foreshore	Permanent acquisition	41	88
Putney Embankment Foreshore	Rights	46	1,480

9.3.2 The foreshore will be directly affected by the Putney Embankment Foreshore preferred site. Approximately 3,317m² of the foreshore will be permanently acquired by the Thames Tideway Tunnel project. In addition, 1,480m² of foreshore rights will be acquired. Table 9.3 above identifies the plots that will be acquired under Section 131, and the plots where rights will be acquired under Section 132 of the Planning Act. The Schedule provided with this application set out full details of the land and rights that will be acquired compulsorily.

Current use

9.3.3 Putney Embankment Foreshore consists solely of the foreshore of the River Thames which is accessible to the general public during periods of low tide. The foreshore can be used by the public for walking, sitting out and relaxation, and there are two slipways allowing access to the foreshore at this location for water-based recreational activity on the River Thames (such as rowing and boating).

Surroundings

North

9.3.4 The River Thames bounds the foreshore to the north. On the opposite bank of the River Thames are Fulham Palace, Fulham Palace Gardens, Pryors Bank Spice Café and Restaurant, and All Saints Fulham Church.

East

9.3.5 Putney Bridge, a Grade II listed structure, lies to the east of the foreshore. Beyond the Bridge is the Church of St Mary the Virgin, Putney Wharf Tower and Putney Wharf, where there are a number of commercial buildings, including Carluccios and the Rocket public house.

West

9.3.6 Putney Pier is to the west, where two houseboats are permanently moored on the inner face of the pontoon. The outer face of the pontoon is used by

pleasure and tripping vessels. There are also approximately 20 small vessels moored close by in the middle of the river on mooring chains and buoys.

- 9.3.7 Beyond Putney Pier is a concrete slipway which fronts a number of rowing organisations on the Embankment.

South

- 9.3.8 To the south of the foreshore is Waterman's Green, an area of public open space that consists of grass, shrubs and trees.

Accessibility catchment

- 9.3.9 An accessibility catchment of 400m (0.4km) has been applied to the foreshore. There are no defined accessibility catchments for foreshore (either in borough or GLA policies) so the catchment is based on assuming that, due to the nature of foreshore, the majority of informal recreational users are likely to travel a maximum of 400m by foot from the point of access to use the foreshore.

- 9.3.10 The area of search for replacement foreshore has been defined as any foreshore within 400m of the existing access point (walking distance following footways), including land on the opposite side of the river where it can be reached by a bridge.

Potential exchange sites considered

- 9.3.11 The foreshore within 400m, in each direction, of the affected foreshore was assessed on site to determine whether additional access points could be provided to allow access to suitable foreshore, which is currently inaccessible for general public use. In addition, the foreshore across the river via Putney Bridge was also considered. However, the distance from the order land to the foreshore on the north bank of the Thames is greater than 400m when actual walking distance along footways and steps is considered. Therefore, there is no suitable replacement land on the north bank of the River Thames.
- 9.3.12 At Putney Embankment Foreshore, there is no scope for additional access within 400m which would provide access to currently inaccessible foreshore. There are therefore no suitable or available sites for which a cost assessment can be carried out in order to determine whether new access can be provided to an area of previously inaccessible foreshore.
- 9.3.13 There are two existing access points within 400m of the order land further along the Putney Embankment: one to the west, which is a concrete slipway used by various rowing clubs, and the other to the east from Brewhouse Lane. It is not possible to provide additional access points within 400m of the worksite to inaccessible foreshore and, given that there are two existing access points which already provide access within close proximity of the order land, no provision of replacement foreshore is proposed.

Putney Embankment Foreshore (foreshore) summary

Tests in relation to rights plot s.132 (4A)

- 9.3.14 At Putney Embankment Foreshore, TWUL is proposing to acquire rights over 1,480m² of land under s.132 (4A). The search for replacement land at Putney Embankment Foreshore has identified that there is no suitable foreshore which can be provided as replacement for the land which rights will be acquired over.

9.4 Conclusions in respect of both Putney Embankment Foreshore sites

- 9.4.1 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. The information provided illustrates how provision of replacement land, for the land, foreshore and rights plots, is not feasible in this instance, other than at prohibitive cost.

10 King George's Park (land)

Overview

- 10.1.1 Table 10.1 **Error! Reference source not found.** below shows the plot numbers for the permanent acquisition of land and of rights for the exchange land sought. This is detailed in the Schedule accompanying the application.

Table 10.1 King George's Park plot numbers

Site name	Permanent acquisition or rights	Plot no.	Plot size (sq m)
King George's Park	Permanent acquisition	176	1,644
King George's Park	Permanent acquisition	178	996

- 10.1.2 The area of public open space is located at King George's Park, which is in Wandsworth in the London Borough of Wandsworth. Wandsworth Borough Council holds the freehold title to King George's Park.
- 10.1.3 King George's Park would be directly affected by the King George's Park preferred site. Approximately 2,600m² (0.26 hectares) of King George's Park is proposed to be permanently acquired by TWUL.
- 10.1.4 The site itself is at the northern end of King George's Park, adjacent to the existing Buckhold Road entrance, and is roughly square in shape. The land comprises open grassland, public footpaths and scattered mature trees, including an avenue of flowering cherry trees along the main footpath to the Buckhold Road entrance. The John Young memorial oak tree and bench near the ornamental lake to the south are important features within the site. King George's Park is approximately 23ha in size.
- 10.1.5 The northern boundary of the site is characterised by low-level evergreen vegetation and includes an ornamental historic park gate with semi-circular railings at the Buckhold Road entrance. The gate dates back to 1922 but is not listed. The site also includes part of an avenue of large London plane trees and black poplars along the eastern boundary with Neville Gill Close. The eastern boundary is fenced with black-painted palisade-style metal railings. The site and the surrounding area are relatively flat and low lying, and are situated within the floodplain of the River Wandle.
- 10.1.6 The site is bounded to the north by the Buckhold Road/Neville Gill Close junction. To the east, it is bordered by Neville Gill Close, to the south by the ornamental lake and to the southwest by a dense area of mature trees. It is bounded to the west by Buckhold Road.

Current use

- 10.1.7 The site is used as a district park and is designated as Metropolitan Open Land.

Surroundings

- 10.1.8 Immediately to the north of Buckhold Road is an Army Cadet Force voluntary youth organisation building. The wider area to the north of the site across Buckhold Road was formerly dominated by commercial and retail uses. The Cockpen House and Business Village developments are currently under construction to provide a mixed use and residential scheme of between four and sixteen storeys high. Wandsworth Town Conservation Area lies along Wandsworth High Street.
- 10.1.9 To the east, across Neville Gill Close, the land use is dominated by the Southside Shopping Centre, associated car parks (including a multi-storey car park) and high-rise residential blocks. There are also various community facilities, including the Penfold Day Centre and a vacant D1 use building (formerly an NHS clinic) to the southeast.
- 10.1.10 King George's Park continues to the south and southwest of the site. The park includes the ornamental lake, a children's playground, a council-run children's centre (the One O'clock Centre), several tennis courts, a bowling green, an adventure playground, open areas and various sports pitches. Beyond the area of dense mature trees to the southwest of the site, the park is bordered by two-storey terraced properties with large rear gardens on Buckhold Road. The area to the west is residential and three-storey residential blocks line the far side of Buckhold Road.
- 10.1.11 Table 10.2 identifies those documents reviewed during the desktop exercise to identify potential replacement land for this site:

Table 10.2 King George's Park research

Source
Wandsworth Site Specific Allocations Document (SSAD) (2012)
London Borough of Wandsworth Employment Land Study (2010)
London Strategic Housing Land Availability Assessment (2009)
Wandsworth planning application search: http://ww3.wandsworth.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx

Accessibility catchment

- 10.1.12 King George's Park is located within the London Borough of Wandsworth. An accessibility catchment of 1,200m (1.2km) has been applied to King George's Park. This is based on the catchment for District Parks and is identified in Table 6.1.
- 10.1.13 Thirty-four potential replacement land sites were identified as being within the 1,200m accessibility catchment in the study. As set out in the methodology described in Section 6.3, the detailed appraisals were

focussed on examples of industrial, residential, retail and development land.

Value of land to be replaced and date of possession

- 10.1.14 The value of the open space required, assuming development value for industrial uses, is £800,000. Possession of the site is estimated to be required in 2017, although this could change, depending on the programme that the appointed contractor adopts.

Potential exchange sites considered

- 10.1.15 Potential replacement land has been sought in exchange for land that will be permanently acquired. There is a requirement to identify replacement land totalling 2,600 m² (0.26 hectares) within the King George's Park 1,200m accessibility catchment.
- 10.1.16 The potential replacement land sites were identified as being at least equivalent in size to the land being permanently acquired at King George's Park (see Table A.3, Appendix A and in plan at Appendix B(i)).

Wandsworth Business Village, Buckhold Road/Broomhill Road, SW18

Site ID: KNGGP001

Overview

- 10.1.17 The size of the site is 8,700m² (0.87ha) and it is approximately 482m from King George's Park.
- 10.1.18 This site is currently being developed in accordance with the planning permission below.

Planning status

- 10.1.19 Within the council's *Core Strategy*, the site is located as being in a mixed use former industrial employment area within a town centre. This means that any new development should replace the existing employment generating space with town centre uses, as set out in the *Development Guide* adopted in 2012. Town centre uses do not normally include open space.

Planning applications

- 10.1.20 In 2010, planning permission was granted on The Business Village, 3-9 Broomhill Road, SW18, for the demolition of existing buildings, the erection of buildings between four and sixteen storeys to provide 10,500 sq m of B1 floor space, 209 residential units, retail, café/restaurants and crèche.

Suitability

- 10.1.21 The land is accessible by vehicle and by foot and is at least equivalent in size to King George's Park. It is currently in single ownership but it is likely that, as the development progresses, the residential units will be sold

on long leasehold interests and the commercial space will be let. The original buildings have been demolished and any new buildings that are constructed will require demolition. The site is currently vacant but some of the residential units may be occupied in the near future.

- 10.1.22 The site is designated as a 'mixed use former industrial employment area' (MUFIEAs). Under Policy DM I2 of the London Borough of Wandsworth *Development Management Plan Document (2012)*, mixed use development is appropriate in MUFIEAs and there is a requirement to replace any employment floor space as part of redevelopment proposals. It is considered that it would be difficult to demonstrate a compelling case in the public interest to demolish flats that are currently in the process of being constructed to provide open space. There is also a presumption that employment floor space will be provided on the site, so provision of open space instead would be contrary to local planning policy and it is unlikely a confirmed compulsory purchase order would be achievable.

Availability

- 10.1.23 The site is not on the market. If some of the residential units are sold off on long leaseholds or the commercial space is let, this will require the use of compulsory purchase powers in order to assemble the requisite interests.
- 10.1.24 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately, due to the number of interests which are likely to be on the site in the near future.
- 10.1.25 A carve-up of the site and the use of part of it as open space would restrict planning and have a material impact on the value of the remaining land that is available to be developed.
- 10.1.26 The whole site identified could be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 10.1.27 It is likely that the whole site would have to be purchased.
- 10.1.28 An area of exchange land could be accommodated on part of the site and the remainder of the site sold. However, the value of this may be depreciated by loss of the replacement land.
- 10.1.29 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. As the site is under construction, we have assumed that, by the time of acquisition, the site will be fully completed. The total figure estimated for replacing the order land and creating the open space is, at the date of this report, estimated to be in excess of £23,000,000 (twenty-three million pounds).

Prohibitive cost

- 10.1.30 The site has failed the suitability and availability tests, and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial

development land, and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.31 The likelihood of gaining planning permission to provide open space replacement as an alternative to the residential and commercial space currently being developed is low. Such a proposal would be difficult to justify as open space is not a recognised town centre use.
- 10.1.32 The site will require demolition of the buildings being developed to provide vacant land, significantly increasing cost.
- 10.1.33 The site is likely to be in multiple freehold ownership in the near future.
- 10.1.34 The timing of any redevelopment to create open space would be subject to reaching agreement with potentially multiple long leasehold and leasehold interests.

Conclusions

- 10.1.35 This site is not suitable as exchange land as it is not currently on the market, is likely to be in multiple ownership in the near future, would require the relocation of both residential and commercial occupiers, and planning permission for open space is unlikely to be granted.

Southside Shopping Centre, Wandsworth High Street, SW18

Site ID: KNGGP004

Site overview

- 10.1.36 The size of the site is approximately 45,300m² (4.53ha) and it is approximately 3 metres from King George's Park.
- 10.1.37 The site is currently a shopping centre. It provides retail units and leisure facilities, such as a cinema and a Virgin gym.

Planning status

- 10.1.38 Within the council's *Core Strategy*, the site lies in the town centre and is suitable for mixed uses. The development management Policy DMTS3 states that the ground floor should remain the focus for shopping activity.

Planning applications

- 10.1.39 There are currently no significant planning applications for this site.

Suitability

- 10.1.40 The site identified is fully developed and is accessible by vehicle and by foot. It is much larger than King George's Park but an area of exchange land, just under twice the size of King George's Park, could be accommodated on the site if part of the existing building were demolished.
- 10.1.41 The building is assumed to be in single ownership, which makes it more suitable to provide exchange land than a site in multiple ownership.

However, there are likely to be a number of leasehold interests on the land, which may mean that compulsory purchase powers would be required in order to acquire the requisite interests in the land to meet the requirement to provide the replacement land when the open space is taken.

- 10.1.42 The shopping centre is in a designated town centre. Under Policy PL8 of the London Borough of Wandsworth *Core Strategy*, town centres are identified as the continued focus for shopping and complementary activities. The ground floor of the shopping centre is a protected core shopping frontage. Under Policy DMTS 3 of the council's *Development Management Plan Document (2012)*, core shopping frontages are to be retained for retail and other complementary uses. It is considered that it would be difficult to demonstrate that there is a compelling case in the public interest, as the loss of modern retail units is contrary to local planning policy and it is unlikely that a confirmed compulsory purchase order would be achievable.
- 10.1.43 The retailers occupying the exchange land would have to relocate.

Availability

- 10.1.44 The site is not currently available to purchase or on the market.
- 10.1.45 There is an area of equivalent size to the land to be replaced within the identified site. This site is allocated for high-density retail and it is unlikely the freehold owner would wish to dispose of part of its interest as this may have an impact on the value of the rest of the investment. Therefore, the whole site would have to be acquired in order to provide the replacement land and the surplus land sold.

Cost if available to purchase

- 10.1.46 It is likely that the whole site would have to be purchased.
- 10.1.47 An area of exchange land could be accommodated on part of the site and the remainder of the site sold.
- 10.1.48 TWUL has carried out an initial property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £14,000,000 (fourteen million pounds). The value of the surplus land is likely to be depreciated due to the loss of the replacement land.

Prohibitive cost

- 10.1.49 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.50 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the community would be difficult to justify to the local planning authority.
- 10.1.51 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 10.1.52 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.
- 10.1.53 The buildings are likely to be in multiple ownership, and gaining vacant possession on commercially acceptable terms in a reasonable timeframe would be difficult. Compulsory purchase powers would almost certainly have to be used to acquire the site. The use of the exchange land for open space is contrary to planning policy for the area and a confirmed compulsory purchase order is likely to be difficult to achieve.
- 10.1.54 The demolition of the retail units would displace occupiers and could lead to employment loss if the occupiers could not relocate.

Conclusions

- 10.1.55 The land required is not suitable as exchange land as it is not on the market and it is likely to comprise multiple interests, the provision of open space is contrary to the relevant planning policy, and it is unlikely that a successful compulsory purchase order could be achieved in order to assemble the site South Thames College/Welbeck House/17-27 Garratt Lane, SW18.

Site ID: KNGGP006

Site overview

- 10.1.56 The size of the site is approximately 6,700m² (0.67ha) and it is approximately 643 metres from King George's Park.
- 10.1.57 South Thames College is a college which provides teaching facilities for all ages and is a listed building. Welbeck House and 17-27 Garratt Lane are office buildings. Welbeck House is occupied by the children's services department and 17-27 Garratt Lane is occupied by the council.

Planning status

- 10.1.58 The site is designated as a town centre site suitable for mixed uses.

Planning applications

- 10.1.59 There are currently no significant planning applications for this site.

Suitability

- 10.1.60 The site identified is fully developed and is accessible by vehicle and by foot. It is much larger than King George's Park but an area of exchange land, just under twice the size of King George's Park, could be accommodated on the site.

- 10.1.61 The building is assumed to be in single ownership, which makes it more suitable to provide exchange land than a site in multiple ownership.
- 10.1.62 The buildings on the land are currently in beneficial use and are occupied. *Core Strategy* Policy IS 6 supports the provision of facilities for community services, including education, childcare, health, etc. The *Wandsworth Development Management Plan Document*, Policy DMC 1, protects existing community facilities. Development that would lead to the loss of existing community facilities would only be permitted where there is no current or future need for the facility, either in its current or alternative community use. The use of the site for open space would be contrary to the local planning policy, which seeks the protection of community facilities. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 10.1.63 The occupiers of the exchange land would have to relocate.

Availability

- 10.1.64 The site is not available to purchase and is not currently on the market. There is an area of equivalent size to the land to be replaced within the identified site. This site is developed as high-density office buildings and it is unlikely the freehold owner would wish to dispose of part of its interest, as this may have an impact on the value of the rest of the investment. Therefore, the whole site would have to be acquired and the surplus land sold off.

Cost if available to purchase

- 10.1.65 TWUL has carried out a property cost estimate, using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £4,500,000 (four million, five hundred thousand pounds). The value of the surplus land is likely to be depreciated due to the loss of the replacement land.

Prohibitive cost

- 10.1.66 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.67 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the community would be difficult to justify to the local planning authority.
- 10.1.68 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 10.1.69 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.

- 10.1.70 The demolition of some of the buildings would displace occupiers and could lead to employment loss if the occupiers could not relocate.

Conclusions

- 10.1.71 The land required is not suitable as exchange land as it is not on the market, it is in beneficial use and its use as open space is contrary to relevant planning policy.

Feather's Wharf, The Causeway, SW18

Site ID: KNGGP015

Site overview

- 10.1.72 The size of the site is approximately 7,900m² (0.79ha) and it is approximately 804 metres from King George's Park.
- 10.1.73 The site is vacant land, currently in use as a temporary civic amenity site. The site lies adjacent to the Wandle and Thames Riverside, and is bounded to the east by the Western Riverside Waste Transfer Station safeguarded wharf.

Planning status

- 10.1.74 The site is located within the Thames Policy Area and the Wandsworth Riverside/Wandle Delta Focal Point (*Core Strategy* Policies PL6, PL9, PL12). *Core Strategy* Policy PL9 encourages a wider mix of uses at focal points of activity located along the riverside. This includes restaurants, cafés, bars and small-scale retail uses, and the provision of attractive public spaces with good access to them, to form new riverside destinations. Development of town centre uses will be permitted, subject to the criteria set out in DMPD Policy DMO8.
- 10.1.75 The site is allocated in the *Site Specific Allocations Document* for mixed use development of residential and commercial uses and public open space.

Planning applications

- 10.1.76 There are currently no significant planning applications for this site.

Suitability

- 10.1.77 The site identified is fully developed and is accessible by vehicle and by foot. It is larger than King George's Park, but an area of exchange land of a similar size to King George's Park could be accommodated on the site.
- 10.1.78 The building is assumed to be in single ownership, which makes it more suitable to provide exchange land than a site in multiple ownership.
- 10.1.79 The buildings on the land are currently in beneficial use but the site is allocated as a site suitable for a mixed use residential and commercial development. This makes the land more suitable for exchange land than land which is fully utilised or developed. The site is in the Thames Policy Area which, under Policy PL9 of the *Core Strategy*, promotes mixed use development of the area to provide new homes, jobs, leisure and social

infrastructure. Redevelopment of the site for open space would be contrary to local planning policy as it would not help to achieve the wider strategic aims of the Thames Policy Area.

Availability

- 10.1.80 The site is not available to purchase and is not currently on the market.
- 10.1.81 There is an area of equivalent size to the land to be replaced within the identified site. This site is currently used as temporary civic amenity facility and it is understood that, once the temporary use of the site has expired, the site will be sold. The freehold owner may not be willing to sell only part of the site, as this may have an impact on the value of the remainder of the site and it is likely that the whole site would have to be purchased. The remainder of the site could be sold off.

Cost if available to purchase

- 10.1.82 It is likely that the whole site would have to be purchased.
- 10.1.83 An area of exchange land could be accommodated on part of the site and the remainder of the site sold
- 10.1.84 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £5,200,000 (five million, two hundred thousand pounds).

Prohibitive cost

- 10.1.85 The acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.86 The likelihood of gaining planning permission to provide open space replacement as opposed to other uses for a mixed use development is unlikely.

Conclusions

- 10.1.87 The land required is not suitable as exchange land as it is not currently on the market and the cost of providing the open space could only be achieved at a prohibitive cost.

Ram Brewery, Wandsworth, SW18

Site ID: KNGGP003

Site overview

- 10.1.88 The size of the site is approximately 35,1002 m² (3.51ha) and it is approximately 321 metres from King George's Park.
- 10.1.89 This development site lies along a north-south axis at the River Wandle. The northern end is bounded by Armoury Way and to the south is

Wandsworth High Street; Ram Street to the east, and Wandsworth Plain, which forms part of the Wandsworth one-way system.

Planning status

- 10.1.90 Within the *Core Strategy*, the site is identified as being a mixed use former industrial employment area within a town centre. Uses considered suitable for the site are retail, residential and commercial.
- 10.1.91 The site is allocated in the *Site Specific Allocations Document* for mixed use development, including replacement employment floor space, retail, restaurants, business space, residential, cultural and entertainment uses.

Planning applications

- 10.1.92 An application has been granted for a mixed use development comprising alterations and change of use of retained former brewery buildings, demolition of non-listed buildings and the construction of new buildings, two to twelve storeys in height, and a tower of 36 storeys in height. Provisions of 9,506 sq m of retail, 669 residential units, continued small-scale brewery use, museum and ancillary gym. The provisions of servicing areas, parking and energy centre, creation of public areas and river walkway, new and repositioned vehicular and pedestrian access points and other associated works.

Suitability

- 10.1.93 The land is vacant and is accessible by vehicle and by foot. The total site area is much larger in size than King George's Park but an area of exchange land could be accommodated on the land.
- 10.1.94 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 10.1.95 The site is not in beneficial use, which makes it suitable as exchange land. However, the site is within Wandsworth town centre and provides a significant development opportunity for enhanced shopping and complimentary uses in the town centre, as set out in *Core Strategy Policy PL8*. The site is also designated as a mixed use former industrial employment area (MUFIEA). Under Policy DMI 2 of the London Borough of Wandsworth *Development Management Plan Document (2012)*, mixed use development is appropriate in MUFIEAs and there is a requirement to replace any employment floor space as part of redevelopment proposals. The proposed mixed use redevelopment of the site would preserve and enhance the heritage and listed buildings at the site. Demolition of buildings to provide exchange land would be contrary to local planning policy.

Availability

- 10.1.96 The site is not available to purchase and is not currently on the market.
- 10.1.97 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely than this area of land would be available for

sale separately, as this may have an impact on the use of the remainder of the site and hence its value.

- 10.1.98 The timing of the creation of the open space may be affected by the development timescale of the remainder of the site.

Estimated cost if available to purchase

- 10.1.99 We have assumed that the site is in a single freehold ownership and consider it is likely that the whole site would have to be purchased. An area of exchange land of equivalent size to the land to be replaced could be accommodated on the site, with the remainder of the site being resold.
- 10.1.100 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section.
- 10.1.101 The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £7,300,000 (seven million, three hundred thousand pounds).

Prohibitive cost

- 10.1.102 The acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.103 The likelihood of gaining planning permission to provide open space replacement as an alternative to other beneficial uses which would benefit the public would be difficult to justify to the local planning authority.

Conclusions

- 10.1.104 The land required is not suitable as exchange land as it is not currently on the market and the cost of providing the open space could only be achieved at a prohibitive cost.

55-122 Buckhold Road

Site ID: KNGGP003

Site overview

- 10.1.105 The size of the site is approximately 9,800 m² (0.98ha) and it is approximately 27 metres from King George's Park.
- 10.1.106 This site is a row of residential units along Buckhold Road, comprising terraced houses, semi-detached houses and flats.
- 10.1.107 The land is designated as white land.

Planning applications

- 10.1.108 There are currently no significant planning applications for this site.

Suitability

- 10.1.109 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than King George's Park but an area of exchange land could be accommodated on the land if some of the existing dwellings were demolished.
- 10.1.110 The site is in multiple ownership. This makes it less suitable to provide exchange land than a site in single ownership. The buildings on the land are in beneficial use and occupied by a number of residents. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 10.1.111 The London Borough of Wandsworth *Development Management Plan Document* (2011), Policy DM H1, protects residential land and buildings from development that would lead to the net loss of residential units or land previously used for residential purposes. Therefore, demolition of buildings for the use of the site for open space would be contrary to local planning policy.

Availability

- 10.1.112 The site is not available to purchase and is not currently on the market.
- 10.1.113 There is an area of equivalent size to the land to be replaced within the identified site and the interests could be acquired independently of the remainder of the site.
- 10.1.114 Due to the number of interests to acquire, it is likely that compulsory purchase powers would have to be used to acquire the required land. However, as the use as open space is likely to be contrary to local planning policy, a confirmed compulsory purchase order would be difficult to achieve.

Estimated cost if available to purchase

- 10.1.115 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £12,000,000 (twelve million pounds).

Prohibitive cost

- 10.1.116 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.117 The likelihood of gaining planning permission to provide open space replacement instead of the current residential use of the site would be difficult to justify to the local planning authority as it is contrary to local planning policy.

- 10.1.118 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 10.1.119 The buildings are in multiple ownership, and gaining vacant possession on commercially acceptable terms in a reasonable timeframe would be difficult.
- 10.1.120 The demolition of established residential buildings would displace residents and could lead to hardship.

Conclusions

- 10.1.121 The land required is not suitable as exchange land as it is not on the market, is in multiple ownership, and the use of open space is contrary to relevant planning policy. .

Wandsworth Trading Estate, 118-120 Garratt Lane

Site ID: KNGGP032

Site overview

- 10.1.122 The size of the site is approximately 18,600m² (1.86ha) and it is approximately 482 metres from King George's Park.
- 10.1.123 This site is a small industrial estate and has multiple occupiers.

Planning status

- 10.1.124 The site is within an area which is designated as a locally significant industrial area. *Core Strategy* Policy PL6 encourages the use of land in the area or industry and waste. PL7 states that development should meet the needs of the local economy. Development of town centre uses will be permitted, subject to the criteria set out in DMPD Policy DMI 1.

Planning applications

- 10.1.125 There are currently no significant planning applications for this site.

Suitability

- 10.1.126 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is much larger in size than King George's Park. The shape and layout of the site mean that it will be difficult to create open space on only part of the site without demolishing all of the existing buildings.
- 10.1.127 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 10.1.128 The buildings on the land are currently in beneficial use and are occupied by a variety of commercial occupiers. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 10.1.129 The range of commercial businesses on the land would mean that they would have to relocate if the land was to be given as exchange land.

- 10.1.130 The site is within an area which is designated as a locally significant industrial area (LSIA). LSIA's form part of the borough's strategic reserve of employment land. *Core Strategy* policies PL6 and PL7 identify that land in these areas should be used for industry and waste, and should meet the needs of the local economy. The *Development Plan Management Document*, Policy DMI 1, states that the loss of existing B Class employment floor space will be resisted. Therefore, the use of this land as open space would be contrary to local planning policy.
- 10.1.131 An acquisition of the freehold interest in the site may be possible by agreement but achieving vacant possession within a reasonable timescale may be difficult, depending on the unexpired terms of the various leases. Therefore, compulsory purchase powers may be required in order to acquire all the interests in the site within a reasonable timescale. It would be difficult to make a compelling case in the public interest that the site should be used as open space, as this is contrary to local planning policy and so obtaining a confirmed compulsory purchase order would be difficult to achieve.

Availability

- 10.1.132 The site is not available to purchase and is not currently on the market.
- 10.1.133 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately, as the site is assumed to be in single freehold ownership and the owner is unlikely to want to sell part, as this could have a depreciating effect on the value of the remainder of the site.
- 10.1.134 The whole site identified could be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 10.1.135 It is likely that the whole site would have to be purchased.
- 10.1.136 An area of exchange land could be accommodated on part of the site and the remainder of the site sold. The value of the part of the site not required to be the exchange land is likely to be limited as it would be difficult to develop for a beneficial use due to the shape of the site. TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £18,000,000 (eighteen million pounds).

Prohibitive cost

- 10.1.137 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land, and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 10.1.138 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing industrial uses on the site in a protected industrial area would be difficult to justify to the local planning authority.
- 10.1.139 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 10.1.140 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.
- 10.1.141 The buildings are held on various tenancies and gaining vacant possession on commercially acceptable terms in a reasonable timeframe would be difficult.

Conclusions

- 10.1.142 The land required is not suitable as exchange land as it is not on the market, it has a number of occupying interests, and its use as open space is contrary to relevant planning policy.

Mecca Bingo, Garratt Lane

Site ID: KNGGP034

Site overview

- 10.1.143 The size of the site is approximately 11,800² (1.18ha) and it is approximately 1,126.5 metres from King George's Park.
- 10.1.144 This site is occupied by a single occupier.

Planning status

- 10.1.145 Within the *Core Strategy*, the site lies in the locally significant industrial area. *Core Strategy* Policy PL6 states that the land in the area should be used for industry and waste. PL7 also states that development should meet the needs of the local economy. Development of town centre uses will be permitted, subject to the criteria set out in DMPD Policy DMI 1.

Planning applications

- 10.1.146 There are currently no significant planning applications for this site.

Suitability

- 10.1.147 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than King George's Park.
- 10.1.148 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 10.1.149 The building on the land is currently in beneficial use and is occupied by a major leisure operator. This makes the land less suitable for exchange land than land which is not fully utilised or developed.

- 10.1.150 The occupier would have to relocate if the land were to be given as exchange land.
- 10.1.151 The site is within an area which is designated as a locally significant industrial area (LSIA). LSIA's form part of the borough's strategic reserve of employment land. *Core Strategy* policies PL6 and PL7 identify that land in these areas should be used for industry and waste, and should meet the needs of the local economy. The *Development Plan Management Document*, Policy DMI 1, states that the loss of existing B Class employment floor space will be resisted. Although the occupier is not a B Class use, it does provide jobs for the local economy. Also, given the LSIA designation of the site, any redevelopment of the site should meet the requirements of policies PL6, PL7 and DMI 1. Under Policy DMTS 11, planning permission will not be granted for loss of accommodation used for arts, culture or entertainment purposes. Therefore, use of this land as open space would be contrary to local planning policy.

Availability

- 10.1.152 The site is not available and is not currently on the market.
- 10.1.153 There is an area of car park of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately, as the remaining car parking would be insufficient for the size of the existing building.
- 10.1.154 The whole site identified could be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 10.1.155 It is likely that the whole site would have to be purchased.
- 10.1.156 An area of exchange land could be accommodated on part of the site and the remainder of the site sold. TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £2,600,000 (two million, six hundred thousand pounds).

Challenges to overcome

- 10.1.157 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing leisure use on the site, given that it is in a protected industrial area, will be difficult to justify to the local planning authority.
- 10.1.158 Demolition of existing buildings may be required as the amount of developed land will have to be reduced in order to provide adequate parking.

Conclusions

- 10.1.159 The land required is not suitable as exchange land as it is not on the market, it is in beneficial use and its use as open space is contrary to relevant planning policy.

Conclusions in respect of King George's Park sites

- 10.1.160 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. Using information available, it has been possible to determine that all of the potential replacement land sites considered are currently in active use, have been permanently developed or are allocated for development to provide beneficial uses, and that the use of the sites for open space (in preference to their existing or potential use) is contrary to relevant planning policy. Therefore, none of these sites are considered suitable as potential replacement land sites.

11 Falconbrook Pumping Station

Overview

- 11.1.1 Table 11.1 below shows the plot numbers for the permanent acquisition of land and of rights for the land which is required to be replaced. This is detailed in the Schedule accompanying the application.

Table 11.1 Falconbrook Pumping Station plot numbers

Site name	Permanent acquisition or rights	Plot no.	Plot size (sq m)
Falconbrook Pumping Station	Permanent acquisition	195	29
Falconbrook Pumping Station	Permanent acquisition	208	68
Falconbrook Pumping Station	Permanent acquisition	210	757
Falconbrook Pumping Station	Permanent acquisition	211	44
Falconbrook Pumping Station	Permanent acquisition	212	146
Falconbrook Pumping Station	Permanent acquisition	221	28
Falconbrook Pumping Station	Acquisition of rights	214	268
Falconbrook Pumping Station	Acquisition of rights	215	17

- 11.1.2 The Falconbrook Pumping Station is situated in an area of public open space known as York Gardens in Battersea in the London Borough of Wandsworth. Wandsworth Borough Council holds the freehold title in Falconbrook Pumping Station.
- 11.1.3 The Falconbrook Pumping Station will be directly affected by the Falconbrook Pumping Station preferred site. Approximately 0.1 hectares (1,000 sq metres) of this area is to be permanently acquired by the Thames Tideway Tunnel project.
- 11.1.4 The land to be acquired comprises hardstanding, shrubbery and public footpath. It is a public open space and roughly linear in shape.

Current use

- 11.1.5 Falconbrook Pumping Station is used as an operational pumping station by Thames Water and part of the land provides access to York Gardens,

which is used for dog walking and amenity space by the residents of the Winstanley Estate.

- 11.1.6 The site is largely hardstanding and incorporates the existing access road through York Gardens to the east. A public right of way runs through the site between York Road and York Gardens. The site is bounded to the north by York Gardens Adventure Playground. York Gardens Library and Community Centre is situated to the south. York Road forms the western boundary of the site. York Gardens is adjacent to the east of the site and envelops the community facilities to the north and south. An access road through York Gardens from Lavender Road to the east serves the Thames Water pumping station and the community facilities.

Surroundings

- 11.1.7 To the north, east and south of York Gardens are residential uses. The closest residential development is located approximately 45m to the east of the site beyond York Gardens at Pennethorne House. To the west, beyond the York Road A3203, there is a series of low-rise commercial buildings set among large areas of hardstanding and car parking. Beyond this, the river frontage along the south bank is characterised by dense residential development up to 15 storeys high.
- 11.1.8 Table 11.2 identifies those documents reviewed during the desktop exercise to identify potential replacement land for this site.

Table 11.2 Falconbrook Pumping Station research

Source
Wandsworth Site Specific Allocations Document (SSAD) (2012)
London Borough of Wandsworth Employment Land Study (2010)
London Strategic Housing Land Availability Assessment (2009)
Wandsworth planning application search: http://ww3.wandsworth.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx

Accessibility catchment

- 11.1.9 Falconbrook Pumping Station is located within the London Borough of Wandsworth. An accessibility catchment of 800m (0.8km) has been applied. This is based on the catchment for local parks identified in Table 6.1.
- 11.1.10 Twenty-six potential replacement land sites were identified as being within the 800m accessibility catchment during the desktop review (see Table A.4, Appendix A and the plan at Appendix B(i)).

Value of land to be replaced and date of possession

- 11.1.11 The value of the open space required, assuming development value for industrial uses, is £300,000. Possession of the site is estimated to be required in June 2018, although this could change, depending on the programme that the appointed contractor adopts.

Potential exchange sites considered

- 11.1.14 Replacement land will be sought in exchange for land that is permanently acquired. We have sought to identify replacement land totalling 1,000m² (0.1 hectares) within the Falconbrook Pumping Station 800m accessibility catchment.
- 11.1.15 The following potential replacement land sites were considered as being at least equivalent in size of the land being permanently acquired.

Sendall Court, Grant Road, SW11

Site ID: FALPS007

Site overview

- 11.1.16 The size of the site is approximately 1,700m² (0.17ha) and it is approximately 482 metres from York Gardens.
- 11.1.17 The site is currently a car park.

Planning status

Planning policy

- 11.1.18 Within the *Core Strategy*, the site does not have a designated land use but is considered suitable for a residential (*Core Strategy* policies PL5 and IS5) and commercial use, given its edge of centre location subject to NPPF sequential and impact tests, and is identified in the site-specific allocations document as being suitable for redevelopment for these uses.
- 11.1.19 The site is allocated in the *Site Specific Allocations Document* for residential or mixed use development with commercial ground floor and residential above.

Planning applications

- 11.1.20 There are currently no significant planning applications for this site.

Suitability

- 11.1.21 The site is of at least equivalent size to Falconbrook Pumping Station
- 11.1.22 The site is assumed to be in single freehold ownership which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 11.1.23 The site comprises of a hard standing levelled concrete surface. This would be suitable for open space land as there would be very little demolition cost.
- 11.1.24 The site is accessible by vehicle and by foot. It is larger than the open space taken, although not significantly, and the remaining area which is not required for exchange land may be difficult to develop on its own.
- 11.1.25 The site is allocated in the *Site Specific Allocations Document* for residential or mixed use development with commercial ground floor and residential above. The site is considered suitable for residential development and will therefore provide capacity that will help to achieve

the council's target for 3,750 additional homes to 2021, as set out in *Core Strategy* Policy PL5. The use of the site for open space would be contrary to local planning policy.

Availability

- 11.1.26 The site is not available and is not currently on the market.
- 11.1.27 As the site is currently a car park we would assume that an open space can be created.
- 11.1.28 If the site was divided, we consider this is likely to have a depreciating effect on the value of the surplus land.
- 11.1.29 However, we would assume that there would be potential to sell the surplus land.
- 11.1.30 The current programme estimate for the land to be taken is June 2018. Therefore if land were to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the site.

Estimated cost if available to purchase

- 11.1.31 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £3,000,000 (three million pounds).

Prohibitive cost

- 11.1.32 The site is suitable in terms of size but is in beneficial use as a car park to the adjacent residential block, and is therefore not available. It is considered that the cost of acquisition is prohibitive on the basis that the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land.

Challenges to overcome

- 11.1.33 The likelihood of gaining planning permission to provide open space replacement as an alternative to the current ancillary residential use would be difficult to justify to the local planning authority.

Conclusions

- 11.1.34 The site is within the accessibility catchment and meets the size requirements, and therefore could be considered 'suitable land available to be given in exchange for the order land'. In addition, the site is a single ownership which makes it more suitable to provide exchange land and is a car park which will require little demolition costs. However, the site is not available and is currently not on the market. It is also only available at a prohibitive cost.

Fairchild Close, SW11

Site ID: FALPS022

Site overview

- 11.1.35 The size of the site is approximately 6,000m² (0.6ha) and it is approximately 482 metres from York Gardens.
- 11.1.36 The site is currently a residential estate. The estate links on to Wye Street and then on to York Road.

Planning status

Planning policy

- 11.1.37 Within the *Core Strategy*, the site does not lie within a designated land use area. Policy DMH 1 states that the loss of residential will only be permitted in very limited circumstances and these do not include loss to enable the creation of open space

Planning applications

- 11.1.38 There are currently no significant planning applications for this site.

Suitability

- 11.1.39 The total area is approximately six times larger than York Gardens and fully developed.
- 11.1.40 We have assumed the site is in multiple ownership and will require the demolition of a number of buildings. This makes the site less suitable to exchange compared to land which is not fully utilised or developed.
- 11.1.41 The buildings on the land are in beneficial use for residential purposes. This makes the site less suitable for exchange land compared to land which is not fully utilised or developed.
- 11.1.42 The residents would have to relocate if the land were to be given as exchange land.

Availability

- 11.1.43 The site is not available and is not on the market.
- 11.1.44 There is an area of equivalent size to the land to be replaced within the identified site and the interests could be acquired independently of the remainder of the site.
- 11.1.45 Due to the number of interests to acquire, it is likely that compulsory purchase powers would have to be used in order to acquire the required land. The London Borough of Wandsworth *Development Management Plan Document* (2011), Policy DM H1, protects residential land and buildings from development that would lead to the net loss of residential units or land previously used for residential purposes. Therefore, demolition of buildings for the use of the site for open space at the expense of residential accommodation would be contrary to local planning policy, and a confirmed compulsory purchase order would be difficult to achieve.

Estimated cost if available to purchase

- 11.1.46 An area of exchange land of equivalent size to the land to be replaced could be accommodated and the remainder of the site would be resold.
- 11.1.47 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £6,000,000 (six million pounds).

Prohibitive cost

- 11.1.48 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 11.1.49 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing residential will be difficult to justify to the local planning authority as it is contrary to local planning policy.
- 11.1.50 The demolition of existing buildings would be required to provide vacant land, significantly increasing cost.
- 11.1.51 Obtaining vacant possession in a reasonable timeframe would be difficult.
- 11.1.52 The demolition of established residential buildings would displace residents and could lead to hardship.
- 11.1.53 The site is surrounded by residential properties which could be disrupted by construction works.

Conclusions

- 11.1.54 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order of land'. However, the land is multiple ownership, its use as open space is contrary to planning policy and it is not available to purchase.

Heliport Industrial Estate, Bridges Court

Site ID: FALPS023

Site overview

- 11.1.55 The size of the site is approximately 3,300m² (0.33ha) and it is approximately 321 metres from York Gardens.
- 11.1.56 The site is an industrial estate comprising 19 industrial units in two terraces. The site is located on Lombard Road, which leads onto York Road.

Planning status

Planning policy

- 11.1.57 Within the *Core Strategy*, the site lies in the locally significant industrial area. *Core Strategy* Policy PL6 advises that the land in the area should be used for industry and waste. The site lies within the Thames Policy Area (*Core Strategy*, policies PL6 and PL9) where replacement of employment uses is required. PL7 advises that development should meet the needs of the local economy.

Planning applications

- 11.1.58 There are currently no significant planning applications for this site.

Suitability

- 11.1.59 The site identified is fully developed and is accessible by vehicle and by foot.
- 11.1.60 The total site area is larger in size than Falconbrook Pumping Station but an area of a similar size to the exchange land could be accommodated on part of the site if some of the existing buildings were demolished.
- 11.1.61 We have assumed the site is in multiple ownership and will require the demolition of a number of buildings. This makes the site less suitable to exchange compared to land which is not fully utilised or developed.
- 11.1.62 The buildings on the land are currently in beneficial use and are occupied by a variety of commercial occupiers. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 11.1.63 Due to the number of interests to acquire, it is likely that compulsory purchase powers would have to be used in order to acquire the required land. Heliport Industrial Estate is currently used for employment purposes. The site is occupied by businesses and is in an accessible location, close to Wandsworth town centre, making this a good location for business use. Although not protected under the council's employment policies, the site is providing premises that are providing jobs for the local economy. The NPPF makes it clear that the planning system should support economic growth in order to create jobs and prosperity (paragraph 18). The site is in the Thames Policy Area; Policy PL6 of the *Core Strategy* identifies this area as an important area for meeting the needs of the local economy, and it seeks the provision of employment floor space in new mixed use developments. It is considered that it would be difficult to demonstrate that there is a compelling case in the public interest to move businesses off the site in order to develop the site for open space, as this is contrary to national and local planning policy aims of creating jobs and prosperity.
- 11.1.64 The range of commercial businesses on the land would mean that they would have to relocate if the land was to be given as exchange land.

Availability

- 11.1.65 The site is not available and is not currently on the market.

- 11.1.66 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately as the site is assumed to be in single freehold ownership and it is likely that the owner will want to have control of the whole estate.
- 11.1.67 The whole site identified could be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 11.1.68 We have assumed the site is in a single freehold ownership and subject to multiple occupational interests.
- 11.1.69 The nature and layout of the building on site would require the whole site and building to be acquired.
- 11.1.70 An area of exchange land of equivalent size to the land to be replaced could be accommodated and the remainder of the site would be resold.
- 11.1.71 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £3,600,000 (three million, six hundred thousand pounds).

Prohibitive cost

- 11.1.72 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 11.1.73 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing industrial use would be difficult to justify to the local planning authority as it is contrary to local planning policy.
- 11.1.74 Demolition of existing buildings would be required to provide vacant land, significantly increasing cost.
- 11.1.75 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.
- 11.1.76 The buildings are likely to be in multiple ownership and gaining vacant possession on commercially acceptable terms in a reasonable timeframe would be difficult.

Conclusions

- 11.1.77 The site is within the accessibility catchment and meets the size requirements, and therefore could be considered 'suitable land available to be given in exchange for the order land'. However, the site is in multiple ownership and will require the demolition of a number of buildings. In addition the buildings is currently used for the beneficial use and occupied

by a variety of commercial occupiers which would mean the relocation of a number of occupiers.

- 11.1.78 Furthermore, the likelihood of gaining planning permission to provide open space replacement as an alternative to the existing industrial use would be difficult to justify to the local planning authority as it is contrary to local planning policy.

Site C: Farris Candle Store, York Road

Site ID: FALPS024

Site overview

- 11.1.79 The size of the site is approximately 3,800m² (0.38ha) and it is approximately 161 metres from Falconbrook Pumping Station.
- 11.1.80 The site comprises a 19th century warehouse with car parking which is situated on the York Road, close to the junction with Bridges Court. It is used as a retail outlet.

Planning status

Planning policy

- 11.1.81 The site lies within the Thames Policy Area (*Core Strategy*, policies PL6 and PL9) where replacement of employment uses is required. The site is allocated in the *Wandsworth Site Specific Allocations Document* as suitable for redevelopment for residential. No employment generating uses are required as the site is outside of a focal point of activity (DMPD Policy DMI3).

Planning applications

- 11.1.82 There are no relevant planning permissions. A number of planning applications for residential development have been submitted. They have been refused due to over-dominant massing and inadequate provision of affordable housing.

Suitability

- 11.1.83 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than Falconbrook Pumping Station but an area of exchange land could be accommodated on the land if the existing buildings were to be demolished.
- 11.1.84 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 11.1.85 The building on the land is currently in beneficial use. This makes the land less suitable for exchange land than land which is not fully utilised or developed. The current business on the land will have to relocate if the land was to be given as exchange land. However, the business may have to relocate in the future as it is anticipated that, with the right scheme, permission for residential development will be granted.

- 11.1.86 Farris Candle Store is a retail outlet. The site is in the Thames Policy Area; Policy PL6 of the *Core Strategy* identifies this area as an important area for meeting the needs of the local economy, and it seeks the provision of employment floor space in new mixed use developments. Policy PL9 promotes the Thames Policy as an area for providing new homes, jobs, leisure and social facilities. It is considered that it will be difficult to demonstrate that there is a compelling case in the public interest to move a business off the site in order to develop the site for open space, as this is contrary to the local planning policy aims for the area.
- 11.1.87 If the site was divided up, we would assume that this would depreciate the value of the surplus land.

Availability

- 11.1.88 The land is not available and is not currently on the market.
- 11.1.89 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately as the site is assumed to be in single freehold ownership.
- 11.1.90 This site is allocated for residential development and it is unlikely the freehold owner would wish to dispose of its interest in part only, as this could depreciate the value of the remainder of the site.
- 11.1.91 The whole site identified could be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 11.1.92 TWUL has assumed the site is in a single freehold ownership.
- 11.1.93 An area of exchange land of equivalent size to the land to be replaced could be accommodated on the site and the remainder of the site would be resold.
- 11.1.94 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £700,000 (seven hundred thousand pounds).

Prohibitive cost

- 11.1.95 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 11.1.96 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the community would be difficult to justify to the local planning authority.

- 11.1.97 The timing of any redevelopment to create open space would be subject to reaching agreement with the freehold owner, and gaining vacant possession on commercially acceptable terms in a reasonable timeframe would be difficult.

Conclusions

- 11.1.98 The site meets the size requirements for the replacement land but is currently in beneficial use and its use for opens space at the expense of the current employment generating uses is contrary to planning policy, therefore it is not suitable as replacement land.

Travelodge, York Road

Site ID: FALPS025

Site overview

- 11.1.99 The size of the site is approximately 2,700m² (0.27ha) and it is approximately 321 metres from Yorks Gardens.
- 11.1.100 The site is currently a Travelodge hotel on five storeys. The site is located on Garton Way, which leads onto York road.

Planning status

Planning Policy

- 11.1.101 The Travelodge hotel is in the Thames Policy Area; Policy PL6 of the *Core Strategy* identifies this area as an important area for meeting the needs of the local economy and it seeks the provision of employment floor space in new mixed use developments. Policy PL9 promotes the Thames Policy as an area for providing new homes, jobs, leisure and social facilities. The hotel is in close proximity to Wandsworth town centre and within easy reach of Clapham Junction station, therefore the current hotel use is compatible with the council's aims (set out in DMPD Policy DMTS 12) to locate hotels in areas where there is good public transport accessibility.

Planning applications

- 11.1.102 There are currently no significant planning applications for this site.

Suitability

- 11.1.103 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than Falconbrook Pumping Station and is fully developed, but an area of exchange land could be accommodated on the land if the existing building is demolished.
- 11.1.104 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 11.1.105 If the site was divided up, the whole building would have to be demolished in order to sell the surplus land.

- 11.1.106 The building on the land is currently in beneficial use. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 11.1.107 The current hotel operator will have to relocate if the land were to be given as exchange land.

Availability

- 11.1.108 The site is not available and is currently not on the market.
- 11.1.109 There is an area of equivalent size to the land to be replaced within the identified site but this area of land cannot be acquired separately, as the site is assumed to be in single freehold ownership and comprises one building. The whole site could be purchased and the surplus land sold. However, this is likely to be at a lower figure as its value will be depreciated by being severed from the exchange land parcel.

Estimated cost if available to purchase

- 11.1.110 TWUL has assumed the site is in a single freehold ownership.
- 11.1.111 The nature and layout of the building on site would require the whole site and building to be acquired.
- 11.1.112 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £14,300,000 (fourteen million, three hundred thousand pounds).

Prohibitive cost

- 11.1.113 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 11.1.114 The likelihood of gaining planning permission to provide open space replacement as an alternative to the current hotel use would be difficult to justify to the local planning authority.
- 11.1.115 Demolition of existing buildings would be required to provide vacant land, significantly increasing cost.
- 11.1.116 The timing of any redevelopment to create open space would be subject to reaching an agreement with the freeholder and the hotel operator.

Conclusions

- 11.1.117 The total site area is larger in size than Falconbrook Pumping Station and is fully developed, but an area of exchange land could be accommodated on the land if the existing building is demolished. In addition the site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.

However, the current hotel operator will have to relocate if the land were to be given as exchange land, and the likelihood of gaining planning permission to provide open space replacement as an alternative to the current hotel use would be difficult to justify to the local planning authority.

23-27 Plough Road

Site ID: FALPS026

Site overview

- 11.1.118 The size of the site is approximately 700m² (0.07ha) and it is approximately 321 metres from Falconbrook Pumping Station.
- 11.1.119 The site comprises five houses which are derelict and vacant. The site is located on Plough Road, just off York Road.

Planning status

- 11.1.120 Within the *Core Strategy*, the site does not lie in a designated area.

Planning applications

- 11.1.121 In 2012, planning permission was granted for the redevelopment of the site, along with St Paul's Church, for the demolition of all the existing buildings, the construction of a new church, community building and 69 residential units.

Suitability

- 11.1.122 The site identified is developed but the buildings are vacant and have planning permission for the development described above.
- 11.1.123 The site is accessible by vehicle and by foot.
- 11.1.124 The total site area is smaller than York Gardens and the site alone cannot provide exchange land for the land being acquired.
- 11.1.125 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 11.1.126 The London Borough of Wandsworth *Development Management Plan Document* (2011), Policy DM H1, protects residential land and buildings from development that would lead to the net loss of residential units or land previously used for residential purposes. Therefore, demolition of buildings, previously used for residential, for open space would be contrary to local planning policy. Similar planning considerations would apply to the proposed redevelopment of the site.

Availability

- 11.1.127 The site is not available and is not currently on the market, and is proposed to be developed.

Estimated cost if available to purchase

- 11.1.128 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure

estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £1,500,000 (one million, five hundred thousand pounds).

Prohibitive cost

- 11.1.129 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 11.1.130 The site is too small to provide appropriate exchange land on its own. Another site will have to be identified that can be combined with this site to replace the open space sought in the order.
- 11.1.131 Furthermore, the likelihood of gaining planning permission to provide open space replacement as an alternative to the proposed uses for the site would be difficult to justify to the local planning authority as it is contrary to local planning policy.
- 11.1.132 Demolition of existing buildings would be required to provide vacant land, significantly increasing cost.
- 11.1.133 The timing of any redevelopment to create open space would be subject reaching an agreement with the freeholder.

Conclusion

- 11.1.134 The site can be accessed by vehicle and by foot, however the total site area is smaller than Falconbrook Pumping Station therefore the site alone cannot provide exchange land for the land being acquired.
- 11.1.135 Furthermore, it would be highly unlikely that the existing freeholder would sell its interest because of its long-term investment potential from the future redevelopment of the site as a whole.

Conclusions in respect of Falconbrook Pumping Station sites

- 11.1.136 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. Using available information, it has been possible to determine that all the potential replacement land sites are currently in active use, have been permanently developed or are allocated for development to provide beneficial use and their use as open space is contrary to planning policy. Therefore none of these sites are considered suitable as potential replacement land sites.

12 Chelsea Embankment Foreshore (land)

Overview

- 12.1.1 Table 12.1 below shows the plot numbers for the permanent acquisition of land which is required to be replaced. This is detailed in the Schedule accompanying the application.

Table 12.1 Chelsea Embankment Foreshore plot numbers

Site name	Permanent acquisition or rights	Plot no.	Plot size (sq m)
Chelsea Embankment Foreshore	Permanent acquisition	42	127
Chelsea Embankment Foreshore	Permanent acquisition	44	450

- 12.1.2 The Chelsea Embankment Foreshore site comprises an area of the foreshore of the River Thames on the opposite side of Chelsea Embankment (A3212) from the Bull Ring Gate of the Royal Hospital Chelsea (the 'RHC') South Grounds and a small southern section of Ranelagh Gardens.
- 12.1.3 The present-day Chelsea Embankment was created by Sir Joseph Bazalgette as part of the Victorian sewer system for London and was completed in 1874.
- 12.1.4 Chelsea Embankment is a two-way single carriageway suitable for heavy goods vehicles and other long vehicles. It is a Transport for London Red Route.
- 12.1.5 The foreshore site falls within the Thames Conservation Area and is considered to be functional flood plain. It also falls within the designated Crossrail 2 Safeguarded Zone. The River Thames is designated as the River Thames (including Chelsea Creek) Site of Nature Conservation Importance (Metropolitan). Chelsea Embankment Foreshore and the Ranelagh Gardens site is within the Royal Hospital Conservation Area and the gardens are a Site of Nature Conservation Importance.
- 12.1.6 The land to be replaced comprises plots 42 and 44. Plot 42 is part of a small area of open space between Chelsea Embankment and the river. Plot 44 is part of Ranelagh Gardens.

Current use

- 12.1.7 Chelsea Embankment Gardens provides informal public amenity space, whilst Ranelagh Gardens is a formal park.

Surroundings

- 12.1.8 The Chelsea Embankment Foreshore work site is bounded to the north by the RHC, the RHC South Grounds and Ranelagh Gardens, which together are a designated Grade II registered park and garden. To the east lies Chelsea Bridge Gardens, which are adjacent to Chelsea Bridge Road and Chelsea Bridge, which crosses the River Thames to the London Borough of Wandsworth. Lister Hospital is to the east of Chelsea Bridge Road, in the City of Westminster.
- 12.1.9 The River Thames surrounds the foreshore site to the east, south and west.
- 12.1.10 The RHC South Grounds and Ranelagh Gardens are used for major events for several months each year, such as the Royal Horticultural Society's Chelsea Flower Show and the Masterpiece London art fair. The grounds are publicly accessible via the Bull Ring Gate or Royal Hospital Road when not occupied by these events.
- 12.1.11 Table 12.2 identifies those documents reviewed during the desktop exercise to identify potential replacement land for this site.

Table 12.2 Chelsea Embankment Foreshore research

Source
City of Westminster Core Strategy Proposals Map (2011)
London Strategic Housing Land Availability Assessment (2009)
Royal Borough of Kensington and Chelsea Employment Land Review Update (2009)
Royal Borough of Kensington & Chelsea Core Strategy Proposals Map (2010)
Westminster planning applications search: http://idoxpa.westminster.gov.uk/online-applications/

Accessibility catchment

- 12.1.12 Chelsea Embankment and Ranelagh Gardens are located within the Royal Borough of Kensington and Chelsea. An accessibility catchment of 400m (0.4km) has been applied. This is based on the accessibility catchment for local parks identified in Table 6.1.
- 12.1.13 Five potential replacement sites were identified as being within the 400m accessibility catchment during the review (see Table A.5, Appendix A and plan at Appendix B(i)).

Value of the land to be replaced and date of possession

- 12.1.14 For the purposes of assessing 'prohibitive cost' the value of the land to be replaced has been assessed as industrial development land. An average value per ha for industrial development land in this borough has been used. This results in a value of £200,000. The shape, size and suitability for development of the land to be replaced have not been taken into account. If these characteristics were taken into account, the figure would be much lower.

- 12.1.15 The land to be replaced at Chelsea Embankment is expected to be needed in June 2014 for utility works and in 2017 for main works.

Potential exchange sites considered

- 12.1.16 Potential replacement land has been sought in exchange for land that will be permanently acquired. We have sought to identify replacement land totalling 577m² (0.06 hectares) within the Chelsea Embankment Foreshore 400m accessibility catchment.
- 12.1.17 The following potential replacement land sites were identified as being at least equivalent in size to the land begin permanently acquired.

Chelsea Barracks, Chelsea Bridge Road, SW1

Site ID: CHEEF001

Site overview

- 12.1.18 The size of the site is approximately 50,150m² (5.15ha) and it is approximately 500 metres from Chelsea Embankment Foreshore.
- 12.1.19 Chelsea Barracks was a British Army barracks located in the City of Westminster, London, adjacent to Chelsea, on Chelsea Bridge Road.
- 12.1.20 The land is accessible by vehicle and by foot.

Planning status

Planning policy

- 12.1.21 Within the *Core Strategy*, the site is allocated for residential, community, local services and green open space for play.

Planning application

- 12.1.22 Planning permission was granted (application no 11/12403/OUT; granted 15 March 2012; phase 1) for the demolition of existing former barracks buildings and warehouse (Dove Walk) in connection with the redevelopment of part of the site for mixed use purposes comprising residential (a maximum of 448 units), sports centre (Class D2), retail (flexible use within Class A1/A2/A3), health centre (Class D1), non-residential institution/leisure uses (flexible use within Classes D1 and/or D2); hard and soft landscaping and open space; reconfigured and new vehicular and pedestrian accesses and works to the public highway; together with all associated works including the construction of basement to provide ancillary vehicular and cycle parking, circulation, servicing and plant areas. Alterations to perimeter railings.
- 12.1.23 Work was expected to start in November 2013.

Suitability

- 12.1.24 The land is much larger than the land to be replaced.
- 12.1.25 It is in single ownership.
- 12.1.26 This site has been identified on Westminster's proposals map as Site 25, Chelsea Barracks, Chelsea Bridge Road, SW12. Proposal sites are

identified as being of strategic importance to the delivery of the *Westminster Core Strategy* and include sites necessary for the delivery of major infrastructure projects, or for the regeneration of an area. Preferred uses for the Chelsea Barracks site include residential, community and local services, including shops and green open space for play.

- 12.1.27 This site falls under *Westminster Core Strategy*, Policy CS13, Outside the CAZ and NWEDA. This policy states that areas outside the Central Activities Zone and the North Westminster Economic Development Area will be primarily for residential use, with supporting social and community provision. Use of this site for open space is not explicitly supported by current policy, but use of a small part of the site as open space would be likely to be acceptable.

Availability

- 12.1.28 The site is not available and is currently not on the market. Compulsory purchase powers would be needed to acquire the sites. However, it would be difficult to demonstrate that there is a compelling case in the public interest, and therefore obtain a confirmed compulsory purchase order would be difficult to achieve.
- 12.1.29 It is unlikely that a small part of the site could be acquired by agreement as this may have a depreciating effect on the value of the remainder of the site.
- 12.1.30 The whole site identified would need to be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 12.1.31 TWUL has carried out a property cost estimate using the information available and on the basis on the assumptions set out in the methodology section. The total figure estimated for replacing the land to be replaced and creating the open space is estimated to be in excess of £6,900,000 (six million, nine hundred thousand pounds).

Prohibitive cost

- 12.1.32 The site has failed the availability test and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 12.1.33 Acquisition of part of the site would be difficult to negotiate as the site is part of a major development site. It may be possible to acquire the whole site, but the developer is unlikely to want to sell except at a premium price, which would be cost prohibitive.

Conclusions

- 12.1.34 This site is not suitable as exchange land because:
- a. the land required is not currently on the market;

- b. the acquisition cost is prohibitive.

Units 70-75 Duke of York Square

Site ID: CHEEF002

Site overview

- 12.1.35 The size of the site is approximately 600m² (0.06ha) and it is approximately 1,000 metres from the land to be replaced.
- 12.1.36 The site is a row of retail units. It is situated along the Kings Road, close to Sloane Square.
- 12.1.37 The land is accessible by vehicles and by foot.

Planning status

Planning policy

- 12.1.38 Within the *Core Strategy*, the site is designated in a major shopping area.

Planning application

- 12.1.39 There are currently no significant planning applications for this site.

Suitability

- 12.1.40 The site is large enough to be exchange land for the land to be replaced.
- 12.1.41 It is in multiple-ownership.
- 12.1.42 The site is in beneficial use and the demolition of the buildings on the site would be required together with the relocation of the occupiers.
- 12.1.43 The use of the site as open space would be contrary to planning policy, which protects retail use on the Kings Road.
- 12.1.44 This site is identified on the proposals map and within the *Core Strategy* as a Major Shopping Centre. The site is affected by *Core Strategy* Policy CP 15, Kings Road/Sloane Square, which states that the council will ensure King's Road and Sloane Square remains one of London's iconic and vibrant shopping streets, by supporting proposals likely to favour independent retailers and small, upmarket chains. The site is not affected by any strategic allocations.
- 12.1.45 The site is also affected by *Core Strategy* Policy CF 3, Diversity of uses within Town Centres. This policy sets out to protect all shops and shop floor space at ground floor level in primary and secondary retail frontages, including Kings Road, unless the change is to another town centre use.

Availability

- 12.1.46 The site is not available on the market. Compulsory purchase powers would be needed to assemble the site. However, it will be difficult to demonstrate that there is a compelling case in the public interest and therefore obtaining a confirmed compulsory purchase order would be difficult to achieve.

Estimated cost if available to purchase

- 12.1.47 We have carried out an initial property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is estimated to be in excess of £9,000,000 (nine million pounds).

Challenges to overcome

- 12.1.48 The likelihood of gaining planning permission to provide open space is very limited as the loss of the existing retail uses in favour of open space would be contrary to the council's planning policy. This also means that it is unlikely that a confirmed compulsory purchase order could be obtained on the site in order to assemble the requisite interests.

Conclusions

- 12.1.49 This site is not suitable as exchange land because:
- the site is in multiple ownership
 - demolition of shops would be required
 - loss of the retail units to provide open space would be contrary to local planning policy
 - the site is not currently on the market
 - the acquisition cost is prohibitive.

7 Holbein Place

Site ID: CHEEF003

Site overview

- 12.1.50 The size of the site is approximately 900m² (0.09ha) and it is approximately 1,300 metres from Chelsea Embankment Foreshore.
- 12.1.51 The site is currently an office building. It is located on Holbein Place, just off Sloane Square.
- 12.1.52 The site identified is fully developed and is accessible by vehicle and by foot.

Planning status

Planning policy

- 12.1.53 Within the *Core Strategy*, the site is within an area which provides strategic support for offices.

Planning application

- 12.1.54 There are currently no significant planning applications for this site.

Suitability

- 12.1.55 The total site area is larger than the land to be replaced.

- 12.1.56 The site is in multiple ownership.
- 12.1.57 The buildings on the land are currently occupied by a variety of commercial occupiers. It will be difficult to only take part of the site as all the buildings will have to be demolished.
- 12.1.58 The site is in beneficial use and the demolition of the buildings on the site would be required together with the relocation of the occupiers.
- 12.1.59 The *Westminster Core Strategy* supports offices as a strategic use. However, due to unique pressures for office space and long-term stability in provision, it is not considered necessary to provide a specific policy to protect offices. The site is affected by Policy CS13, Outside the CAZ and NWEDA, which states future development should consist primarily of residential and supporting services. Therefore the loss of employment generating use (ie. offices) or potential residential accommodation in favour of public open space would be not accord with planning policies.
- 12.1.60 Compulsory purchase powers would be needed to acquire the freehold interest and the leasehold interests. However as the proposed open space use would be in conflict with local planning policy designation for the site, a confirmed compulsory purchase order would be difficult to achieve.

Availability

- 12.1.61 The site is not available and is not currently on the market.
- 12.1.62 There is no reasonable prospect of the site being acquired via compulsory purchase before the compulsory acquisition of the land to be replaced.

Cost if available to purchase

- 12.1.63 The nature and layout of the building on site would require the whole site and buildings to be acquired.
- 12.1.64 We have carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is estimated to be in excess of £28,000,000 (twenty-eight million pounds).

Prohibitive cost

- 12.1.65 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 12.1.66 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing use is limited.
- 12.1.67 Compulsory purchase powers would be needed and would be difficult to achieve.

12.1.68 There is no reasonable prospect of the site being acquired via compulsory purchase before the compulsory acquisition of the land to be replaced.

12.1.69 Demolition of existing buildings would be required to provide vacant land.

Conclusions

12.1.70 This site is not suitable as exchange land because:

- a. the site is in multiple ownership
- b. demolition of buildings would be required
- c. use of the site for open space would be contrary to local planning policy
- d. the site is not currently on the market
- e. the acquisition cost is prohibitive.

48-56 Ebury Bridge Road

Site ID: CHEEF004

Site overview

12.1.71 The size of the site is approximately 100m² (0.1ha) and it is approximately 600 metres from the land to be replaced.

12.1.72 The site is currently a garage which provides MOTs, vehicle servicing and repairs, car wash and valeting.

12.1.73 The site is developed and is accessible by vehicle and by foot.

Planning status

Planning policy

12.1.74 Within the *Core Strategy*, the site is in an employment area. It is considered that the site is suitable for redevelopment with commercial space on the ground floor with residential above.

Planning application

12.1.75 There are currently no significant planning applications for this site.

Suitability

12.1.76 The site area is much smaller than the land to be replaced and would not therefore provide a suitable exchange for the order land.

12.1.77 The site is thought to be in single freehold ownership.

12.1.78 The buildings on the land are currently in beneficial use.

12.1.79 The site is affected by *Core Strategy* Policy CS24, Heritage, as the site falls within a conservation area. The site is also affected by Policy CS13, Outside the CAZ and NWEDA, which states future development should consist primarily of residential and supporting services.

12.1.80 *Draft City Management Plan* CMP 1.7, Commercial Uses in predominantly residential areas, states that the loss of A1 or non-A1 retail uses will only

be allowed where the unit has been vacant for 12 months, the council is satisfied that attempts to let the unit at reasonable rent levels have been unsuccessful and the change is a use that supports the local residential community.

- 12.1.81 Use of this site as open space is not therefore supported by planning policy, where other uses are favoured.

Availability

- 12.1.82 The site is not available and is not currently on the market.

Cost if available to purchase

- 12.1.83 TWUL has carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is estimated to be in excess of £4,700,000 (four million, seven hundred pounds).

Prohibitive cost

- 12.1.84 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land at this site would be prohibitive.

Challenges to overcome

- 12.1.85 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing commercial use is limited.
- 12.1.86 Compulsory purchase powers would be needed and would be difficult to achieve.
- 12.1.87 There is no reasonable prospect of the site being acquired via compulsory purchase before the compulsory acquisition of the land to be replaced.
- 12.1.88 Demolition of existing buildings would be required to provide vacant land.

Conclusions

- 12.1.89 This site is not suitable as exchange land because:
- a. it is smaller than the land to be replaced
 - b. demolition of commercial buildings would be required
 - c. use of the site for open space in preference to other key uses (ie. employment generating or potential residential) would be contrary to local planning policy
 - d. the site is not currently on the market
 - e. the acquisition cost is prohibitive.

24-46 St Barnabus Street

Site ID: CHEEF005

Site overview

- 12.1.90 The size of the site is 1,500m² (0.15 ha) and it is approximately 321 metres from Chelsea Embankment Foreshore.
- 12.1.91 The site is a row of terrace Victorian houses. The site lies on St Barnabus Street, which links onto Ebury Bridge Road and then onto the trunk road the A3216.

Planning status

- 12.1.92 Within the City of Westminster *Core Strategy*, the site is not in a specific designated area.

Planning applications

- 12.1.93 There are currently no significant extant planning applications for this site.

Suitability

- 12.1.94 The land is accessible by vehicle and by foot, and is at least equivalent in size to the order land parcels at Chelsea Embankment Foreshore.
- 12.1.95 The site is in multiple ownership. This makes it less suitable to provide exchange land than a site in single ownership. The buildings on the land are in beneficial use and occupied by a number of residents. This makes the land less suitable for exchange land than land which is not fully utilised or developed.

Availability

- 12.1.96 The site is not available to purchase and is not currently on the market.
- 12.1.97 Due to the number of interests to acquire, it is likely that compulsory purchase powers would have to be used to acquire the required land. However, as the loss of residential units is likely to be contrary to local planning policy, a confirmed compulsory purchase order would be difficult to achieve.

Cost if available to purchase

- 12.1.98 The site is not available to purchase and is not currently on the market.
- 12.1.99 It is likely that, due to the configuration of the existing buildings, the whole site will have to be acquired. If there is surplus land, this can be disposed of.
- 12.1.100 TWUL has carried out a property cost estimate on the basis of the assumptions set out in the methodology section. The total figure estimated for property costs, at the date of this report, is estimated to be in excess of £24,000,000 (twenty-four million pounds).

Prohibitive cost

- 12.1.101 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However, the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 12.1.102 The likelihood of gaining planning permission to provide open space replacement as an alternative to the current beneficial (residential) use would be difficult to justify to the local planning authority.
- 12.1.103 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 12.1.104 The timing of any redevelopment to create open space would be subject to the nature of third party occupational agreements or achieving a confirmed compulsory purchase order.

Conclusions

- 12.1.105 The land required is not suitable as exchange land as it is not on the market, is in multiple ownership and the loss of residential accommodation is contrary to relevant planning policy.

Conclusions in respect of Chelsea Embankment Foreshore sites

- 12.1.106 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. None of the sites identified above are considered suitable as potential replacement land sites due to failing suitability, availability and prohibitive cost tests.

13 Albert Embankment Foreshore (foreshore)

Overview

- 13.1.1 The area of foreshore is located in Vauxhall in the London Borough of Lambeth.
- 13.1.2 The foreshore will be directly affected by the Albert Embankment Foreshore preferred site. Approximately 6,152m² of the foreshore will be permanently acquired by the Thames Tideway Tunnel project. Table 13.1 below identifies the plots that will be acquired under Section 131, there are no plots where rights will be acquired under Section 132. The Schedule provided with the application provides full details of land that will be permanently acquired or where rights will be acquired.

Table 13.1 Albert Embankment Foreshore plot numbers

Site name	Land or foreshore	Plot numbers	Total area (m ²)	s.131 or s.132
Albert Embankment Foreshore	Foreshore	14, 15, 20, 22, 23, 28, 29, 33, 37	6,152	s.131

Current use

- 13.1.3 Albert Embankment Foreshore consists solely of the foreshore of the River Thames which is accessible to the general public during periods of low tide. The foreshore can be used by the public for walking, sitting out and relaxation and there is a slipway allowing access to the foreshore at this location which is used by a river tours company to access the river.

Surroundings

North

- 13.1.4 To the north of the foreshore is the Tamesis Dock floating pub and beyond that is Lambeth Bridge.

East

- 13.1.5 To the east of the foreshore are the Vauxhall Cross and Camelford House large office buildings.

West

- 13.1.6 The River Thames bounds the foreshore to the west. On the opposite bank of the River Thames is an open space, a site that has been cleared for redevelopment, the Morpeth Arms public house and residential premises on Milbank.

South

- 13.1.7 The listed Vauxhall Bridge lies to the south of the foreshore. Beyond the bridge are Thames View apartments and St George Wharf, where there

are offices, residential premises and retail units; occupiers include the London Borough of Lambeth and a Tesco supermarket.

Accessibility catchment

- 13.1.8 In accordance with the methodology set out in Section 6.4, an accessibility catchment of 400m (0.4km) has been applied to the foreshore. There are no defined accessibility catchments for foreshore (either in borough or GLA policies) so the catchment is based on assuming that due to the nature of foreshore, the majority of informal recreational users are likely to travel a maximum of 400m by foot from the point of access to use the foreshore.
- 13.1.9 The area of search for replacement foreshore has been defined as any foreshore within 400m of the existing access point (walking distance following footways), including land on the opposite side of the river where it can be reached by a bridge.

Potential exchange sites considered

- 13.1.10 All the areas of foreshore for 400m in each direction from the affected foreshore was assessed on site to determine whether additional access points could be provided which would allow access to suitable foreshore which is currently inaccessible for the general public use. In addition foreshore across the river via Vauxhall Bridge was also considered. However, the distance from the order land to the foreshore on the opposite bank of the Thames is greater than 400m when actual walking distance along footways and steps is considered. Similarly, the area identified north of the order land is further than 400m. The plans at Appendix B(ii) illustrates both areas and the walking distance.
- 13.1.11 Therefore, it is concluded there is no suitable replacement foreshore areas for the order land. There are therefore no suitable or available sites for which a cost assessment can be carried out, in order to determine whether new access can be provided to an area of previously inaccessible foreshore.
- 13.1.12 At Albert Embankment all the foreshore 400m in either direction of the order land is accessible to the public at present, so there is no scope for providing additional access within 400m which would provide public access to currently inaccessible foreshore.

Conclusions in respect of Albert Embankment Foreshore site

- 13.1.13 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding section. The information provided illustrates how provision of replacement land for the foreshore plots is not feasible in this instance.

14 Deptford Church Street (land)

Overview

- 14.1.1 Table 14.1 below shows the plot numbers for the permanent acquisition of land which is required to be replaced. This is detailed in the Schedule accompanying the application.

Table 14.1 Deptford Church Street plot numbers

Site name	Permanent acquisition or rights	Plot no.	Plot size (sq m)
Deptford Church Street	Permanent acquisition	155	38
Deptford Church Street	Permanent acquisition	156	2,684
Deptford Church Street	Permanent acquisition	160	1,100
Deptford Church Street	Permanent acquisition	161	400
Deptford Church Street	Permanent acquisition	162	13

- 14.1.2 The public open space situated between Crossfield Street and Coffey Street (Crossfield Street Open Space) is located in Deptford in the London Borough of Lewisham. The freehold is held by the London Borough of Lewisham.
- 14.1.3 Approximately 0.42 hectares (4,200 sq metres) of Deptford Church Street open space is to be permanently acquired by the Thames Tideway Tunnel project. It is public open space which is triangular in shape and comprises an area of public open space known as the Crossfield Street Open Space and roadway. A brick wall runs north-south across the site, dividing the grassed space into two separate areas. The eastern area is fenced and currently used as a dog exercise area and the western side features a partial low railing fence and is used as an informal area of public open space.
- 14.1.4 Pedestrian access to the site is from Crossfield Street and the western end of Coffey Street. Access from Deptford Church Street is restricted by high railings which run around the eastern, northeastern and southeastern boundary of the open space to the brick wall, which crosses the site and restricts east-west movement across it. A gated entrance on Crossfield Street provides the only access to this eastern section of the open space. There is no existing vehicular access to the site. The site is bounded to the north by Coffey Street, to the east by Deptford Church Street (A2209), and to the southeast by Crossfield Street.

Current use

- 14.1.5 The current use of the site is as informal public space and for dog walking.

Surroundings

- 14.1.6 The Grade I listed St Paul's Church is situated to the north of the site on Coffey Street. There are Grade II listed walls and railings to the north and east of the church and the Grade II listed walls of the former chapel are situated to the southeast of the church. To the north of the church on Albury Street are a number of timber-framed, pre-19th century houses and early 18th century terraced houses.
- 14.1.7 To the northeast of the site lies the Sue Godfrey Nature Reserve. The reserve forms part of a potential east-west link across Deptford from Deptford High Street to Deptford Creek, as set out in the London Borough of Lewisham's North Lewisham Links Strategy (2007). The nearest residential buildings are the three-storey houses at the corner of Deptford Church Street and Berthon Street.
- 14.1.8 To the east of the site are the residential apartment buildings of Congers House and Farrer House, which are five storeys high. The industrial areas along Deptford Creek further east are characterised by two- and three-storey warehouses that range from small units to large-scale sheds. The development pattern here is typical of industrial estates with narrow access roads informally arranged around Deptford Creek and the Docklands Light Railway viaduct. The Laban Dance Centre is also located in this area.
- 14.1.9 The pattern of residential development continues to the southeast. To the southwest of the site lies St Joseph's Roman Catholic Primary School ('St Joseph's') and the Grade II listed railway viaduct. On the far side of the viaduct is the Wavelengths Leisure Centre, which has recently undergone improvements. A new school, Tidemill Academy, and the Deptford Lounge development to the south of the railway viaduct were recently completed. The Deptford Lounge development includes Resolution Studios, which is seven storeys high and provides a mixture of affordable housing, studios for local business and an exhibition space.
- 14.1.10 Table 14.2 identifies the documents reviewed during the exercise to identify potential replacement land for this site.

Table 14.2 Deptford Church Street research

Source
Lewisham Site Allocations Development Plan Document (DPD) (awaiting adoption)
Deptford Creekside Supplementary Planning Document 2012 (awaiting adoption)
London Strategic Housing Land Availability Assessment (2009)
Greenwich Unitary Development Plan (UDP) (2006)
Greenwich Site Specific Allocations Development Plan Document

Source
The London Plan 2011
http://publicaccess.royalgreenwich.gov.uk:81/online-applications/
Lewisham planning application search: http://planning.lewisham.gov.uk/online-applications/

Accessibility catchment

- 14.1.11 An accessibility catchment of 400m (0.4km) has been applied to Crossfield Street Open Space. This is based on the accessibility catchments set out in Table 6.1.
- 14.1.12 Seven potential replacement land sites were identified as being within the 400m accessibility catchment during the review (see Table A.6, Appendix A and plan at Appendix B(i)).

Value of land to be replaced and date of possession

- 14.1.13 The value of the open space required assuming development value for industrial uses, is £1,050,000. Possession of the site is estimated to be required in August 2014 for utility works and for the main works in January 2017, although this could change depending on the programme that the contractor appointed adopts.

Potential exchange sites considered

- 14.1.14 Potential replacement land has been sought in exchange for land that will be permanently acquired. There is a requirement to identify replacement land totalling 0.42 hectares within the Crossfield Street Open Space 400m accessibility catchment.
- 14.1.15 The following potential replacement land sites were identified as being at least equivalent in size to the land being permanently acquired within Crossfield Street Open Space.

Octavius Street and Deptford Station, Deptford High Street, SE8 4LW 28

Site ID DEPCS00

Site overview

- 14.1.16 The size of the site is approximately 8,700m² (0.87ha) and it is approximately 265 metres from Deptford Church Street Open Space.
- 14.1.17 The site is located to the rear of Deptford Mainline Railway Station and is accessed from Rochdale Way.
- 14.1.18 It comprises open land which is used as part of the railway station, a Grade II listed carriage ramp and a car park, and has a temporary use for the storage of market barrows. We understand that the railway arches under the carriage ramp are currently let to small businesses.

Planning status

Planning policy

- 14.1.19 The site is identified in the Site Allocations DPD as a site suitable for a mixed use and residential development.

Planning applications

- 14.1.20 The site has planning permission for a mixed use scheme. This includes the provision of 132 residential units, retail, leisure and commercial space. Part of the scheme is also for the alteration and the refurbishment of the Grade II listed Carriage Ramp, the use of the arches underneath to provide 14 workshops, the creation of public open space, and the creation of a permanent market place in front of the carriage ramp.

Suitability

- 14.1.21 The site identified is partly vacant and is partly occupied by small businesses and is accessible by vehicles and by foot. The site area is twice the size of the land being acquired.
- 14.1.22 The site is assumed to be in single freehold ownership which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 14.1.23 The Site Allocations DPD has allocated this site (SA4) for mixed use commercial and housing development. The UDP proposals map shows that this site was within a sustainable living area, a major district centre and a conservation area.
- 14.1.24 The submission version of the *Development Management Plan* includes a number of policies that affect this site.
- 14.1.25 DM Policy 13 considers the location of main town centre uses. This states that the location of main town centre uses need to be in accordance with *Core Strategy* Policy 6. For major retail development, if suitable sites are not available in the major and district centres then edge of centre sites should be considered. As such, this site would be better suited to mixed use development due to its position within a major district centre and proximity to a primary frontage.
- 14.1.26 Part of the land is currently in beneficial use and the remainder of the land is likely to be developed in the near future. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 14.1.27 Open space use is contrary to local planning policy.

Availability

- 14.1.28 The land is not available and is not currently on the market.
- 14.1.29 There is an area of equivalent size to the land to be replaced within the identified site but this may compromise the ability to develop the rest of the site which is required in order to enable the refurbishment of the carriage ramp. It is unlikely that this area could be purchased separately.

14.1.30 This site is allocated for a mixed use and residential development and it is unlikely the freeholder owner would wish to dispose of their interest in part only as this could depreciate the value of the remainder of the site.

14.1.31 The whole site identified could be purchased and the land not required for open space replacement resold. However, this may be at a significantly lower value than the whole site could be acquired for.

Estimated cost if available to purchase

14.1.32 TWUL has assumed the site is in a single freehold ownership.

14.1.33 An area of exchange land of equivalent size to the land to be replaced could be accommodated on the site and the remainder of the site could be resold although this is likely to be at a lower value than the acquisition price.

14.1.34 We have carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £5,500,000 (five million, five hundred thousand pounds).

Prohibitive cost

14.1.35 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

14.1.36 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would benefit the community is limited. Moreover, the proposal would be difficult to justify to the local planning authority as it is contrary to local planning policy.

14.1.37 Providing open space replacement land would involve altering a Grade II listed structure, and listed building consent is unlikely to be granted for this.

14.1.38 The timing of any redevelopment to create open space would be subject to reaching agreement with the freehold owner and gaining vacant possession on commercially acceptable terms in a reasonable time frame would be difficult.

Conclusions

14.1.39 The land required is not suitable as exchange land as it is not on the market and it is unlikely planning permission could be achieved for open space.

Thanet Wharf MEL, Copperas Street, Deptford, SE8 3DA 51

Site ID DEPCS002

Site overview

- 14.1.40 The size of the site is approximately 6,100m² (0.61ha) and it is approximately 376 metres from Deptford Church Street.
- 14.1.41 The site is located to the south east of Copperas Street with Deptford Creek running along its southern boundary. It comprises a vacant site with a number of buildings that are either derelict or in poor condition.

Planning status

Planning policy

- 14.1.42 The site is identified in the Site Allocations DPD as a site suitable for a mixed use and residential development providing a range of business (B1) employment uses, including cultural and creative industries.

Planning applications

- 14.1.43 It is included in a larger site for which planning permission has been granted for the demolition of the existing buildings/structures and the construction of four blocks of 9 to 22 storeys, to provide 11,466m² of commercial floor space, including a nursery and healthcare centre and uses within use classes B1, A1, A3, A4 and D1 and 9,000m² of cultural/space, archive, exhibition areas and associated facilities for Trinity Laban and 430 residential units, underground car and cycle parking, open space.

Suitability

- 14.1.44 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than Deptford Church Street but an area of exchange land could be accommodated on the land if the existing building was demolished.
- 14.1.45 The site is assumed to be in single freehold ownership which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 14.1.46 The buildings on the land have limited beneficial use. This makes the land more suitable for exchange land than land which is not fully utilised or developed.
- 14.1.47 The Site Allocations DPD has allocated this site (SA11) as a mixed use employment location, to provide a range of business (B1) employment uses, including provision for cultural and creative industries and housing.
- 14.1.48 The submission version of the Development Management Plan includes a number of policies that affect this site. Policy DM9 considers mixed use employment locations. The council would require applications for changes of use of B use class floor space, to ensure that these sites continue to meet *Core Strategy* aims for high-density mixed use development that

contributes to the local economy and provides a range of local employment opportunities.

- 14.1.49 Open space use is contrary to local planning policy.

Availability

- 14.1.50 The site is currently being marketed on behalf of LPA fixed receivers as part of a larger site. It is not considered that this will make it more difficult to acquire the site.

- 14.1.51 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately and it is likely that a larger parcel of land will have to be acquired.

- 14.1.52 The whole site identified could be purchased and the land not required for open space replacement resold.

Estimated cost if available to purchase

- 14.1.53 TWUL has assumed the site is in a single freehold ownership.

- 14.1.54 An area of exchange land of equivalent size to the land to be replaced could be accommodated on the site and the remainder of the site would be resold.

- 14.1.55 TWUL has carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £15,000,000 (fifteen million pounds).

Prohibitive cost

- 14.1.56 The acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 14.1.57 The likelihood of gaining planning permission to provide open space replacement as an alternative to the permitted scheme is unlikely as it will be difficult to justify to the local planning authority.

Conclusions

- 14.1.58 The land required is not suitable as exchange land as it is unlikely to get planning permission for open space and the cost of providing the open space could only be achieved at a prohibitive cost.

Creekside LEL, 1-7 and 2-14 Creekside, Deptford, SE8 56

Site ID DEPCS003

Site overview

- 14.1.59 The size of the site is approximately (0.478ha) and it is approximately 240 metres from Deptford Church Street.
- 14.1.60 The site is located at the southern end of Creekside, close to the junction with Deptford Church Street. The site comprises number of commercial buildings that are used for a variety of uses such as workshops, offices, storage, warehousing and artists' studios.

Planning status

Planning policy

- 14.1.61 The site is identified in the Site Allocations DPD as a Local Employment Location (LEL) to enable protection for B Use Class Employment. It is situated within the Deptford Creekside Conservation Area. The site is in the southern part of Creekside and is recognised as the only remaining historic river-related industrial quarter of significant coherence within Deptford and along the Creek itself. The area's layout, buildings, yards and wharves are considered to provide evidence of Creekside's historic development pattern and land use, and combined with the spatial qualities of the Creek create a clear and locally distinct identity.

Planning permission

- 14.1.62 Planning permission has been granted for the partial demolition of buildings A and C and complete demolition of buildings B and D at the Faircharm Trading Estate, Creekside, SE8 3DX, and remodelling, repair, restoration and conversion of blocks A and C to provide 4,310m² of mixed commercial floor space (Block A: 1,786m² of commercial (Class B1) floor space and 397m² of Class B1/B2 floor space, and Block C: 2,127m² of commercial (Class B1) floor space) with associated plant, servicing and storage. Demolition of Building B and the construction of four new buildings ranging from 6 to 12 storeys to provide 148 residential units (63 x one-bed, 68 x two bed and 17 x 3 bed), and new commercial uses (779m² of Use Class B1), together with new open space, landscaping, car and cycle parking development.

Suitability

- 14.1.63 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than Deptford Church Street but an area of a similar size to the exchange land could be accommodated on part of the site if some of the existing buildings were demolished.
- 14.1.64 The site may be in multiple ownership, which makes it less suitable to provide exchange land than a site in single freehold ownership.
- 14.1.65 The buildings on the land are currently in beneficial use and are occupied by a variety of commercial occupiers. This makes the land less suitable for exchange land than land which is not fully utilised or developed.

- 14.1.66 Due to the number of interests to acquire, it is likely that compulsory purchase powers will have to be used in order to acquire the required land and as this is contrary to local planning policy, a confirmed compulsory purchase order will be difficult to achieve.
- 14.1.67 The range of commercial businesses on the land would mean that they would have to relocate if the land was to be given as exchange land.
- 14.1.68 The Site Allocations DPD has allocated this site (SA13) as a local employment location (LEL) to enable protection for B use class employment uses.
- 14.1.69 The submission version of the Development Management Plan includes a number of policies that affect this site. Policy DM10 considers local employment locations and states that the council will support uses within the B use class, within an LEL subject to appropriateness, intensity and the new use meeting the aims of *Core Strategy* Policy 3.
- 14.1.70 Use as open space would therefore require a change in planning designation or policy for this site.

Availability

- 14.1.71 The site is not available and is not currently on the market.
- 14.1.72 There is an area of equivalent size to the land to be replaced within the identified site and part only of the site may be able to be acquired. The whole site identified could be purchased and the land not required for open space replacement resold.
- 14.1.73 There is no reasonable prospect of the exchange land being acquired before the compulsory acquisition of Deptford Church Street so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 14.1.74 If land was to be acquired by the use of compulsory acquisition it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Deptford Church Street site.

Estimated cost if available to purchase

- 14.1.75 An area of exchange land of equivalent size to the land to be replaced could be accommodated and the remainder of the site would be resold.
- 14.1.76 TWUL has carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £2,900,000 (two million, nine hundred thousand pounds).

Prohibitive cost

- 14.1.77 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial

development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 14.1.78 The sites would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 14.1.79 The site is likely to be held in multiple ownership and the timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.
- 14.1.80 Existing businesses occupying the buildings would have to be relocated or even extinguished and employees of existing businesses could potentially be made redundant resulting in a loss of employment overall in the local borough.
- 14.1.81 Obtaining planning permission for use of the land as open space is likely to be difficult as this use does not accord with current planning policy for this site.

Conclusions

- 14.1.82 The land required is not suitable as exchange land as it is not on the market, it is in multiple ownership and its use as open space is contrary to relevant planning policy.

Kent and Sun Wharf, Creekside Deptford, SE8 56

Site ID DEPCS004

Site overview

- 14.1.83 The size of the site is approximately 10,000m² (1ha) and is approximately 183 metres from Deptford Church Street.
- 14.1.84 The site is located on Creekside close to the junction with Bronze Street. Deptford Creek runs along the eastern boundary. The site comprises a number of commercial buildings that are used for a variety of uses such as workshops, factories and offices. Part of the site is occupied by creative industries.

Planning status

Planning policy

- 14.1.85 The site is identified in the Site Allocations DPD as a mixed use employment location and is considered suitable for development to increase the quantum of commercial space to contribute to the development of the area as a creative quarter and to meet the requirements of new businesses.

Planning permissions

- 14.1.86 There is an outstanding planning application (with resolution to grant in August 2005), for ground floor commercial units and 200 flats above at Kent Wharf.

Suitability

- 14.1.87 The site identified is fully developed and is accessible by vehicle and by foot. The total site area is larger in size than Deptford Church Street but an area of a similar size to the exchange land could be accommodated on part of the site if some of the existing buildings were demolished.
- 14.1.88 The site is assumed to be in single freehold ownership, which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 14.1.89 The buildings on the land are currently in beneficial use and are occupied by a variety of commercial occupiers. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 14.1.90 The range of commercial businesses on the land would mean that they would have to relocate if the land was to be given as exchange land.
- 14.1.91 The Site Allocations DPD has allocated this site (SA10) as a mixed use employment location, comprising employment uses including creative industries, office, workshop development and housing.
- 14.1.92 The submission version of the *Development Management Plan* includes a number of policies that affect this site. Policy DM9 considers mixed use employment locations. The council would require applications for changes of use of B use class floor space, to ensure that these sites continue to meet *Core Strategy* aims for high-density mixed use development that contributes to the local economy and provides a range of local employment opportunities.
- 14.1.93 The site has planning permission for beneficial uses, and planning policy designation which does not include public open space.

Availability

- 14.1.94 The site is not available and is not currently on the market.
- 14.1.95 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately as the site is assumed to be in single freehold ownership and it is likely that the owner will want to have control of the whole estate.
- 14.1.96 The whole site identified could be purchased and the land not required for open space replacement resold.
- 14.1.97 Compulsory purchase powers may be required in order to acquire the various leasehold interests. However, a confirmed CPO will be difficult to achieve as the use of the land for open space does not accord with current planning policy for this site. There is no reasonable prospect of the exchange land being acquired pre compulsory purchase acquisition of Deptford Church Street so the area of exchange land would not be ready for public use at the point of acquisition under the Order.

Estimated cost if available to purchase

- 14.1.98 An area of exchange land of equivalent size to the land to be replaced could be accommodated and the remainder of the site would be resold.

- 14.1.99 TWUL has carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £7,000,000 (seven million pounds).

Prohibitive cost

- 14.1.100 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 14.1.101 The likelihood of gaining planning permission to provide open space replacement as an alternative to the current beneficial uses is low. It would be difficult to justify such a proposal to the local planning authority since it would not accord with current planning policy.
- 14.1.102 Demolition of existing buildings to provide vacant land would be required, significantly increasing cost.
- 14.1.103 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.

Conclusions

- 14.1.104 The land required is not suitable as exchange land as it is not on the market, its planning designation does not support use as open space and it is subject to multiple leasehold interests.

Berthon Street

Site ID DEPCS005

Site overview

- 14.1.105 The size of the site is approximately 6,700m² (0.67ha) and is approximately 92 metres from Deptford Church Street.
- 14.1.106 The site is located to the east of St Pauls Church Deptford and can be accessed via Deptford Church Street. It is a moderately large residential estate comprising flats and houses.

Planning status

Planning policy

- 14.1.107 The site is identified on the London Borough of Greenwich proposal map for residential use.

Planning applications

- 14.1.108 From a review of the London Borough of Greenwich planning website, there are no extant planning permissions or outstanding planning applications.

Suitability

- 14.1.109 The land is accessible by vehicle and by foot and is fully developed for residential. The site is in multiple ownership and will require the demolition of a number of buildings. This makes the site less suitable as exchange land than land which is not fully utilised or developed.
- 14.1.110 Core Policy 1 states that development should result in no net loss of housing. The Submission Development Management Plan states in DM Policy 2, Prevention of loss of existing housing, that the council will only grant planning permission for the loss of housing by demolition, redevelopment, or change of use under limited circumstances, none of which would apply in this instance.
- 14.1.111 Therefore, the loss of housing for open space would be contrary to local planning policy.

Availability

- 14.1.112 The site is not available and is not on the market.
- 14.1.113 There is an area of equivalent size to the land to be replaced within the identified site and the interests could be acquired independently of the remainder of the site.
- 14.1.114 Due to the number of interests to acquire, it is likely that compulsory purchase powers would have to be used in order to acquire the required land and as this is contrary to local planning policy, a confirmed compulsory purchase order would be difficult to achieve.
- 14.1.115 There is no reasonable prospect of the exchange land being acquired before the compulsory acquisition of Deptford Church Street so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 14.1.116 If land was to be acquired compulsorily, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Deptford Church Street site.

Cost if available to purchase

- 14.1.117 An area of exchange land of equivalent size to the land to be replaced could be accommodated and the remainder of the site would be resold.
- 14.1.118 TWUL has carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £7,000,000 (seven million pounds).

Prohibitive cost

- 14.1.119 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial

development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 14.1.120 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing residential would be small. It would be difficult to justify such a proposal to the local planning authority as it is contrary to local planning policy.
- 14.1.121 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 14.1.122 Obtaining vacant possession in a reasonable timeframe would be difficult.
- 14.1.123 The demolition of established residential buildings would displace residents and could lead to hardship.

Conclusions

- 14.1.124 The land required is not suitable as exchange land as it is not on the market, it is in multiple ownership and the loss of residential to create new public open space is contrary to planning policy.

Brookmarsh Industrial Estate, Norman Road

Site ID DEPCS006

Site overview

- 14.1.125 The size of the site is approximately 6,100m² (0.61ha) and it is approximately 330 metres from Deptford Church Street.
- 14.1.126 The site comprises an area of open hardstanding to the north and a number of commercial warehouse and workshop buildings to the south.

Planning status

Planning policy

- 14.1.127 The site lies within the Deptford Creek/Greenwich Riverside Opportunity Area, as identified in the London Plan. The site is also identified in the saved policies of the Greenwich Unitary Development Plan (UDP) (2006) as within a mixed use area, more particularly partially within site proposal MU16 (suitable for mixed commercial and residential uses) and site proposal J7 (suitable for B1 uses).

Planning applications

- 14.1.128 From a review of the planning website, there are no outstanding planning applications.

Suitability

- 14.1.129 The site identified is partly developed and is accessible by vehicle and by foot. The total site area is larger in size than Deptford Church Street but an area of a similar size to the exchange land could be accommodated on part of the site if some of the existing buildings are to be demolished.

- 14.1.130 The site is assumed to be in single freehold ownership which makes it more suitable to provide exchange land than a site in multiple freehold ownership.
- 14.1.131 The buildings on the land are currently in beneficial use and are occupied by a variety of commercial occupiers. This makes the land less suitable for exchange land than land which is not fully utilised or developed.
- 14.1.132 Due to the number of interests to acquire, compulsory purchase powers may have to be used in order to acquire the required land and as this is contrary to local planning policy, a confirmed compulsory purchase order will be difficult to achieve.
- 14.1.133 The range of commercial businesses on the land would mean that they would have to relocate if the land was to be given as exchange land.
- 14.1.134 The Greenwich *Core Strategy* with Development Management Policies submission version states in Strategic Policy EA 1, Economic Development, the council supports the expansion of existing businesses and increased employment opportunities. This includes creating new employment opportunities in the new and emerging low carbon sectors, advanced manufacturing, and supporting the development of small and medium business space.
- 14.1.135 This site is currently in beneficial use while planning policy supports economic development on this site.

Availability

- 14.1.136 The site is not available and is not currently on the market.
- 14.1.137 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale separately as the site is assumed to be in single freehold ownership and it is likely that the owner will want to have control of the whole estate.
- 14.1.138 The whole site identified could be purchased and the land not required for open space replacement resold.
- 14.1.139 There is no reasonable prospect of the exchange land being acquired before the compulsory acquisition of Deptford Church Street so the area of exchange land would not be ready for public use at the point of acquisition under the Order.
- 14.1.140 If land was to be acquired by the use of compulsory acquisition it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the Deptford Church Street site.

Cost if available to purchase

- 14.1.141 TWUL has assumed the site is in a single freehold ownership and subject to multiple occupational interests.
- 14.1.142 The nature and layout of the building onsite would require the whole site and buildings to be acquired.

- 14.1.143 An area of exchange land of equivalent size to the land to be replaced could be accommodated and the remainder of the site would be resold.
- 14.1.144 TWUL has carried out a property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £4,000,000 (four million pounds).

Prohibitive cost

- 14.1.145 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive.

Challenges to overcome

- 14.1.146 The likelihood of gaining planning permission to provide open space replacement as an alternative to the existing industrial use is limited. It would be difficult to justify such a proposal to the local planning authority as it is contrary to local planning policy.
- 14.1.147 The land would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 14.1.148 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.
- 14.1.149 The buildings are likely to be in multiple ownership and gaining vacant possession on commercially acceptable terms in a reasonable timeframe will be difficult.

Conclusions

- 14.1.150 The land required is not suitable as exchange land as it is not on the market, it is in beneficial use and the loss of the employment generating uses in favour of the creation of new open space does not accord with current planning policy.

1-51 Deptford High Street, Deptford, SE8 56

Site ID DEPCS007

Site overview

- 14.1.151 The size of the site is approximately 4,800m² (0.48ha) and it is approximately 324 metres from Deptford Church Street.
- 14.1.152 The site is located on the west side of Deptford High Street, close to the junction with New Cross Road. The site comprises a number of commercial buildings that are used for retail on the ground floor with residential above.

Planning status

Planning policy

- 14.1.153 The site is identified in the *Unitary Development Plan* as being within the core shopping area and we understand this in one of the saved policies in the proposals map as part of the *Core Strategy*. It is situated within the Deptford High Street Conservation Area.

Planning applications

- 14.1.154 There are no relevant planning permissions or applications.

Suitability

- 14.1.155 The land is accessible by vehicles by foot and is large enough to be exchange land for the order land.
- 14.1.156 The site is in beneficial use and its use as open space would be contrary to planning policy which protects retail use on the High Street. It is in multiple ownership and would require the demolition of the buildings on the site. The occupiers on the site would require relocation.
- 14.1.157 The submission version of the Development Management Plan includes a number of policies that affect this site. DM Policy 36 considers new development, changes of use and alterations affecting designated heritage assets and their setting; conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens. Under this policy, where the significance of an asset may be harmed or lost through physical alteration or destruction, or development within this setting, the council will require clear and convincing justification.
- 14.1.158 DM Policy 14 considers district centres and shopping frontages. Deptford High Street is considered to be a primary frontage. The council would therefore only consider a change of use involving the loss at ground floor level of shops where a proposal would meet a number of criteria, none of which would apply in this situation.
- 14.1.159 The land is currently in beneficial use. Use as open space in favour of existing high street (primary frontage) uses would be contrary to local planning policy.

Availability

- 14.1.160 The site is not available on the market and to assemble the site compulsory purchase powers would have to be used. However, it is considered it will be difficult to demonstrate there is a compelling case in the public interest as the loss of retail is contrary to planning policy and it is unlikely a confirmed compulsory purchase order would be achievable.

Estimated cost if available to purchase

- 14.1.161 TWUL has carried out an initial property cost estimate using the information available and on the basis of the assumptions set out in the methodology section. The total figure estimated for acquiring the site and creating the open space is, at the date of this report, estimated to be in excess of £9,900,000 (nine million, nine hundred thousand pounds).

Prohibitive cost

- 14.1.162 The site has failed the suitability and availability tests and therefore the 'prohibitive cost' test is not relevant. However the acquisition cost for the site exceeds the value of the land to be replaced as industrial development land and therefore the cost of providing replacement land would be prohibitive

Challenges to overcome

- 14.1.163 The likelihood of gaining planning permission to provide open space is very limited as it would be contrary to the council's planning policy which also means that it is unlikely a confirmed compulsory purchase order could be obtained on the site in order to assemble the requisite interests. The site is in multiple ownership and the timing of any redevelopment to create open space, would be subject to reaching agreement with these interests.

Conclusions

- 14.1.164 This site is not suitable as exchange land as the land required is not currently on the market, is in multiple ownership, and the loss of primary shopping frontage uses (in favour of open space) is contrary to planning policy.

Conclusions in respect of Deptford Church Street sites

- 14.1.165 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. The seven sites identified are all of at least equivalent in size to the land being permanently acquired from Deptford Church Street. The sites are currently either in active use, are required for community uses, or are not available on the market, and are considered unsuitable as potential replacement land sites.

15 King Edward Memorial Park Foreshore (land and foreshore)

15.1 King Edward Memorial Park Foreshore – land and foreshore sites

- 15.1.1 This section considers three different types of order land subject to s.131 (4A) and s.132 (4A).
- 15.1.2 At King Edward Memorial Park Foreshore, TWUL seeks powers of compulsory purchase over three different areas of open space, those being:
- land that is currently used as open space. This land is known as King Edward Memorial Park.
 - River Thames foreshore land that is, on a de facto basis, publicly accessible. River Thames foreshore is considered open space where it dries at different stages of the tide and members of the public can, and do, access it from the land from either steps or a slipway. At King Edward Memorial Park Foreshore, this land is publicly accessed (without authorisation) via step from the Shadwell Basin Activity Centre.
 - s.132 land, which is land or River Thames foreshore as described above, where rights are proposed to be acquired over it by TWUL.

15.2 King Edward Memorial Park (land)

Overview

Table 15.1 King Edward Memorial Park plot numbers

Site name	Rights	Plot no.	Plot size (sq m)
King Edward Memorial Park foreshore	Land	30	8,616

- 15.2.1 The area of public open space is located in Shadwell in the London Borough of Tower Hamlets and within the Wapping Wall Conservation Area. The London Borough of Tower Hamlets has freehold title absolute in King Edward Memorial Park.
- 15.2.2 King Edward Memorial Park will be directly affected by the King Edward Memorial Park Foreshore preferred site. The park will be used to facilitate construction work and to accommodate permanent structures to operate the tunnel.
- 15.2.3 King Edward Memorial Park is a public open space which is roughly rectangular in shape, level and consists of grass, shrubbery, trees, all

weather football pitch and tennis court, bandstand and children's play area.

Current use

15.2.4 King Edward Memorial Park is used by the public for community leisure and recreational activities.

15.2.5 There are no outstanding planning applications.

Surroundings

North

15.2.6 To the north of King Edward Memorial Park, beyond the other side of The Highway (A1203), are multi-storey, local authority, residential housing blocks.

East

15.2.7 The River Thames lies to the southeast of King Edward Memorial Park. Directly east is Free Trade Wharf, which combines two commercial units with 208 residential flats, the majority overlooking the river.

West

15.2.8 Shadwell Basin lies to the west of the park, with Wapping Woods beyond. There is a mix of private and local authority residential accommodation surrounding Shadwell Basin.

South

15.2.9 The River Thames lies to the south of King Edward Memorial Park. On the opposite bank of the River Thames are the Brunel Museum, St Pauls Sports Ground and numerous riverside residential apartments and flats.

15.2.10 Table 15.2 identifies those documents reviewed during the desktop exercise to identify potential replacement land for this site.

Table 15.2 King Edward Memorial Park research

Source
Tower Hamlets UDP proposals map
Map/aerial photo search

Accessibility catchment

15.2.11 An accessibility catchment of 400m (0.4km) has been applied to King Edward Memorial Park. This is based on the accessibility Table 6.1.

15.2.12 King Edward Memorial Park is accessed by foot from the Thames Path and from The Highway (A1203) and Glamis Road.

15.2.13 Three potential replacement land sites were identified as being within the 400m accessibility catchment during the review (see Table A.7, Appendix A and plan at Appendix B(i)).

Value of the land to be replaced and date of possession

- 15.2.14 For the purposes of assessing 'prohibitive cost' the value of the land to be replaced has been assessed as industrial development land. An average value per ha for industrial development land in this borough has been used. This gives a value of £2,675,000 for the land identified within the park. The shape, size and suitability for development of the land to be replaced have not been taken into account. If these characteristics were taken into account, the figure would be lower.
- 15.2.15 The land to be replaced at King Edward Memorial Park is expected to be needed in 2016.

Potential exchange sites considered

- 15.2.16 Replacement land will be sought in exchange for land that is permanently acquired. There is a requirement to identify replacement land totalling 8,676m² (0.87 hectares) within the King Edward Memorial Park 400m accessibility catchment.
- 15.2.17 The following potential replacement land sites were identified as being at least equivalent in size to the land being permanently acquired within King Edward Memorial Park (save for site KEMPF001 which is smaller).

Land at corner Cable Street and Butcher Row

Site ID: KEMPF001

Site overview

- 15.2.18 The size of the site is approximately 2,700m² (0.27ha) and it is approximately 370m from King Edward Memorial Park.
- 15.2.19 The site is located on the corner of Cable Street and Butcher Row.
- 15.2.20 The land at the corner of Cable Street and Butcher Row comprises a hoarded-off, partially cleared site that was previously in industrial use, and a Victorian building and yard used for motor vehicle servicing which is accessed off Butcher Row.

Planning status

- 15.2.21 This site is identified on the Tower Hamlets UDP proposals map as being an employment site (Site 134).
- 15.2.22 Tower Hamlets *Managing Development Document*, Policy DM15, Local Job Creation and Investment, identifies that the upgrading of employment sites outside spatial policy areas will be supported.

Planning applications

- 15.2.23 The following pertinent planning consent was granted on the site in July 2003: Erection of a part five-storey and part eight-storey building comprising 3,652 sq metres of B1 floor space and 14 residential units with basement car parking and landscaping on land at northeast junction of Cable Street and Ratcliffe Cross Street, Cable Street, London E1 (Ref.

PA/00/00175). The permission expired in July 2008 without commencement of the development.

- 15.2.24 Enquiries of the local planning authority confirm no subsequent planning applications for material development of the site.

Suitability

- 15.2.25 The land is accessible by vehicle and by foot from Cable Street and Butcher Row and therefore benefits from a similar level of access to King Edward Memorial Park.
- 15.2.26 The land is of smaller size to the King Edward Memorial Park order land which will be required for the project.
- 15.2.27 The land is currently used as a motor vehicle servicing yard. Approximately half the site is a vacant, cleared, brownfield site; the previous uses being industrial. Remediation of the site for open space use could be costly and difficult to achieve.
- 15.2.28 The land does not have a better mix in terms of uses or general attractiveness than King Edward Memorial Park. The land does not have views of the River Thames or have access to the river foreshore. The King Edward Memorial Park provides numerous memorials within the park and on the riverfront. The land at the corner of Cable Street and Butcher Row does not contain mature trees and foliage.
- 15.2.29 King Edward Memorial Park is located south from The Highway (A1203), beyond a large tree-lined pavement, and is flanked by Shadwell Basin to the west, the residential units of Free Trade Wharf to the east and the River Thames to the south. The land at the corner of Cable Street and Butcher Row is flanked by the mainline railway tracks to the north, Cable Street to the South, Butcher Row to the east and residential accommodation to the west.
- 15.2.30 The planning policy indicates that the loss of an employment generating site would be resisted by the local authority. As such, the current planning designation for this site suggests that this would not be considered suitable as an open space replacement site.

Availability

- 15.2.31 The site is smaller in area than the land to be replaced, and it is unlikely that it would be available for sale as the site is likely in multiple freehold ownership.
- 15.2.32 If land was to be acquired by the use of compulsory acquisition, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the King Edward Memorial Foreshore site.

Estimated cost if available to purchase

- 15.2.33 The land is not available to purchase and is not currently on the market.
- 15.2.34 An initial property cost estimate has been carried out, based on the assumptions set out within the methodology section 6.3 of this report.

- 15.2.35 The total figure estimated for property costs, at the date of this report, is estimated to be in excess of £1,300,000 (one million, three hundred pounds), equating to approximately £4,800,000 per ha, compared with the land value rate of £3,000,000 per hectare applied to the land at King Edward Memorial Park. This value is based on a residual valuation of the cleared site, incorporating the same scheme noted above in planning application reference PA/00/00175.
- 15.2.36 The above figure includes allowances for demolition and associated costs to clear the site and make the land suitable for open space replacement.

Challenges to overcome

- 15.2.37 The likelihood of gaining planning permission to provide open space replacement as an alternative to other schemes which would be in line with planning policy designations for the site, would be difficult to justify to the local planning authority.
- 15.2.38 The site would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 15.2.39 The site is likely to be in multiple freehold ownership.
- 15.2.40 The site is likely to be subject to multiple occupational interests.
- 15.2.41 The site fronts Cable Street and Butcher Row, already busy transport routes. Increased traffic generation from a construction site will increase disruption to the local community.
- 15.2.42 The timing of any redevelopment to create open space would be subject to reaching agreement with third-party occupational interests.
- 15.2.43 The timing of any redevelopment to create open space would be subject to reaching agreement with potentially multiple freehold interests.
- 15.2.44 Existing businesses occupying the buildings would have to be relocated or even extinguished.
- 15.2.45 Employees of existing businesses could potentially be made redundant, resulting in a loss of employment overall in the local borough.

Conclusions

- 15.2.46 In respect of whether the land is 'available', the replacement land identified at the corner of Cable Street and Butcher Row is not currently being marketed by an agent and is, in part, currently used for commercial use. The prospect of acquiring the site prior to CPO to make the land ready for public use at the point of acquisition of the King Edward Memorial Park is therefore limited and could impose project costs and delays.
- 15.2.47 The site area is only 31 per cent of the land area at King Edward Memorial Park. It does not meet the replacement size requirement and is therefore considered unsuitable.
- 15.2.48 The land is partly in beneficial use and is occupied by a local business which serves the general public, and is in accordance with planning policy objectives to support employment generating uses.

- 15.2.49 In any event acquisition of the site as replacement land for King Edward Memorial Park could only be achieved at a prohibitive cost.

Highway Business Park, The Highway, London E1W

Site ID: KEMPF002

Site overview

- 15.2.50 The size of the site is approximately 9,900 m² (0.99ha) and it is approximately 160 metres from King Edward Memorial Park.
- 15.2.51 The site is located to the west of Cranford Street and east of Schoolhouse Lane. The site is bounded by Cable Street to the north and The Highway (A1203) to the south, with access from The Highway (A1203) via Heckford Street. The site is currently occupied by commercial buildings, warehouses and offices of one to two storeys in height, with associated car parking areas.

Planning status

Planning policy

- 15.2.52 This site has been identified in the council's Adopted Policies Map as a Local Industrial location. Tower Hamlets *Managing Development Document*, Policy DM15, Local Job Creation and Investment, identifies that the upgrading of employment sites outside spatial policy areas will be supported. The policy states that development likely to displace an existing business must find suitable replacement accommodation within the boundary unless it can be shown that the needs of the business are better met elsewhere.

Planning applications

- 15.2.53 There are currently no significant planning applications for this site.

Suitability

- 15.2.54 The land is accessible by vehicles and by foot from The Highway (A1203).
- 15.2.55 The land is of at least equivalent in size to the land in King Edward Memorial Park which will be required for the project.
- 15.2.56 The land is occupied by commercial buildings arranged as 29 light industrial and warehouse units and, as such, is an established commercial business park.
- 15.2.57 The land does not have a better mix in terms of surrounding uses or general attractiveness than King Edward Memorial Park. The land does not have views of the River Thames or have access to the river foreshore. King Edward Memorial Park provides numerous memorials within the park and on the riverfront. The land at Highway Business Park does not contain mature trees and foliage.
- 15.2.58 King Edward Memorial Park is located south from The Highway (A1203), beyond a large, tree-lined pavement, and is flanked by Shadwell Basin to the west, the residential units of Free Trade Wharf to the east and the

River Thames to the south. The site at Highway Business Park is flanked by commercial and residential property and fronts The Highway (A1203), a busy, dual-carriageway transport route.

- 15.2.59 The existing beneficial use and planning policy indicate that this site is not suitable as an alternative open space site, as a further alternative site will be required to provide replacement accommodation to meet the needs of the existing business operators.

Availability

- 15.2.60 The site has an area of equivalent size to the land to be replaced within the King Edward Memorial Park but it is unlikely that this area of land would be available for sale as the site is assumed to be in multiple freehold ownership and occupation.
- 15.2.61 If land was to be acquired by the use of compulsory powers, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the King Edward Memorial Foreshore site.

Estimated cost if available to purchase

- 15.2.62 The land is not available to purchase, is in multiple ownership and is not currently on the market.
- 15.2.63 An initial property cost estimate has been carried out, based on the assumptions set out within the methodology section 6.3 of this report.
- 15.2.64 The total estimated figure for property costs, at the date of this report, is estimated to be in excess of £11,500,000 (eleven million, five hundred thousand pounds). The value of the Highway Business Park, The Highway, has been based on an aggregate estimated rental value for each individual unit, capitalised at an appropriate investment yield for the current general use as commercial space.
- 15.2.65 The above figure includes allowances for demolition, remediation and associated costs to clear the site and make the land suitable for open space replacement.

Challenges to overcome

- 15.2.66 The likelihood of gaining planning permission to provide open space replacement as an alternative to both the existing use and other schemes which would benefit the public, would be difficult to justify to the local planning authority.
- 15.2.67 The buildings would require demolition to provide vacant land, significantly increasing cost.
- 15.2.68 The site fronts The Highway (A1203), an already busy transport route. A construction site would increase traffic generation and disrupt the local community – including the nearby residential occupants.
- 15.2.69 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.

- 15.2.70 The timing of any redevelopment to create open space would be subject to potential multiple freehold ownership.
- 15.2.71 Existing businesses occupying the buildings would have to be relocated or even extinguished.
- 15.2.72 Employees of existing businesses could potentially be made redundant, resulting in a loss of employment overall in the local borough.

Conclusions

- 15.2.73 In respect of whether the land is 'available', the replacement land identified as the Highways Business Park is not currently being marketed by an agent and is currently used for commercial use. The prospect of acquiring the Highway Business Park land prior to CPO to make the land ready for public use at the point of acquisition of the King Edward Memorial Park is therefore limited and could impose project costs and delays.
- 15.2.74 The site is within the accessibility catchment and meets the size requirement, and therefore could be considered 'suitable land available to be given in exchange for the order land'. The land, however, is currently in beneficial use and is occupied by a number of businesses.
- 15.2.75 In any event acquisition of the site as replacement land for King Edward Memorial Park foreshore could only be achieved at prohibitive cost.

Free Trade Wharf, 340 The Highway

Site ID: KEMPF003

Site overview

- 15.2.76 The size of the site is approximately 10,900m² (1.09ha) and it is immediately adjacent to King Edward Memorial Park.
- 15.2.77 The site is located on The Highway (A1203), adjacent to King Edward Memorial Park on the western boundary and overlooking the River Thames.
- 15.2.78 The site comprises a multi-storey residential block containing 208 residential dwellings and two commercial units.

Planning status

- 15.2.79 Tower Hamlets *Managing Development Document*, Policy CP23, Efficient Use and Retention of Existing Housing, resists the loss of existing residential dwellings unless there are acceptable plans for full replacement. In addition Policy DM15, Local Job Creation and Investment, identifies that the upgrading of employment sites outside spatial policy areas will be supported. Development which is likely to displace existing business must find suitable replacement accommodation within the boundary unless it can be shown that the needs of the business are better met elsewhere.

Planning applications

15.2.80 There are currently no significant planning applications for this site.

Suitability

15.2.81 The land is accessible by vehicle and by foot from The Highway (A1203).

15.2.82 The land is at least equivalent in size to that land which will be required at King Edward Memorial Park.

15.2.83 The land is occupied by 208 residential units within high-density multi-storey development as well as two commercial units.

15.2.84 The site has a similar mix in terms of surrounding uses and general attractiveness based on its location, adjacent to the King Edward Memorial Park, with access to the Thames Path and river foreshore. Consequently, Free Trade Wharf has similar views over the River Thames.

15.2.85 The potential loss of a significant number of residential units, plus commercial units, both protected by relevant planning policies, indicate that this site is not suitable as an alternative open space site.

Availability

15.2.86 There is an area of equivalent size to the land to be replaced within the identified site but it is unlikely that this area of land would be available for sale as the site is assumed to be in multiple freehold or long leasehold ownership.

15.2.87 If land was to be acquired by the use of compulsory powers, it is likely that the time required to prepare and make available the replacement land would impact upon the Thames Tideway Tunnel programme for commencement of work at the King Edward Memorial Foreshore site, particularly due to the complexity and scale of the existing Free Trade Wharf buildings.

Estimated cost if available to purchase

15.2.88 The site is not available to purchase and is not currently on the market, although individual flats within the property become available from time to time.

15.2.89 The nature and layout of the building on site would require the whole site and building to be acquired, requiring the acquisition of all the individual residential and commercial units as well as the freehold of the site.

15.2.90 An initial property cost estimate has been carried out, based on the assumptions set out within the methodology section 6.3 of this report.

15.2.91 The total figure estimated for property costs, at the date of this report, is considered to be in excess of £120,000,000 (one hundred and twenty million pounds).

15.2.92 The above figure includes any demolition, remediation and associated costs to clear the site and make the land suitable for open space replacement.

Challenges to overcome

- 15.2.93 The likelihood of gaining planning permission to provide open space replacement as an alternative to continued residential use is considered remote and would be difficult to justify to the community and local planning authority. Equally, the loss of two employment generating commercial units is contrary to policy.
- 15.2.94 Use of the site would require demolition of existing buildings to provide vacant land, significantly increasing cost.
- 15.2.95 The site is subject to multiple occupational interests.
- 15.2.96 The timing of any redevelopment to create open space would be subject to the nature of third-party occupational agreements.
- 15.2.97 Existing businesses occupying the buildings would have to be relocated or even extinguished. Existing residents would have to be relocated.
- 15.2.98 Employees of existing businesses could potentially be made redundant, resulting in a loss of employment overall in the local borough

Conclusions

- 15.2.99 In respect of whether the land is 'available', the replacement land identified as Free Trade Wharf is not currently being marketed by an agent and is currently used for commercial and high-density residential use. The prospect of acquiring Free Trade Wharf prior to CPO to make the land ready for public use at the point of acquisition of the King Edward Memorial Park is therefore limited and could impose substantial project costs and delays. The level of demolition and occupier disturbance is considered excessive in respect of this site.
- 15.2.100 While in theory the whole site could be purchased and exchange land provided, there is no reasonable prospect of the exchange land being acquired and made suitable for open space prior to the compulsory purchase of King Edward Memorial Park. It is highly unlikely that the existing freeholders or long leaseholders would be willing to sell their interests, particularly as the majority are residential owner/occupiers.
- 15.2.101 In any event acquisition of the site as replacement land for King Edward Memorial Park foreshore could only be achieved at prohibitive cost.

15.3 King Edward Memorial Park Foreshore (foreshore)

Overview

- 15.3.1 The area of foreshore is located in Shadwell in the London Borough of Tower Hamlets.
- 15.3.2 The foreshore will be directly affected by the King Edward Memorial Park Foreshore preferred site. Approximately 2,018m² of the foreshore will be permanently acquired by the Thames Tideway Tunnel project. In addition 781m² of foreshore will have rights acquired by the project. Table 15.3 below identifies the plots that will be acquired under Section 131 and the plots where rights will be acquired under Section 132. The Schedule

accompanying the application provides full schedules of land that is proposed to be permanently acquired or where rights will be acquired.

Table 15.3 King Edward Memorial Park foreshore plot numbers

Site name	Land or foreshore	Plot numbers	Total area (m ²)	s.131 or s.132
King Edward Memorial Park Foreshore	Foreshore	26, 29	2,018	s.131
King Edward Memorial Park Foreshore	Foreshore	21, 22a, 23a, 24, 25	781	s.132

Current use

- 15.3.3 King Edward Memorial Park Foreshore consists solely of the foreshore of the River Thames the steps and slipway is gated and therefore the foreshore is only accessible to those using the Shadwell Basin Outdoor Activity Centre, for launching boats. Access for those using the outdoor activity centre will not be affected by the works in the foreshore. From site visits, it appears that there is some unauthorised use of the foreshore by people accessing the foreshore from gated steps.

Surroundings

North

- 15.3.4 To the north of the foreshore is King Edward Memorial Park and beyond that is the A1203 and residential properties on Glamis Place.

East

- 15.3.5 To the east of the Foreshore is the Free Trade Wharf apartment building.

West

- 15.3.6 Shadwell basin is to the west of the foreshore, Shadwell Basin is surrounded by residential properties.

South

- 15.3.7 The River Thames bounds the foreshore to the South. On the opposite bank of the River Thames are residential premises on Rotherhithe Street.

Accessibility catchment

- 15.3.8 In accordance with the methodology set out in Section 6.4, an accessibility catchment of 400m (0.4km) has been applied to the foreshore.
- 15.3.9 The area of search for replacement foreshore has been defined as any foreshore within 400m of the existing access point (walking distance following footways), including land on the opposite side of the river where it can be reached by a bridge.

Potential exchange sites considered

- 15.3.10 All the foreshore for 400m in each direction from the affected foreshore was assessed on site to determine whether access points could be

provided which would allow access to suitable foreshore which is currently inaccessible for the general public use.

- 15.3.11 At King Edward Memorial Park foreshore, the foreshore to the east of the access point is not used by the general public. To the west there is a wooden pier that obstructs access to the foreshore, and further west the foreshore is publicly accessible by a set of steps on the Thames Path.
- 15.3.12 The existing foreshore area is has been included in the application on a precautionary basis. This is because whilst members of the public can and do use the area of foreshore in question (the order land), they do so by gaining unauthorised access via Shadwell Basin stairs. Officially, the foreshore at King Edward Memorial Park is only accessible to those using the Shadwell Basin Outdoor Activity Centre.
- 15.3.13 The plan in Appendix B(ii) illustrates the existing foreshore and neighbouring areas of foreshore which are publicly accessible (within 400m), via a legitimate public access point.
- 15.3.14 Exchange land is therefore not considered to be required at this site.

Summary of KEMPF foreshore

Tests in relation to rights plot s.132 (4A)

- 15.3.15 At King Edward Memorial Park foreshore the project will acquire rights over 781m² of land under s.132 (4a). The search for replacement land at King Edward Memorial Park Foreshore has identified that there is no suitable foreshore which can be provided as replacement for the land which rights will be acquired over.

15.4 Conclusions in respect of both King Edward Memorial Park Foreshore sites

- 15.4.1 The applied methodology for consideration and assessment of potential replacement sites has been presented in the preceding sections. The information provided illustrates how provision of replacement land, for the land, foreshore and rights plots, is not feasible in this instance, other than at prohibitive cost, or not required (in the case of foreshore replacement).

16 Strongly in the public interest that there should not be SPP – Section 131 (4A)(d) and Section 132 (4A)(d)

16.1 The public interest test

16.1.1 The test under s.131 (4A)(d) and s.132 (4A)(d) is the same. It requires that the Secretary of State be satisfied that:

“it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.”

16.1.2 We interpret this test as meaning that not only must the project be in the public interest (which it clearly is) but that it would be ‘strongly’ in the public interest that the project not be delayed by Special Parliamentary Procedure. We therefore examine how long that delay is likely to be, the consequences of it and why, therefore, it would not be in the public interest for the development to be subject to such delay.

16.1.3 In summary, it is strongly in the public interest for the project to be capable of being begun without delay because:

- a. The need for the project is established and urgent as is set out in the Waste Water National Policy Statement;
- b. A substantial cost to the government would be incurred from fines being imposed on the UK following the EU infraction proceedings that found that the UK is in breach of the Urban Waste Water Treatment Directive;
- c. Significant additional costs to the project would be caused by the projected delay and these would ultimately have to be passed on to Thames Water customers.

16.2 Special Parliamentary Procedure

16.2.1 Special Parliamentary Procedure (‘SPP’) is a process that secondary legislation may be subject to in certain circumstances. Proposals to compulsorily acquire open space and other types of common land and allotments (as well as statutory undertakers’ land) have, historically, been made subject to scrutiny by Parliament. The legislation has evolved to provide certification procedures whereby this can be avoided, but the procedure still applies where that certification process is not available or the applicant cannot satisfy the appropriate tests.

16.2.2 Section 25 of the Growth and Infrastructure Act 2013 introduced changes to the SPP procedures that seek to focus the scrutiny of Parliament and petitioners on the particular issue which caused the Order to be subject to Special Parliamentary Procedure, those provisions would apply to any SPP needed for this project. Those new procedures are, however,

currently untested. Estimates of time, therefore, are based on actual experience of the application of SPP to projects subject to the Planning Act 2008.

16.3 Likely delay to project timetable that would be caused by SPP process

- 16.3.1 Only one Planning Act 2008 project has been the subject of SPPs to date and that is an energy from waste plant in Bedfordshire known as Rookery South. The then Infrastructure Planning Commission published its decision¹⁸ that Development Consent should be granted on 13 October 2011. This led to the draft order being subject to SPP.
- 16.3.2 The joint committee that considered the process published its report¹⁹ on 28 February 2013 with the order finally being published²⁰ on that date. The SPP process therefore delayed the project by 16 ½ months.
- 16.3.3 In that case, only one parcel of land was involved. In the case of the Thames Tideway Tunnel there are 44 plots across eight locations and that is likely to increase the number of petitions and the general length of time for parliamentary scrutiny. As noted above, the changes in primary legislation, introduced by the Growth and Infrastructure Act 2013, could reduce the time SPP would take. It is also possible to argue that, having experienced the Rookery South process, some procedural elements will be dealt with more swiftly for any future process. Taking those matters into account, in our view, a period of anything between nine and twelve months is reasonable to assume as the delay caused by SPP, with approximately ten months as the most likely scenario.
- 16.3.4 The timetable for a decision on the application for Development Consent is fixed in law, and as the examination has commenced on 13 September 2013, a decision is anticipated by mid-September 2014. It is assumed that a decision by the Secretary of State for Communities and Local Government on the application for s.131/s.132 certificates would be available on or before that date.
- 16.3.5 We can therefore have a high degree of certainty with regard to the commencement date of any potential SPP and, on the basis of the anticipated length of such (as set out above), it is likely that the consideration of the SPP will extend beyond March 2015. Following the passing into law of the Fixed Term Parliaments Act 2011 we understand if the existing Government runs the full term parliament will be dissolved on Monday 30 March 2015 with the general election taking place on 7 May 2015. Given that Members of the House of Commons will be on any Committee, there is a risk that the whole process could be delayed following a general election. Parliament would be dissolved only six

¹⁸ <http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN010011/2.%20Post-Submission/Procedural%20Decisions/Statement%20of%20Reasons.pdf>

¹⁹ <http://www.publications.parliament.uk/pa/jt201213/jtselect/jtbrookso/120/120.pdf>

²⁰ http://www.legislation.gov.uk/uksi/2013/680/pdfs/uksi_20130680_en.pdf

months into the SPP period and it would take additional time for Parliament to be reconvened and for changes to committee personnel to be made if required as a consequence of the election.

- 16.3.6 We believe that, on the timescales involved, Parliament would want to complete the process before the summer recess, hence the central prediction of ten months.
- 16.3.7 Taken together, we can realistically expect the delay to delivery of the project to be between nine and twelve months.

16.4 Why the project should not be delayed

- 16.4.1 It is strongly in the public interest for work on the Thames Tideway Tunnel to begin as soon as possible given the acknowledged urgency of the need and the risk of financial penalties to the UK Government arising from possible infraction proceedings by the European Commission. This section sets out the need and the following section details of the infraction proceedings.
- 16.4.2 Full details of the Needs Case are set out in Section 3 of the *Planning Statement*²¹ of the application for development consent for the Thames Tideway Tunnel, the arguments are summarised here.
- 16.4.3 Much of London's sewerage infrastructure consists of combined systems, where a single set of sewers convey both foul sewage and rainwater runoff to a sewage treatment works. The current sewerage system is subject to significant flows from surface drainage and therefore generates large volumes of combined sewage (sewage mixed with rainwater). Rainfall causes combined sewerage systems to surcharge quickly. For this reason, it is normal practice to incorporate overflows that allow excess flows to discharge directly into a watercourse to reduce flood risk to properties and prevent the sewerage system overloading.
- 16.4.4 The capacity originally allowed for in the interceptor sewerage systems designed by Sir Joseph Bazalgette in the 1850s has been extended and is now regularly exceeded. This is largely due to increases in population and water usage. Areas of hardstanding have also increased. It now takes as little as a few millimetres of rainfall to cause some CSOs to discharge combined sewage into the tidal Thames.
- 16.4.5 Following recognition that a longer-term strategy for managing the impact of Thames Water's assets on water quality in the tidal Thames was needed, the Environment Agency and Thames Water agreed that a comprehensive study should be undertaken and funded in Thames Water's 1999 business plan. The Thames Tideway Strategic Study (TTSS) was set up in 2001. The steering group was established under the independent chairmanship of Professor Chris Binnie. Its members included representatives from Thames Water, the Environment Agency, Defra, the Greater London Authority and Ofwat (as an observer).

²¹ http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/WW010001/2.%20Post-Submission/Application%20Documents/Other%20Documents/7.01_Planning_Statement_Main_Report.pdf

- 16.4.6 As part of the study, the Environment Agency categorised the 57 CSOs from the Beckton and Crossness Sewage Treatment Works catchments according to their environmental impact and frequency of operation. The Environment Agency considered the volume and frequency of the discharges, and assessed their impact on river water quality and ecology. A total of 36 CSOs were identified as ‘unsatisfactory’ and requiring attention, of which 34 discharge into the tidal Thames and two into the River Lee. The Environment Agency has reviewed this work a number of times since 2005 and has on each occasion confirmed that all 34 Category 1 and 2 CSOs that discharge into the tidal Thames need to be controlled.
- 16.4.7 One CSO (Abbey Mills) will be addressed by the Lee Tunnel (already under construction) and another is being addressed by a stand-alone project, leaving 34 CSOs that discharge to the River Thames that need to be controlled. Following further work, the Government decided in 2007 that *“a full-length storage tunnel with additional secondary treatment at Beckton sewage treatment works – is needed. This is both to provide London with a river fit for the 21st century, and for the UK to comply with the requirements of the Urban Waste Water Treatment Directive concerning provision of collecting systems and, in particular, limitation of pollution from storm water overflows”*. Thames Water was directed to *“make provision for the design, construction, and maintenance of a scheme for the collecting systems connected to Beckton and Crossness sewage treatment works which involves a full-length storage tunnel with additional secondary treatment at Beckton sewage treatment works”*.
- 16.4.8 The original studies have been rechecked a number of times, most recently by Defra in its document, *Thames Tunnel Evidence Assessment* (February 2012)²², and in an Environment Agency publication, *An assessment of evidence on Sustainable Drainage Systems and the Thames Tideway Standards* (October 2013)²³. Both of these reports reaffirmed the need for the Thames Tideway Tunnel as a solution to the problem of discharges to the Thames.
- 16.4.9 Thames Water mobilised a project team to bring forward a scheme, now known as the Thames Tideway Tunnel, including design and site selection. Following extensive public consultation, an application for development consent was submitted to the Planning Inspectorate in February 2013. As set out in Section 16.2, a decision can be expected in September 2014.
- 16.4.10 Consent for the Thames Tideway Tunnel is being sought under powers in the Planning Act 2008. The application is considered against the policy set out in the National Policy Statement for Waste Water (NPS), which was designated following a debate in Parliament in March 2012. The NPS states, at paragraph 2.6.34: *“The examining authority and the decision maker should undertake any assessment of an application for the*

²² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69532/pb13748-thamestunnel-evidence-assessment.pdf

²³ http://www.environment-agency.gov.uk/static/documents/Research/SuDS_and_the_Thames_Tunnel_Assessment_Final_Report_Oct_2013.pdf

development of the Thames Tunnel on the basis that the national need for this infrastructure has been demonstrated. The appropriate strategic alternatives to a tunnel have been considered and it has been concluded that it is the only option to address the problem of discharging unacceptable levels of untreated sewage into the River Thames within a reasonable time at reasonable cost.”

- 16.4.11 Furthermore, the NPS establishes that the need is urgent. It states at paragraph 3.1.2: “Given the level and urgency of need for infrastructure of the types covered by this NPS, set out in Part 2 of this NPS, the decision maker should start with a presumption in favour of granting consent to applications for waste water NSIPs.”
- 16.4.12 While there are obvious benefits in bringing forward a scheme to significantly reduce spills from CSOs into the River Thames which themselves would make the need for work on the project to begin as soon as possible, there is also a clear legal driver in the Urban Waste Water Treatment Directive (UWWTD) (91/271/EEC).
- 16.4.13 The Directive requires that sewage (domestic, industrial and rainwater run-off) is collected and conveyed to plants for secondary treatment, overflows are reduced and measures taken to limit pollution of the tidal Thames. The deadline for compliance was 31 December 2000. The UK Government is at risk of fines for non-compliance.

16.5 Infraction proceedings

- 16.5.1 It is understood that the European Commission received and registered a number of complaints in August 2004 in respect of inadequate treatment facilities in the River Thames. This followed a period of heavy rainfall between 3 and 19 August 2004, when an estimated 5 million tonnes of raw sewage was released into the Thames, killing large fish populations.
- 16.5.2 It is understood that the Commission issued a letter of formal notice on 21 March 2005 raising concerns about volume and frequency of spills to the Thames. On 4 April 2006, the Commission issued a reasoned opinion in respect of a number of allegations in respect of infringement of the UWWTD by the UK.
- 16.5.3 On 8 October 2009, the Commission issued a press release to announce that it would take the British Government to the European Court of Justice over sewage spills in the Thames.
- 16.5.4 The action was brought on 16 June 2010. The Advocate General issued his opinion on 26 January 2012²⁴ and the court handed down its judgement on 18 October 2012²⁵.
- 16.5.5 It should be noted that, at paragraph 109 of the Advocate General’s opinion, it states that the European Commission accepted during the

²⁴ <http://curia.europa.eu/juris/document/document.jsf?text=&docid=118501&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=2790731>

²⁵ <http://curia.europa.eu/juris/document/document.jsf?text=&docid=128650&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2790731>

prelitigation proceedings that the construction of a water storage tunnel would bring about full compliance with the UWWTD.

- 16.5.6 The 18 October 2012 judgement determined that, having failed to control discharges in the Beckton and Crossness Sewage Treatment Works catchments, the UK Government is in breach of the Directive.
- 16.5.7 The Court noted that it was not in dispute that the collection system was not in compliance with the directive. It noted that a project is underway for the construction of a new tunnel under the River Thames to intercept discharges and convey them to Beckton Sewage Treatment Works (ie, the Thames Tideway Tunnel).
- 16.5.8 Following the judgement, Lord Berkeley asked a number of questions in the House of Lords on 20 November 2012²⁶ on the Governments' interpretation of the decision. Lord De Mauley (the Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs) responded on behalf of the Government. It is worth setting out in detail what he said as it is directly relevant to the issue of urgency of the need. He indicated:

“The Court of Justice of the European Union published its judgment on 18 October, declaring that the UK was in breach of the urban waste water treatment directive for failing to ensure appropriate collection and treatment of urban waste water in London and Whitburn.

“If the Court of Justice of the European Union finds that a member state has failed to fulfil an obligation under the treaties, the state is required to take the necessary measures to comply with the judgment of the Court. Consequently the UK needs to take measures to address the failure to collect and treat urban waste water in London. The Court accepted that the Thames tideway tunnel represents a solution to the problem of the collecting system in London and the implication therefore is that the tunnel represents a means to come into compliance with the judgment.

“If the Commission considers that the UK has not taken the necessary measures to comply with the judgment of the Court, it may bring the case before the Court after giving that state the opportunity to submit its observations. The decision to take forward the case will depend on the Commission's assessment of the steps the UK is taking to come into compliance. We note in this context that, as stated in the advocate general's opinion, the Commission has taken the view that the Thames tunnel represents a means to bring the UK into compliance. In Defra's accounts the possibility of fines is recognised as a contingent liability and will remain as such unless and until the Commission applies to the Court for fines.”

- 16.5.9 The UK is required to take the necessary measures to comply with the judgement. There is, therefore, in the view of the Government, a real risk that the Commission will seek to bring the case before the Courts to seek fines, which would be levied against the UK Government. Given this, any

²⁶ <http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/121120w0001.htm#12112051000732>

delay in the construction of the Thames Tideway Tunnel must be avoided in the national interest.

There is a real risk that if the project is delayed in SPP, the Commission will take steps to impose fines on the UK.

The Defra publication, *Creating a River Fit for our Future: A strategic and economic case for the Thames Tunnel*²⁷, indicates on page 7 that it estimates that the European Commission may try to seek fines upwards of £100 million a year.

16.6 Increased project costs

- 16.6.1 As set out in Section 16.3, there is a significant range of possible dates for the delay to the project that would occur should SPP be required. This range is estimated to be between nine and twelve months. For the purposes of calculating a cost, we have looked to the lower end of this range so that a robust figure is provided, and assume a delay of ten months.
- 16.6.2 The increase in project cost is a matter of public interest as Thames Water is a regulated utility and ultimately, any additional costs incurred through delay caused by SPP will be passed on to the customer.
- 16.6.3 If the project was delayed by ten months, there would be significant risk involved in winding down the workforce with its acquired skills and project history. Reassembling and energising a workforce to carry out the multiple complex tasks within this project would be difficult, especially in the face of other projects that would absorb those skills. It is likely that some staff would leave the project in this phase to continue career development. Upon restarting the project, this would lead to recruitment costs and disruption. Some activities which have been completed would have to be reopened due to the passage of time, either because of formal time limits or the desire to revalidate tasks (ie, checking work after a period of down time to ensure that the work remains relevant and up to date) before continuation.
- 16.6.4 Given that it is estimated that the project standard 'burn rate' (ie, staff, office costs and overheads during 2013/14) would be £8m a month, and having regard to inefficiency due to recruitment, training and re-establishing process, and repeating work because of time expiry or revalidating before continuing, it is estimated that the cost of delay over the ten-month period would be £105m. Approximately £5m could be deducted for staff leaving the project (assumed at 30 per cent reduction for an average of five months), giving a total cost of delay of about £100m.
- 16.6.5 In addition to these costs, given the way that the property deals are structured for sites that already have planning permission and are under development, compensation payments of around £10m would be payable for the impact on the developers' programmes.

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69478/pb13677-thamestunnel-businesscase.pdf

- 16.6.6 It should be noted that, because of the urgency of the need, the project has already begun the process of procuring contractors. This process could be prejudiced if SPP were required, meaning that the eventual contracts could be less value for money.

16.7 Conclusions

- 16.7.1 For these reasons, we conclude that the Secretary of State can be satisfied that it is strongly in the public interest that the project is capable of being begun sooner than is likely to be possible if the DCO were to be subject to SPP to any extent. SPP would delay implementation of an urgently needed project, increase the risk of fines being levied against the UK Government, and increase the cost of the project, with such costs ultimately being met by the customer.

17 Application under s.132 (3) for rights

17.1.1 In addition to our application under Section 132 (4A) which relates to the three areas of open space which are proposed to be subject to permanent rights, we also seek a certificate from the Secretary of State pursuant to s.132 (3) which states:

“This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons —

(a) the persons in whom it is vested,

(b) other persons, if any, entitled to rights of common or other rights, and

(c) the public.”

17.1.2 If the Secretary of State so certifies, then Special Parliamentary Procedure will not apply:

17.1.3 This applies to the following land:

- a. Plot 46 – Putney Embankment Foreshore (foreshore) – rights of access
- b. Plots 214 and 215 – Falconbrook Pumping Station (land) – rights of access
- c. Plots 21, 22a, 23a, 24, and 25 – King Edward Memorial Park Foreshore (foreshore) – crane oversailing rights.

17.2 Putney Embankment Foreshore

17.2.1 The general description of the foreshore area at Putney Embankment Foreshore is set out in Section 9.3 of this statement. Plot 46 comprises an area of 1,480m² beside St Mary’s Church and immediately to the east side of Putney Bridge. It is vested in the Port of London Authority, which has no objection to these rights being acquired, subject to the details of a property agreement which is currently being negotiated.

17.2.2 It was identified as open space because it is available for public use at certain states of the tide. The foreshore can be used by the public for walking, sitting out and relaxation, and there are two slipways allowing access to the foreshore at this location for water-based recreational activity on the River Thames (such as rowing and boating). The area which comprises Plot 46 enjoys a good level of public access from the slipway fronting Waterman’s Green (passing under Putney Bridge) and from the steps to the east of the bridge beside the church.

17.2.3 This plot was included for access rights during the operational period of the project, for the purposes of inspecting the outside of the chamber. Internal inspection would be carried out via the connection culvert. This external inspection would be undertaken infrequently primarily by foot, possibly once per year, and even while the access rights are being

exercised, they would not interrupt use by the public of this plot for the purposes it is currently used.

17.3 Falconbrook Pumping Station

17.3.1 The general description of the open space required at Falconbrook Pumping Station is set out at Section 11.1.4 of this statement. Plots 214 and 215, over which permanent rights of access are sought, comprise 285m² of existing access road crossing York Gardens from the junction of Newcombe Road and Lavender Road to the east. It is vested in Wandsworth Borough Council, which has no objection to these rights being acquired, subject to the details of a property agreement which is currently being negotiated. This access road is already in use by Thames Water for vehicular access to the unmanned pumping station. This existing use takes place about twice a week and has been exercised for many years. Otherwise, this road is used for access to the York Gardens Library and Community Centre and the York Gardens Adventure Playground, and forms part of the access to the York Gardens Park. The access also acts as informal car parking as there are currently no parking restrictions.

17.3.2 Major maintenance of the permanent structures would be required approximately every ten years. This would comprise two mobile cranes and associated support vehicles, plant and equipment attending site for a period of several weeks. Other than for the purposes of the ten-year maintenance period, any slight increase of use by vehicles to inspect land and equipment in this location would be unlikely to be detectable to people using York Gardens, and would therefore not cause any additional disruption to people using York Gardens and seeking to cross the access road.

17.4 King Edward Memorial Park Foreshore

17.4.1 The general area of foreshore required at this location is set out in Section 15.3 of this statement. The area over which rights for crane oversailing are sought (plots 21, 22a, 23a, 24 and 25) comprises 781m². This area is currently used by the Shadwell Basin Outdoor Activity Centre for launching boats. General public use is excluded because the steps and slipway are gated and not generally available to anyone other than users of the activity centre. It is vested in the Port of London Authority, which has no objection to these rights being acquired, subject to the details of a property agreement, which is currently being negotiated.

17.4.2 Crane oversailing rights would only be used every ten years for maintenance of the works and equipment located on the adjacent land. For example, where a flow control penstock needs to be replaced or repaired, a crane would be used to lift the penstock out of the chamber it is housed in and move it to a lorry so that it can be taken off site. Cranes work by lifting and swinging their load from one position to another. This movement would sometimes cause part of the crane and its payload to oversail these areas of foreshore. If this type of crane activity were

needed during a ten-year maintenance inspection, it would be necessary, for safety reasons, to prevent people from passing underneath. That exclusion would last for approximately three weeks.

- 17.4.3 In this case, therefore, the rights have no effect on any users of this part of the foreshore at all, other than for ten-year maintenance works and, even if crane oversailing were necessary, use would be interrupted for about three weeks only.

17.5 Conclusions on Section 132 (3)

- 17.5.1 At Putney Embankment Foreshore, the use of access rights would have no impact on the use of this area of foreshore by people who currently use it.
- 17.5.2 At Falconbrook Pumping Station, the traffic passing over the access road over which permanent rights are sought would not discernibly increase and, therefore, would have no impact on those who currently use it as part of their use of York Gardens.
- 17.5.3 At King Edward Memorial Park, use of the foreshore would not be affected at all, except during the ten-year maintenance programme and then only for a short time.
- 17.5.4 In terms of the persons in whom the land is vested (the PLA and the London Borough of Wandsworth), they have no objection because their interests will be protected in their respective property agreements with Thames Water.
- 17.5.5 We conclude, therefore, that all the order land over which these proposed rights would be exercised would be no less advantageous to the public and the people in whom the land is vested, and that the Secretary of State may certify accordingly.
- 17.5.6 We ask for the certificates to be granted for the plots identified in paragraph 17.1.3 under s.132 (3) in addition to any certificates granted in respect of those plots under s.132 (4A).

18 Summary of the application case

- 18.1.1 In support of our application for certification, this statement has set out the relevant tests from the Planning Act 2008 (as amended by the Growth and Infrastructure Act 2013). Against each of the relevant tests, evidence has been produced to demonstrate how the tests have been met.
- 18.1.2 At Section 4, the statement identifies the order land subject to the certification application. Given the scale of the Thames Tideway Tunnel project and the built environment within which construction must take place, this comprises a modest number of plots and the extent of area has been minimised by TWUL. Section 4 also confirms the status of those plots as open space within the meaning of the Act. Section 5 explains that none of the specified land parcels fall into any other definitions, ie, none are common land or allotments.
- 18.1.3 In respect of the tests under Section 131 (4A)(c) and Section 132 (4A)(c), robust methodologies have been applied to TWUL's full consideration of all potential exchange land.
- 18.1.4 In considering all suitable land based sites within the catchment area, this statement has demonstrated through full worked examples the likely cost of acquiring such land, and how this would only be available at a prohibitive cost to the Thames Tideway Tunnel project. Furthermore, planning evidence has been provided to demonstrate where the use of such sites as replacement open space would come into direct conflict with local planning policies. The conclusion in all 87 cases examined is that there is no suitable land in this dense urban environment which is available to be offered as exchange land, or only at prohibitive cost.
- 18.1.5 With regard to the permanent acquisition of River Thames foreshore, this has been examined using a necessarily different, though comparable, methodology. In assessing how replacement foreshore land might be provided, TWUL has considered the potential to provide new public access to areas of existing foreshore (which dries at low tide), within a similar catchment zone. This report has demonstrated that suitable replacement foreshore land is not available and cannot therefore be offered in exchange for the three areas of foreshore proposed to be acquired under s.131 (4A).
- 18.1.6 In relation to acquisition of permanent rights on plots at three sites (s.132 (4A)), this statement sets out how the search for appropriate exchange land has not identified suitable sites (including foreshore areas) at a cost which would not be prohibitive (using a similar methodology to that applied to land).
- 18.1.7 Notwithstanding the full case presented in relation to the acquisition of rights (s.132 (4A)) summarised above, TWUL has also considered the individual plots against the tests set out in s.132 (3) of the 2008 Act in Section 17. Here it has been demonstrated, and concluded, that the occasional use of the land would be 'no less advantageous' to those in

whom the land is vested (the Port of London Authority and the London Borough of Wandsworth) or those using the land.

- 18.1.8 This statement has demonstrated, at Section 16, the convincing case for why it is strongly in the public interest for the Secretary of State to issue the certificates without making the order process subject to Special Parliamentary Procedure. The pressing national need for the Thames Tideway Tunnel is widely acknowledged, and explicitly stated in the National Planning Statement for Waste Water. The legal and financial drivers (ie, Infraction Proceedings brought by the European Commission for non-compliance), are a further factor in favour of urgent resolution and consent. Were the SPP process to be engaged, the resultant delay to this project would be at significant cost to the Government, the tax payer and Thames Water customers.
- 18.1.9 TWUL can therefore confirm that, on the basis of the evidence provided in this application, the relevant tests have been fully met and the Secretary of State is therefore urged to issue certificates under s.131 (4A) and s.132 (3) and (4A) of the Planning Act 2008 (as amended).

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