

Mrs Fiona Jones, Planning Officer,
London Borough of Richmond upon Thames,
Civic Centre, 44 York Street,
Twickenham TW1 3BZ

14 July 2017

Dear Mrs Jones,

**PLANNING APPLICATION NUMBER 17/2108/FUL:
TWICKENHAM RUGBY FOOTBALL UNION STADIUM – CONSTRUCTION
OF PERIMETER ENTRANCES**

This response to this Planning Application is submitted on behalf of the Friends of the River Crane Environment (“FORCE”). It comprises:

- Background to FORCE
- Context of this Planning application
- FORCE position with respect to this Planning application
- FORCE objectives for this Planning application
- Conclusion.

1 Background to FORCE

FORCE is an environmental and community charity, which was established in 2003 and now has some 500 members, many of whom are residents of the London Borough of Richmond upon Thames (“LBRuT”).

FORCE has an interest in all activities and works throughout the lower Crane valley, and this includes works which impact upon the Duke of Northumberland’s River (“DNR”). The RFU Stadium has a frontage on its west side of some 700 metres onto the DNR.

FORCE regards the DNR as a neglected asset to the borough and to the wider lower Crane valley. The environment of the DNR is rich and diverse, providing habitat for water voles, kingfishers, bats and other valued species. Any potential disturbance to this environment poses significant risks to the local ecology. Equally, public access to the DNR throughout its adjacent length to the RFU is of poor quality, with a narrow, overgrown path that does not encourage a civilising footfall.

FORCE was instrumental in securing the award in 2015 of £400 000 of Big Green Fund from the Greater London Assembly, alongside around £200,000 of largely S106 contributions from LBRuT and the London Borough of Hounslow (“LBH”), to improve the DNR and its adjacent footpath.

2 Context of this Planning Application: (a) The DNR Footpath

Key lengths of the DNR footpath have now been improved, including those from Mereway to the A316, from the A316 to Chase Bridge, and Riverside Walk in LBH. The footpath from Mereway to the A316 was improved in large part by the cooperation of Harlequins FC and LBRuT in stepping back their respective boundaries to allow the path to be widened. These changes have resulted in massive increases in public usage of these paths: counts indicate a tenfold increase in usage of the footpath beside The Harlequins' Stoop, to around 400 people per day.

The length of the DNR footpath beside the RFU is at the centre of the entire DNR corridor. Yet this length remains the one part of the DNR footpath which has not been improved. This is reflected in the very low levels of usage (20 or fewer people per day), compared with 400 at The Stoop and over 200 through Mogden Sewage Treatment Works, on either side of the RFU length. This is despite the RFU length being of the highest environmental value of the entire DNR, with an established population of water voles, high quality river vegetation and abundant fish.

The consistent empirical evidence, from LBRuT and LBH, of significant and lasting increases in public usage following pathway improvements, would suggest that the low levels of usage of the RFU length are due to the poor condition of its pathway, which is narrow and aggressively fenced.

2 Context of this Planning Application: (b) The position of the RFU

In LBRuT's consideration, in December 2016, of the RFU's Planning application 16/2611/FUL for the current East Stand works, officers argued that they could only consider the specific application before them, and that in making their decision, they could take no account of previous applications. The logical outcome of this approach is that in submitting new applications for development, applicants can ignore unfulfilled planning obligations imposed by LBRuT from previous applications with impunity.

FORCE believes that in considering the RFU's present application, LBRuT will be guilty of wilful negligence if it fails to take into account the long history of RFU's failure to deliver its obligations arising from previous applications.

LBRuT will be familiar with the long and unsatisfactory history of the RFU's failure to deliver on its planning obligations impacting on the DNR. In relation to a previous planning application (13/2130/FUL) FORCE opposed the location of the RFU's proposed "energy centre" adjacent to the DNR, on the grounds of noise, air and visual pollution in this sensitive corridor. However, FORCE was persuaded to withdraw its opposition in return for the RFU's agreement to step back its boundary fence by some 400 square metres to enable widening of the footpath, and to build a living wall adjacent to the energy centre.

Not only did the RFU subsequently renege on both these commitments, but it then constructed a new, higher fence along the route, without planning permission. FORCE opposed the RFU's planning application 15/4455/FUL, which seeks the erection of peripheral fencing and gates and retrospective permission for the installation of CCTV, and this application is still under assessment by LBRuT. The new RFU fences have further narrowed the DNR path at some points, and created an unattractive, intimidating, quasi-industrial corridor which contrasts starkly with that of the DNR both north and south of the RFU.

In their consideration of the RFU's planning application 16/2611/FUL for the current East Stand works, officers will be aware of the emphasis placed by councillors on the need for the RFU to engage specifically with FORCE. Officers will also be aware of the unequivocal assurances given by the RFU's CEO Ian Ritchie at the hearing into this application on 14 December 2016, that the RFU would abide by the planning conditions and would meet with FORCE. In the seven months since that hearing, no such meeting has taken place, and the CEO has announced his retirement by the end of summer 2017.

FORCE has held a series of discussions with various representatives of the RFU over the years, with a view to improving the condition of the DNR footpath. Whilst these discussions have individually seemed quite constructive at the time, the RFU has taken no practical steps to provide any improvement. The RFU has failed to acknowledge the importance of the DNR as a local community asset, and has failed to engage with the local community to promote or even enable improvements.

The 2015 Rugby World Cup provided a prime opportunity for the RFU to deliver an enduring legacy of community benefit through DNR improvements. Far from grasping this opportunity, the RFU instead sought ruthlessly to secure its own interests. In July 2015, England Rugby 2015 Limited secured a Traffic Order to close the DNR path "temporarily" on World Cup match days and friendly days "for security reasons." FORCE opposed the principle of closing the path, on the grounds that it would set a clear precedent for future path closures on RFU event days.

The RFU proceeded with path closure, a temporary pedestrian footbridge and additional CCTV in the DNR corridor. Not only did it continue in breach of its planning obligations in relation to its energy centre, but its CCTV installation was undertaken without planning permission, which was sought retrospectively.

3 FORCE position with respect to this Planning Application

It has become clear to FORCE over many years of dealing with the RFU in relation to the DNR that the RFU would prefer to see public access along the DNR dwindle, thereby allowing the RFU's cumulative and stealthy takeover of

this asset to allow growth of its activities and further link the Cardinal Vaughan facilities into these activities.

FORCE is concerned that the current planning application 17/2108/FUL represents yet another ratcheting up of the incursions into the DNR corridor made by the RFU during the 2015 World Cup, exactly as FORCE anticipated in July 2015. It is not clear whether this proposal would directly lead to the temporary closure of the public right of way along the DNR but it is clear that this is the intended direction of travel for the RFU.

FORCE is strongly opposed to this. The Duke's River Public Right of Way has been in operation for several hundred years and forms a critically important component of the Duke's River walk, an asset for both Hounslow and Richmond boroughs that links the River Crane with the River Thames. LBRuT, LBH, GLA and others have invested significantly in this asset over the last few years and the benefits to local communities are evident.

The RFU has consistently refused to engage with the Duke's River project despite many opportunities to do so, and despite several positive statements to do so from many RFU personnel, up to and including the Chief Executive. FORCE would strongly oppose any proposals that would lead to this walk being closed to the public on a temporary basis as part of this scheme.

FORCE is also concerned that this ratcheting up of RFU pressure to close the Duke's River walk to the public is occurring by stealth and with the full cooperation of LBRuT. The 2015 World Cup closures were achieved by the granting of a Traffic Order by LBRuT, thereby evading the need for public consultation. In relation to the current application, over a month after the public consultation on the present application began, as of 7 July 2017, no public notices have been put up along the length of the DNR path between Whitton Road and Whitton Dene to inform residents that the planning application has been submitted. FORCE considers this to be a serious breach of the planning process with respect to this application. FORCE therefore requires that LBRuT abandon the current, flawed public consultation, and begin a proper process of public consultation all over again.

The RFU has not fully discharged its obligations under the previous planning consent adjacent to the DNR (13/2130/FUL). Neither has it yet secured retrospective planning permission for its CCTV installations (15/4455/FUL). Neither has it engaged meaningfully with FORCE, as required by its application 16/2611/FUL. FORCE believes that there can be no meaningful consideration of the present application until the outstanding obligations arising from all of these previous applications have been fully discharged.

FORCE comments only on the environmental and educational aspects of this application. The sole purpose of this application, as set out in the Design and Access Statement (p22) is "celebrating the moment of arrival" for visitors to

the stadium. The proposal contains no environmental or educational benefits whatsoever for residents, many of whom are socially disadvantaged compared with stadium visitors, and all of whom suffer the adverse health effects of traffic pollution generated by stadium visitors.

FORCE comments mainly on those aspects of the application which pertain to the proposed Gate 3, as this directly abuts onto the DNR, although insofar as Gate 2 is in close proximity to the Chase Bridge entrance to the DNR pathway, a number of our concerns also apply to Gate 2.

FORCE comments address the following aspects of the application:

- Continued use of the Cardinal Vaughan Bridge
- The use of “temporary” structures and fencing
- The RFU’s fence line with the DNR
- The Gate 3 ramp and landscaping works
- The proposed lighting.

3.1 Continued use of the Cardinal Vaughan Bridge

LBRuT approved the RFU’s Planning application 16/2611/FUL for the expansion of its East Stand hospitality facilities in December 2016. Given this expansion of the RFU’s hospitality facilities and internalisation of concomitant revenues to the RFU, local residents might legitimately have expected a scaling down of RFU hospitality provision at Cardinal Vaughan. This in turn might have enabled permanent closure of the Cardinal Vaughan Bridge, and an end to the disruption that its operation causes to residents and wildlife in the DNR corridor. The current application, if approved, will clearly and irreversibly institutionalise use of the Cardinal Vaughan Bridge as a principal access for hospitality visitors to the stadium.

The facilities at Cardinal Vaughan Bridge are proposed as “temporary” (see below). FORCE is concerned that once LBRuT has conceded “temporary” facilities, RFU pressure on LBRuT to concede permanent facilities will increase rapidly. One factor in this increasing pressure will be the increasing sophistication of equipment required for security-screening visitors and their bags, including CCTV, lighting and scanners. Such equipment will become increasingly difficult and expensive to erect and dismantle for “temporary” occasions. Another factor increasing pressure for permanence will be “provision for protection from vehicle attack” (p33), as recommended by the RFU’s Counter Terrorism adviser, since any such provision will obviously be permanent in character.

Indeed, given the recent evolution of “lone-wolf” terrorist attacks, FORCE believes the RFU should take the opportunity permanently to abandon the Cardinal Vaughan Bridge entrance. This would enable the RFU to concentrate its security protection and screening investments and processes at fewer locations, rather than adding another point of potential vulnerability, as the current planning application seeks to do. Abandonment of the Bridge

would thus increase the security of RFU event attendees, as well as benefiting users of the DNR pathway and the local ecology.

3.2 The use of “temporary” structures and fencing

The current proposal is for “one temporary perimeter entrance (Gate 3) at Cardinal Vaughan Bridge.” “Two smaller, removable temporary structures are...to be located by the bridge at Cardinal Vaughan. This will also include temporary removable fencing.” (Design and Access Statement Part 1, p6) Despite the assurances that these structures will be “temporary,” FORCE notes that “No Hours of Opening details were submitted for this application.” The application contains no information as to the number of occasions upon which the facilities will operate throughout the year, nor the duration of their operation on each occasion.

The experience of the 2015 Rugby World Cup for the local community was that fencing which was supposed to block the DNR pathway only temporarily, for a period spanning three hours before and three hours after each match, was in practice left in place by default, and only removed, grudgingly, after specific contact had to be made with RFU security personnel. The local community suffered this for the entire six weeks’ duration of the World Cup. FORCE is concerned that without explicit constraints, the RFU will leave its “temporary” facilities in place continuously, at least throughout the weeks of the Six Nations tournament, and again throughout the weeks of the Autumn Internationals, as well as during any other sequences of closely spaced events at the stadium throughout the year.

The proposed Gates 2 and 3 are situated on Metropolitan Open Land which is in the ownership of the RFU. With respect to Gate 3, FORCE is opposed to the erection of any RFU facilities, temporary or otherwise, in such close proximity to the DNR pathway. Any such facilities will reinforce the perception of the DNR pathway, already created by the RFU's previous decisions to locate its plant in close proximity to its boundary fence north of the Cardinal Vaughan Bridge, as an unattractive, intimidating, quasi-industrial corridor.

The Design and Access Statement Part 2 states that “The turnstiles at the Cardinal Vaughan Bridge connection are demountable structures which are proposed to be in place during events” (p18). FORCE would seek that as a condition of any approval of this application, it be conditioned that any such “temporary” structures will only be erected within a maximum of 24 hours of the commencement of a discrete stadium event, and that they will be removed within a maximum of 24 hours following the end of the respective event.

The Design and Access Statement Part 2 also states that “The turnstile modules are stored away from their location when not in use” (p32). FORCE would seek that as a condition of any approval of this application, it be conditioned that both the modules and the temporary demountable fencing be stored adjacent to the stadium, and specifically not against the perimeter fence with the DNR pathway, as storing the modules and fencing against the

DNR fence when not in use will have the same negative visual impact for users of the DNR pathway as permanent structures would have. Indeed, if the modules and fences are to be stored against the DNR fence when not in use, the distinction between “temporary” and “permanent” facilities is otiose.

FORCE notes the statement on p32 that “The fencing will also be demountable to allow them [sic] to be removed/replaced for different events and non-event days.” FORCE seeks explicit assurance that any “temporary” fencing across the DNR pathway will be removed at the end of each discrete event day. As noted above, the RFU proved incapable of removing temporary fencing across the DNR pathway during the 2015 World Cup. Accordingly, FORCE seeks that as a condition of approval of this application, it be conditioned that a regime of punitive sanctions be introduced against the RFU, escalating in proportion with the frequency and duration of which the RFU blocks the public right of way along the DNR pathway with its “temporary” fencing.

FORCE is opposed to any measures to close the DNR pathway to public use, even on a temporary basis. It is not necessary to close the DNR pathway to public use at any time, as anyone seeking to trespass into the RFU from the pathway will be turned back immediately at the proposed Event Ticket Check (Design and Access Statement Part 2, p20). Accordingly, FORCE is opposed to any “temporary removable fencing” outwith the curtilage of the stadium, particularly on land not owned by the RFU, and opposed to any incremental fencing of the DNR pathway associated with this application.

FORCE proposes that a punitive daily levy system be put in place as part of any approval to this scheme, linked to any application for temporary closure of the path, as a means of dissuading the RFU from effectively removing public access along this significant public asset.

3.3 The RFU’s fence line with the DNR

FORCE notes the RFU’s intention that “There will be increased security by replacing of the palisade fence line with a more robust solution, which offers the required increased height and reduced penetrative protection” (p33). FORCE is unclear who is “requiring” increased height and reduced penetrative protection. FORCE is clear that any increase in the height and density of fencing above the current provision will significantly increase the perspective of the RFU’s stretch of the DNR as an unattractive, intimidating, quasi-industrial corridor in stark contrast with that of the DNR both north and south of the RFU, thereby further negatively impacting upon the value of the MOL and Borough Level SINC.

Security professionals may question the point of increasing the height and impenetrability of fencing whilst at the same time choosing to keep open a point of public access through the fence for potential “lone-wolf” attacks (see above). FORCE seeks as conditions of any approval for replacement of the palisade fence line that (a) the line of the fence be stepped back at least

sufficiently to comply with the RFU's previous planning obligations, and ideally to afford a widening of the DNR pathway to the 2.5 metre standard that prevails on adjacent stretches of the pathway; and (b) the replacement fence is screened with environmentally appropriate vegetation.

The Design and Access Statement states that "there are no views across the site from the Duke of Northumberland's river" (p18). As photographs 6 and 7 on p19 show, this is only because of the presence of hedges on the RFU boundary. FORCE opposes the erection of Gate 2 and temporary Gate 3 facilities unless it is conditioned that the hedging is maintained, albeit thinned at the Chase Bridge entrance to the DNR pathway to improve the pathway width. FORCE seeks as a condition of approval for the temporary Gate 3 facilities that such hedging or similar environmentally beneficial screening, be extended along the entire length of the RFU perimeter fence with the DNR, on the RFU side of the fence line, to screen the replacement fencing and the view and noise of the stadium from the DNR pathway.

3.4 The Gate 3 ramp and landscaping works

FORCE notes the proposal to re-profile the ramp to be 1:21 (p32). FORCE objects to any re-profiling which may compromise the profile and condition of the adjacent DNR footpath. The Environment Agency has statutory interest in the condition of the riverbank for a width of eight metres from the river. FORCE seeks as a condition for approval of the proposed re-profiling that the RFU obtain the agreement of the Environment Agency to such works; and the agreement of Natural England, in light of the presence of protected water voles.

The Design and Access Statement states that "At each site, hard landscaping and drainage, to the immediate affected areas, are to be upgraded." (p6) The extent of proposed hard landscaping is not particularly clear in relation to Gate 3, and FORCE objects to any extension of hard landscaping along the DNR bank, as this would adversely impact protected water voles. FORCE notes that in relation to Gate 3, the Ecological Assessment only considers it "unlikely that the proposals will have any significant direct effects (including to the water vole population) during its construction and operation", whereas in relation to Gate 2, "it is considered that the risk of adversely affecting any [water vole] population in this location is low given the scale and nature of the works." (p2)

FORCE requires that all works be undertaken with construction methods that avoid any disturbance to the local protected water vole population, as mandated under environmental law. FORCE notes the assurance of Stephen Carver of the RFU, quoted in the Ecological Assessment, that "no works will be undertaken outside the blue line" (p2) and in turn seeks assurance that all fence works will be undertaken from within the RFU's property. FORCE further notes the recommendation that at both gates, "standard construction measures (including those to prevent/control pollution measures) should...be

employed...to prevent any indirect adverse effects on the water quality and flow within the adjacent River” (p2).

FORCE supports the proposal that surface water will be disposed of using a “Sustainable drainage system.”

3.5 The proposed lighting

FORCE notes the description of the proposed “Architectural lighting approach” (pp33-4). The DNR provides a dark corridor within which at least five protected species of bat live and forage. FORCE objects to the introduction of further lighting into this dark corridor and considers this proposal as having the potential for further deleterious impact upon the environmental value of this Borough Level SINC as well as upon a species protected under environmental law.

FORCE notes that the Ecological Assessment makes no reference to the potential disturbance to local bat populations caused by the proposed lighting.

FORCE is opposed to any development in the stadium, including architectural lighting, which has the effect of increasing the load through the current energy centre, thereby causing any further increase in noise levels, emissions, light pollution or hours of operation of the centre. FORCE believes that any further plant or equipment related to development of the stadium should be located away from the DNR frontage, and much nearer to the stadium. In the long term, FORCE believes the RFU should relocate the energy centre to a more appropriate location away from the DNR.

4 FORCE objectives for this Planning Application.

The RFU asserts that its relationship to “the Twickenham community...is of the up-most [*sic*] importance” (Design and Access Statement Part 1, p7). FORCE would like to see evidence that the RFU recognises the strategic value of the DNR corridor as a long-term community asset for the benefit of residents and the wider populations of LB Richmond and LB Hounslow, and is prepared to engage with the community on improving and sustaining the 700-metre DNR frontage onto which the RFU abuts. This application, which directly abuts onto the DNR, provides yet another excellent opportunity to begin this long-term RFU engagement. Improving this RFU section of the DNR path would considerably increase public usage, providing genuine long-term community benefit and improving the social return on the investments already made in adjacent lengths of the DNR path.

In relation to the DNR path, FORCE would like to see the RFU at least fulfil, and ideally exceed, its obligations under Planning Application 13/2130/FUL, stepping back its boundary fences and hedges to release at least 400 square metres for widening of the path along the entire 700-metre frontage, in advance of any new planning approval. The path should be wide enough to permit disabled access and children’s pushchairs, with space for sufficient

riverside vegetation to protect water vole habitat, consistent with Natural England guidelines.

FORCE has held discussions with the RFU regarding this objective over several years and the RFU appeared to be positive about delivering on it. Subsequently LBRuT has drawn up in detail the requirements for path width and fence set back to deliver this objective and sent these to the RFU in June 2016. There are the funds in the Duke's River project to deliver a new path and associated water vole habitat. However, as yet there has been no commitment from the RFU to provide the strip of land and fence set-back required. In our view this commitment would be an appropriate benefit to the community and the local environment arising out of this planning proposal.

The RFU would provide fencing sufficient to meet its security needs along this new boundary line. The planting of hedging and/or climbers would help to mask the fencing and enhance the value of this river corridor. LBRuT would install the new pathway, consistent with the standards of the paths already provided between Mereway and Chase Bridge. The pathway would be a key part of the DNR walk, with signposting and mapping, and would be included in LBRuT's maintenance schedule. The benefits of this would be substantial to local residents as well as to the wider populations of Twickenham, Whitton, St Margarets and Isleworth, allowing safe and attractive access along the entire 4 km length of the Duke's River path.

FORCE would welcome measures which reduce usage of the energy centre, including reductions in noise, air and light pollution and hours of operation. FORCE would welcome the provision of living walls and a green roof for the centre, to reduce its visual intrusion for users of the DNR pathway.

FORCE would also welcome a litter management scheme associated with the new application, which would limit RFU-generated litter pollution getting into the DNR and the DNR corridor. This could include a financial contribution towards the costs of keeping the river and corridor clean and litter-free.

5 Conclusion

FORCE is very keen for the RFU, as a local landowner and key interested party, to engage positively with the DNR improvement project; and we are using this opportunity to bring it further to their attention.

FORCE would be happy to discuss these issues further with LBRUT as required.

Yours sincerely,

Gary Backler,
Planning Trustee, on behalf of Friends of the River Crane Environment