
THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

AND

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

THE LONDON BOROUGH OF BARNET

(BRENT CROSS CRICKLEWOOD) COMPULSORY PURCHASE ORDER (NO.3) 2016

STATEMENT OF REASONS

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1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the London Borough of Barnet ("**the Council**") prepared in connection with a compulsory purchase order made by the Council on [], entitled The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 3) 2016 ("**the Order**") and submitted to the Secretary of State for Communities and Local Government for confirmation.
- 1.2 The Order was made having regard to the Guidance on Compulsory Purchase Process and The Criche Down Rules for the Disposal of Surplus Land Acquired by, or under the Threat of, Compulsory Acquisition (October 2015) ("**the CPO Guidance**").
- 1.3 The Council has made the Order pursuant to Section 226 (1)(a) of the Town and Country Planning Act 1990 ("**the Act**") and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. In this Statement of Reasons, the land and rights included in the Order are referred to as "**the Order Land**" and are shown on the plan appended to this Statement of Reasons. The Council is the local planning authority and the local highway authority for the Order Land.
- 1.4 The Council's purpose in seeking to acquire the Order Land is to facilitate the development, re-development and improvement of it by way of a mixed use scheme, comprising commercial, retail, residential, hotel, conference and leisure development; community facilities; car parking, infrastructure and highway works; new rail station, station buildings, railway sidings, rail stabling facilities and associated rail infrastructure; rail freight facilities; a waste transfer facility; public realm and environmental improvement works ("**the CPO3 Development**").
- 1.5 The CPO3 Development forms part of the wider Brent Cross Cricklewood ("**BXC**") regeneration scheme. An extant outline planning permission exists for the BXC regeneration scheme reference F/04687/13 and dated 23 July 2014 (the "**s.73 Permission**").
- 1.6 The regeneration of BXC, one of the largest regeneration opportunities in London, is a long-standing objective of the Council and is a key regeneration priority of the London Mayor (see further detail below in Section 5).
- 1.7 The principal components of the CPO3 Development, which are otherwise known as '**The Station Phase**' of the BXC regeneration scheme, are as follows:
- 1.7.1 The "**Thameslink Station**", which comprises the new Thameslink railway station; the Thameslink station entrance buildings; the provision of railway sidings, rail stabling facilities and associated rail infrastructure; a new rail freight facility; the relocation of the existing waste transfer facility; a new road bridge and a new pedestrian link over the Midland Mainline railway; and the Spine Road (North) which will provide a link from the A5 to the west of the railway to Station Square to the east; and
- 1.7.2 The "**Station District**", which comprises new public realm and associated highways infrastructure for the proposed public square and transport interchange known as Station Square; mixed use and residential development focussed around Station Square; business and employment uses with an associated mix of residential, retail and leisure use within the Station Quarter (West); and new homes, retail and community facilities within Brent Terrace (North).
- 1.8 The Thameslink Station development will be delivered by the Council in partnership with Network Rail. The Station District development will be delivered by a joint venture, known as Brent Cross South Limited Partnership ("**BXS LP**"), between the Council and Argent Related (which is itself a joint venture partnership between Argent and Related Companies), which has been established to deliver regenerative development to the south of the A406 North Circular Road ("**Brent Cross South**" or "**BXS**").

- 1.9 The Council considers that the CPO3 Development will contribute significantly to the economic, environmental and social well-being of its area by delivering important public benefits as referred to in Sections 7 and 8 below.
- 1.10 The Council's Assets, Regeneration and Growth Committee authorised the making and promotion of the Order at its meeting on [] September 2016.
- 1.11 Two other separate compulsory purchase orders have been made by the Council to facilitate the development of other land as part of the comprehensive BXC regeneration scheme:
- 1.11.1 The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No.1) 2015, has been made to deliver part of the first phase of BXC, principally on land to the north of the A406 North Circular ("**Brent Cross North**" or "**BXN**") which comprises the major redevelopment and improvement of the existing Brent Cross Shopping Centre ("**BXSC**"); residential, retail, office, leisure and community uses; and major highways and transport infrastructure to support both the BXSC and the regeneration of the BXC area, including a 'Living Bridge' over the A406 which will connect BXN with BXS ("**the CPO1 Development**"). The CPO1 Development is being delivered by Hammerson and Standard Life Investments ("**the CPO1 Development Partners**"); and
- 1.11.2 The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No.2) 2015, has been made to facilitate the development of part of the first phase of BXS, by way of a mixed use scheme comprising residential, retail, office and leisure development; community and educational facilities; new public realm; car parking; infrastructure and highways works; and a new Market Square ("**the CPO2 Development**"). The CPO2 Development is to be delivered by BXS LP.
- 1.12 The Secretary of State for Communities and Local Government directed that a public local inquiry be held to determine whether CPO1 and CPO2 should be confirmed. The inquiry into both orders commenced on 17th May 2016 and closed on 27th July 2016.

2. THE NEED FOR REGENERATION

- 2.1 The redevelopment of BXC is a long-standing objective of the Council due to the existing poor environment and urban structure. Extending to around 151 hectares in total, it is one of London's major regeneration schemes. BXC is defined to the west by the Edgware Road (A5) and the Midland Mainline railway line, and to the east by the A41, and is bisected east to west by the A406 North Circular Road. It is adjacent to Junction 1 of the M1 (Staples Corner) and includes the existing Brent Cross Shopping Centre and Bus Station as well as the existing Sturgess Park to the north of the North Circular Road.
- 2.2 Approximately two thirds of BXC lies to the south of the North Circular Road (approximately 100 hectares) and comprises under-utilised brownfield land, including the Brent South Retail Park, the Whitefield Estate, Whitefield Secondary School, Mapledown Special School and Claremont Primary School, and Hendon Leisure Centre, the Hendon Waste Transfer Station, Claremont Way Industrial Estate, the Railway lands, and Cricklewood Railway Station to the far south. The area also includes Clarefield and Claremont Parks, and Clitterhouse Playing Fields.
- 2.3 The BXC area is dominated and constrained by the existing road network and rail infrastructure. Although extremely well connected by road, and adjacent to tube and rail lines, the area suffers from poor public transport accessibility, particularly within BXS. The existing transport infrastructure creates a busy and hostile environment. The North Circular Road comprises a significant barrier between the communities to the north and to the south. In addition to the infrastructure forming a physical barrier between communities, the environment is unattractive to pedestrians and cyclists.
- 2.4 Substantial change needs to be effected, and significant amounts of new infrastructure need to be provided, if the area's potential to deliver much needed new homes and significant job opportunities is to be realised as envisaged by the national, regional and local planning

policy guidance as well as the Council's Corporate Plan and other strategies. The delivery of the CPO3 Development, as a key part of the wider BXC regeneration, is an important element of achieving that ambition.

- 2.5 The comprehensive regeneration of BXC is reliant on the delivery of an Integrated Transport Strategy ("**ITS**") providing efficient public transport, reducing the need for cars and parking space, improving traffic flows and permitting increased development densities. The various strands of the Thameslink Station development, including the delivery of the railway station itself together with the improvements to the public transport network by the provision of a new Midland Mainline bridge, linking the A5 and station transport interchange via a new spine road to the Station District and CPO2 Development, is an essential component of the ITS.
- 2.6 Accessibility to good public transport is one of the key drivers of demand for the proposed new housing and commercial development within BXS. The delivery of the CPO3 Development, will significantly enhance the accessibility and the attractiveness of the wider BXC scheme and enable the realisation of important regeneration benefits. The CPO3 Development is therefore an integral part of the ITS and necessary to facilitate and accommodate the comprehensive development of BXC. It will improve the Public Transport Accessibility Level ("**PTAL**") of BXC, which will permit higher density development, and ensure that the new development is delivered in a sustainable manner which promotes the use of public transport. The Station Phase is being brought forward sooner than originally envisaged under the s.73 Permission, so that it is delivered alongside Phase 1 of BXC, ensuring that it forms an integral part of BXC, and laying the foundations to enhance the pace of delivery of the remainder of BXS.
- 2.7 In summary, BXC has the potential to become a new and much needed economic centre for London, combining housing (with a guaranteed minimum of 15%, and up to a cumulative target of 30%, affordable homes with the potential for each phase to deliver up to 50% subject to viability), employment, retail, leisure and social infrastructure such as schools, public realm and green space. This 'new town centre for London' will offer benefits to both the local population and, through its strategic location and enhanced connectivity, the whole Greater London region.

3. **DESCRIPTION OF THE BXC DEVELOPMENT**

- 3.1 The overall aim of the BXC development under the s.73 Permission is:

"to unite the regeneration area north and south of the A406 and to stitch together the damaged fabric of this extensive urban area. The Development Partners will create a sustainable town centre comprising attractive residential environments, a major commercial core and a retail environment along a new High Street. This will result in BXC becoming a vibrant place to live, work and socialise, providing a catalyst for further economic growth in the surrounding area. BXC represents an opportunity to create a high quality modern development within a mixed community providing local shops, restaurants, offices and schools". (Planning Statement Addendum, October 2013, paragraph 4.1).

- 3.2 This aim accords with the Council's regeneration and corporate policy objectives for the area, and with national and London strategies, as identified in section 6 below of this Statement of Reasons. Throughout the Council's various strategic documents and the s.73 Permission itself, there is a consistent message that development must be comprehensive, creating a town centre environment bringing together a mix of retail, commercial, leisure and residential uses. The Council's approach to the delivery of BXC (as described in section 9 of this Statement of Reasons) is squarely aimed at ensuring the comprehensive nature of the development while recognising that development of this scale takes many years to complete.
- 3.3 The core elements of the BXC regeneration vision are:

- 3.3.1 the creation of an attractive, mixed use, vibrant town centre;
 - 3.3.2 the delivery of a large number of new homes (approximately 7,550) of mixed tenure including affordable homes;
 - 3.3.3 the development of an improved and accessible public transport offer;
 - 3.3.4 an environmentally sustainable development which provides residents, workers and visitors with the opportunity to reduce their carbon footprint;
 - 3.3.5 a high quality urban environment with a long term management regime; and
 - 3.3.6 the creation of safe and attractive routes through the site which integrate with the surrounding area.
- 3.4 The BXC proposals cover two main areas:
- 3.4.1 **Brent Cross North:** covering approximately 50 hectares of land to the north of the North Circular Road, and which includes the majority of the CPO1 Development to be delivered by the CPO1 Development Partners; and
 - 3.4.2 **Brent Cross South:** covering approximately 100 hectares of land to the south of the North Circular Road, and which includes part of the CPO1 Development and the CPO2 and CPO3 Developments to be delivered by the Council and by BXS LP.
- 3.5 The s.73 Permission provides for the BXC development to be delivered over seven phases. Phase 1 will be facilitated in part by CPO1 and in part by CPO2.
- The CPO1 Development**
- 3.6 The CPO1 Development will deliver Phase 1A (North) and Phase 1B (North) of the s.73 Permission. This includes:
- 3.6.1 The extended and reconfigured Brent Cross Shopping Centre;
 - 3.6.2 Brent Cross Main Square and High Street North;
 - 3.6.3 Highways infrastructure to support the BXN development and Phase 1 (South), as well as some of the key highways infrastructure for BXS. This includes junction improvements, and new bridges over the North Circular, seeking to overcome the existing physical barrier between the communities north and south of the North Circular Road;
 - 3.6.4 A new pedestrian and cycle only bridge (the Living Bridge) linking the development areas and communities north and south of the North Circular Road;
 - 3.6.5 A new bus station providing extra capacity and much improved facilities and links (including to Cricklewood Railway Station and Brent Cross Underground Station);
 - 3.6.6 Works to divert the River Brent and the creation of Riverside Park;
 - 3.6.7 New housing units including replacement residential units for some of the homes and sheltered housing which will be lost from the Whitefield Estate; and
 - 3.6.8 Improvements to Sturgess Park, Clitterhouse Playing Fields and Claremont Park.
- 3.7 Reserved matters for all items in Phase 1A (North) of the s.73 Permission have been secured. The detailed design for Phase 1B (North) is currently still evolving and it is anticipated that it will be submitted for approval by the CPO1 Development Partners through a reserved matters application in 2017.

The CPO2 Development

- 3.8 The CPO2 Development comprises part of the Market Quarter and part of the Eastern Lands Development Zones (as defined in the s.73 Permission). The CPO2 Development lies at the heart of BXS and is a vital and early part of the regeneration of BXS. It will be brought forward alongside the enhancements to existing public realm within Claremont Park and Clitterhouse Playing Fields, which together will form the initial core of development of BXS.
- 3.9 The design of the CPO2 Development will be worked up in detail through applications for reserved matters approvals, and will include:
- 3.9.1 Around 1100 homes (of which a proportion will be affordable, including the replacement Whitefield Estate units, and further provision to accord with the s.106 Agreement requirements);
 - 3.9.2 Small and medium enterprise business space;
 - 3.9.3 Education and community space, including the replacement Claremont School;
 - 3.9.4 Retail floorspace at ground level, including a foodstore;
 - 3.9.5 High quality public realm and green spaces, including the creation of a market square which will act as a link between the new Living Bridge and the improved Clitterhouse Playing Fields to the south; and
 - 3.9.6 New streets and cycle routes (including a new high street) which will create an attractive and active environment.

The CPO3 Development

- 3.10 The CPO3 Development is formed of two main components:
- 3.10.1 The **Thameslink Station**, which comprises:
 - 3.10.1.1 The Thameslink Station – including works to facilitate the new station development and the remediation of brownfield land needed to support the comprehensive regeneration of the area;
 - 3.10.1.2 Thameslink Station entrance buildings (east and western entrances) and service points providing access to the new Thameslink Station which is essential to the ITS for the wider BXC development;
 - 3.10.1.3 A new pedestrian overbridge in combination with a new station concourse over the Midland Mainline railway and linking the area to the west of the railway to the remainder of BXS;
 - 3.10.1.4 The Midland Mainline Bridge ("**MML Bridge**") – creating a new vehicular link from the A5 on the western side of the railway, to the Thameslink Station, and beyond to the remainder of BXS on the eastern side of the Midland Mainline railway;
 - 3.10.1.5 Spine Road North – which, in accordance with the ITS, will link the proposed Midland Mainline Bridge with the proposed Transport Interchange T1, new Station and Station Square, and which will continue along High Street South into the expanded Brent Cross Shopping Centre;
 - 3.10.1.6 A new pedestrian and cycle path – will provide a link from Brent Terrace to the new MML Bridge/Spine Road North;

- 3.10.1.7 A Rail Freight Facility – the relocation of an existing rail freight facility from the east to the west side of the railway which will release railway land for development. A modern freight facility will be provided which is better able to meet market demand, and provide a long term future for those facilities;
 - 3.10.1.8 New Waste Transfer Facility – the provision of a new road based waste transfer station to replace the existing rail based Hendon Waste Transfer Station, which will be relocated from the east to the west side of the railway, releasing land for the construction of the MML Bridge, the Spine Road North and mixed use development. The new waste facility will provide a modern facility with road connections; and
 - 3.10.1.9 Relocated Rail Stabling and Sidings – the location of the new Thameslink Station is currently occupied by the East Midland Train sidings and a dis-used rail freight building. The existing sidings will be relocated to the south east of the site adjacent to the newly commissioned Thameslink Sidings, enabling facilities to be combined.
- 3.10.2 The **Station District**, which comprises:
- 3.10.2.1 Station Quarter (West) and Brent Terrace (North) – providing a significant amount of business and employment uses together with a mix of residential, retail and leisure uses, and public realm;
 - 3.10.2.2 Station Square – a significant new public square that anchors the western end of the High Street South and connects the heart of Brent Cross South to the new transport interchange and a variety of other transport modes which will cluster around the Station; and
 - 3.10.2.3 Brent Terrace Park – Neighbourhood Park 3 and associated Green Corridor 8 as defined in the s.73 Permission, the provision of which may be delivered in two phases with the northern section delivered with Spine Road North.
- 3.11 Section 9 of this Statement of Reasons provides further details regarding the delivery of the CPO3 Development.
- 3.12 The delivery of the entire BXS is anticipated to take 20 years, beginning with the CPO2 Development for which a start on site is expected in 2018, and which will form the initial core of the development of BXS. The CPO3 Development will provide transport infrastructure, both to serve the CPO1 and CPO2 Developments, and to act as a catalyst for the delivery of the remainder of BXS. It will also complete the High Street and the link to the A5, which connects the CPO1, CPO2 and CPO3 Order Lands, therefore contributing to the comprehensive development of BXC.

4. **LOCATION AND DESCRIPTION OF THE ORDER LAND**

- 4.1 Details of the land and interests to be acquired are set out in the Schedule to the Order and are shown shaded pink on the map which accompanies it ("**the Order Map**"). Much of the land within the CPO3 boundary is railway land owned by Network Rail and used for industrial/storage and distribution uses.
- 4.2 Set out below is an overview of the land to be acquired and its principal existing uses, together with a summary of why it is necessary to acquire the land for the CPO3 Development. References to 'Plots' below are to the CPO Plots delineated on the Order Map.

The Railway Lands (East) Description

- 4.3 The "**Railway Lands**" are an extensive area of land identified as a development zone and shown on Parameter Plan 001 containing buildings positioned to the east and west of the railway tracks which fall within the ownership of Network Rail.
- 4.4 That part of the Railway Lands to be acquired which is situated to the east of the railway tracks incorporates a mixture of uses, including:
- 4.4.1 Plots 5 and 6 comprise scrub land that lies between the cement batching facility at Brent Terrace owned and occupied by Cemex (land and premises to the west of Nightingale Works), and the access road leading to the railway sidings and the Hendon Waste Transfer Facility;
 - 4.4.2 Plot 9 comprises of a single storey brick building located to the west of the Cemex concrete batching plant that is accessed via the railway sidings access road and is currently occupied by Carrillion. Adjacent to this building is an electricity substation (plot 10) which is held on a lease by UK Power Networks;
 - 4.4.3 Plots 11 and 12 comprise open storage land and railway sidings used for waste recycling which are occupied by GB Railfreight who use the sidings to export construction waste materials by rail and Scrap Metal Recycling who use the area as a yard for the storage of scrap metal for export by road; a large shed (Jerich Shed) which is a disused intermodal freight facility previously used for transferring palletised products from rail to road; and an area of land occupied by trees and vegetation located to the west of the houses on the southern section of Brent Terrace;
 - 4.4.4 Plot 13 comprises the Hendon Waste Transfer Station which incorporates a large warehouse, open storage land and railway sidings. The property is accessed off the northern section of Brent Terrace and has a site area of 2.46 hectares (6.08 acres) with the warehouse having an area of 2,700 sq. m. (29,062 sq. ft.). The freehold interest in the property is held by Network Rail Infrastructure Limited. North London Waste Authority ("**NLWA**") let the land where it is used as a rail and road served Waste Transfer Station.

Railway Lands (East) – Need for the land

- 4.5 Most of the land to the east of the Midland Mainline railway will, once decommissioned, be used as a construction and laydown compound to support the complex works required to deliver the new Thameslink Station platform and buildings and the MML Bridge. The construction period is expected to last at least 4 years. Once completed, non-operational land will be released for development and will form part of the Station District and Brent Terrace Development Zones.
- 4.6 The detailed design and methodology for constructing the bridge over the Midland Mainline railway and the approach road has not yet been developed. However, the bridge needs to be approximately 6 metres above the railway, which means that it will be about 4 metres above the level of Brent Terrace. The approach road to the bridge, the Spine Road North, is planned to be formed with retained earth embankments sloping away from the bridge with the road at a gentle gradient. Access may be required across the narrow strip of non-operational railway land at the rear of Brent Terrace during the construction. If so agreement will be sought for this purpose from the owner.
- 4.7 The existing Hendon Waste Transfer Station site sits directly in the path of the proposed new MML Bridge and Spine Road North. Once acquired, the existing assets will be demolished and removed from the site, enabling the remediation of the land and construction of a retained earth embankment to support the Spine Road North. Piled abutments will also be constructed forming the eastern end of the MML Bridge. Upon completion of the MML Bridge and Spine Road North the remaining land will be released for development as part of the Brent Terrace Development Zone, which will predominantly comprise residential and community uses, and the green corridor.

Railway Lands (West) - Description

- 4.8 That part of the Railway Lands to be acquired which is situated to the west of the railway line comprising the following plots of land:
- 4.8.1 The land identified as Plots 27, 28, 29 and 34 on the Order Map is the Downside Goods Yard, Edgware Road. It comprises a large parcel of open storage land measuring 4.87 hectares (12.03 acres) that was formerly railway sidings. The land, which is accessed from Edgware Road, is divided into a number of smaller plots which are utilised for the storage of items such as scaffolding, motor vehicles (including scrap) and building materials and waste. Advertising hoardings are located on the northern side of the entrance to the site. The freehold interest is in the ownership of Network Rail who have granted a long lease to DB Cargo (UK) Limited who in turn have sub-let the land to Euro Storage (UK) Limited, NCC Cars, Pearce Leane Scaffolding Limited, RJ Auto Servicing and Primesight. Euro Storage's business is the letting of open storage land and they further sub-let the land to a number of individuals and businesses;
- 4.8.2 Where Plot 34 adjoins Edgware Road there are advertising hoardings that are let to Primesight;
- 4.8.3 Plot 35 is a thin strip of land formed of overgrown vegetation that sits between the Goods Yard and the railway; and
- 4.8.4 Plots 25 and 26 is an area of land that sits adjacent to the railway which is covered with vegetation. An area of this land (Plot 26) has been cleared to allow for a telecommunications mast (operated by EE Limited) to be erected.

Railway Lands (West) – Need for the Land

- 4.9 The operational railway land to the west leased by DB Cargo (UK) Limited and used for storage and distribution uses is required for the delivery of the new rail freight facility. Once operational, the rail freight facility will enable the storage and transfer of building materials and aggregates from and to rail based freight wagons.

106 Brent Terrace – Description

- 4.10 106 Brent Terrace is identified as Plots 7 and 8 on the Order Map. The property is located at the southern end of the northern section of Brent Terrace and comprises of two warehouse units constructed in the late 1980s. The buildings are of steel portal frame construction with the elevations formed of blockwork at the lower level and metal cladding on the upper part. The roof is pitched and is constructed of profiled metal sheets incorporating roof lights. The warehouses occupy the eastern part of the site with an access road running through the middle. On the western part of the site is a designated area for the parking of cars (18 spaces) and an area of hard standing for the parking of larger vehicles. Unit 1 (the northernmost unit) comprises 1,824.08 sq. m. (19,828 sq.ft.) of accommodation that is divided between the large warehouse and office accommodation spread over three floors. Unit 2 comprises 557.98 sq.m. (6,006 sq.ft.) of accommodation that is divided between a warehouse area and a small amount of office accommodation over two floors.

106 Brent Terrace – Need for the Land

- 4.11 Together with the Cemex Plant (see below), 106 Brent Terrace is situated in an important position, forming part of the area where three development zones (Station District, Market Quarter and Brent Terrace) converge. The new Spine Road North extends along the western boundary of the land resulting in a portion of the site being required for the construction of the road. Once construction of the road is complete, the site will form an important part of the Brent Terrace Development Zone and the Station Quarter Development Zone.

Land and Premises to the west of Nightingale Works, Brent Terrace ('Cemex Plant') – Description

- 4.12 The Cemex Plant is identified as Plot 4 on the Order Map. It comprises a parcel of land measuring 0.25 hectares (0.61 acres) that is situated on the western side of Brent Terrace, immediately north of the road's junction with Claremont Way. The freehold of the land is owned by Cemex UK Operations Limited who occupy the site, operating a concrete batching plant. Situated against the northern boundary of the site is a shed measuring circa 185sq.m. (1,991 sq.ft.) which is used for the batching with the remainder of the site, which has a tarmacadam surface, used in part for the parking of vehicles and as a circulation area for cement trucks and other vehicles. Within the site is an electrical substation.

Cemex Plant - Need for the Land

- 4.13 The Cemex Plant site is required initially for the construction of the Spine Road North which will cross the western part of the site before turning and extending across the northern part of the site where the shed currently resides. On completion of the construction of the road, the remainder of the site will form an important development plot within the Station District Development Zone, situated on the corner of the point where the Station District and Market Quarter Development Zones converge.

2 Geron Way – Description

- 4.14 The land is identified as Plots 21 and 23 on the Order Map. It comprises a warehouse and associated surface car park located on the west side of the railway line and on the south side of Geron Way. The property has an internal area of 5,779 sq.m. (62,209 sq.ft.) The property is owned by Hammerson UK plc and is occupied by Selco Builders Merchants.

2 Geron Way – Need for the Land

- 4.15 This land is required initially to enable the piled abutments and the approach ramp for the MML Bridge to be constructed. Once this work is completed the land will be used to construct the new Waste Transfer Facility and junction improvements.

Land at 400 Edgware Road – Description

- 4.16 The land is identified as Plots 32 and 33 on the Order Map. 400 Edgware Road is a large research facility and office building, however no part of the building itself is proposed to be acquired. Plot 32 comprises a small triangle of land in the north west corner of the site, consisting of a boundary wall and landscaped area with Plot 33 forming an area of land that extends around the northern perimeter of the site which forms of part of the car park and boundary treatment of the property.

Land at 400 Edgware Road – Need for the Land

- 4.17 The land is required in order for junction improvements to be undertaken for the access to the new rail freight facility.

Land to the east of 1 Geron Way – Description

- 4.18 The land is identified as Plot 17 on the Order Map and comprises a thin strip of land that sits alongside the properties boundary with the public highway. The land is currently occupied by steel palisade fencing and grassland.

Land to the east of 1 Geron Way – need for the Land

- 4.19 The land is required in relation to improvements to be undertaken at the Geron Way/Edgware Road junction.

Land adjacent to Unit 7 Staples Corner Retail Park, Geron Way – Description

- 4.20 The land is identified as Plot 15 on the Order Map and comprises a surface car park which sits directly to the south east of Unit 7, Staples Corner Retail Park, which is a six screen cinema operated by Cineworld Group plc. No part of the building itself is proposed to be acquired. The car park provides 83 spaces and falls within the freehold title of Unit 7 Staples

Corner which is owned by Alphachoice Limited. Cineworld are holding over on their right to use the spaces under the terms of their lease. An electricity substation is situated on the eastern boundary of the site which will be unaffected.

- 4.21 Immediately to the south-east of the car park is an area of overgrown land that is identified as Plot 16 on the Order Map which is in the ownership of Hammerson Cricklewood Limited. To the west of the car park is an area of paved land that sits between the car park and the public footpath which is identified as Plot 14 on the Order Map.

Land adjacent to Unit 7 Staples Corner Retail Park, Geron Way – Need for the Land

- 4.22 This land is required to provide the western station access incorporating escalators and lifts to the pedestrian overbridge combined with station concourse, ticket office and cycle parking facilities. The entirety of the car park land will be required as a work site for the construction of the pedestrian bridge.

Highway known as Brent Terrace and Claremont Way – Description

- 4.23 A section of highway is included in the Order and is shown on the Order Map as Plots 1, 2 and 3. The highway falling within Plot 1 is known as Brent Terrace with Plot 2 forming part of Claremont Way. Plot 3 forms a public footpath that extends along the eastern side of 106 Brent Terrace and connects the northern and southern parts of Brent Terrace.

Highway known as Brent Terrace and Claremont Way – Need for the Land

- 4.24 The highway land is required for the construction of the buildings that will form the eastern part of the Station District Development Zone along its interface with the Market Quarter Development Zone and the Brent Terrace Development Zone.

New Rights to be Acquired

- 4.25 The Order seeks the acquisition of new rights over the land which is shown shaded blue on the Order Map. The proposed rights, in summary, comprise the following:
- 4.25.1 **Rights required for the MML Bridge – (Plot 36)** – rights to enter onto the land for the purposes of the construction of the new MML Bridge, including crane oversailing rights, the rights to pass and repass over the MML Bridge once constructed, rights to run service media and rights of access for maintenance purposes.
 - 4.25.2 **Rights required for the Pedestrian Link – (Plots 37 and 38)** – rights to enter onto the land for the purposes of the construction of the new pedestrian bridge over the Midland Mainline Railway, including crane oversailing rights, the rights to pass and repass over the pedestrian bridge once constructed, rights to run service media and rights of access for maintenance purposes.
 - 4.25.3 **Rights to enter and use land during construction – (Plot 39)** – rights to enter and use land for the purposes of a temporary construction compound during the construction of the CPO3 Development.

5. PLANNING HISTORY OF THE ORDER LAND

- 5.1 BXC (including the Order Land) was identified as an 'Opportunity Area' by the Mayor in the first London Plan in 2004, leading to the publication of the 2004 Development Framework. The policy background is considered in more detail in section 6 of this Statement below.
- 5.2 Planning permission (reference number C17559/08) for the regeneration of BXC (including the Order Land) was granted on 28 October 2010 ("**the 2010 Permission**"). A section 106 agreement was completed on the same date. The 2010 Permission was granted largely in

outline, but with details provided for improvements to strategic junctions providing access into the site, including the A41/A406 junction and the M1/A5/A406 junction.

- 5.3 As explained in the introduction section of this Statement of Reasons, the s.73 Permission was subsequently granted on 23 July 2014. A related section 106 Agreement was completed on 22 July 2014 ("**the s.106 Agreement**"). The s.73 Permission permits the development of BXC, including the Order Land, subject to updated conditions that facilitate more efficient delivery of the wider BXC.
- 5.4 The s.73 Permission is for comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses with Use Classes B1 - B8, leisure uses, rail based freight facilities, waste transfer facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocation electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste transfer facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the development.
- 5.5 The s.73 Permission permitted uses are:

	Total Scheme (sqm)
Residential (Class C3)	712,053
Retail and Related Uses (Classes A1 - A5) - North	78,133
Retail and Related Uses (Classes A1 - A5) - South	32,794
Business (Class B1)	395,297
Hotel (Class C1)	61,264
Leisure (Class D2)	26,078
Community Facilities (Class D1)	34,615
General Industrial/Storage & Distribution incl. WHF and Rail Freight (Classes B2 B8)	61,314
Rail & Bus Station (Sui Generis)	2,533
Private Hospital	18,580
Petrol Filling Station	326

Total

1,422,987

- 5.6 The s.106 Agreement contains planning obligations relating to the provision and funding of infrastructure and other mitigation relating to education, health, community, child care, leisure, energy and waste facilities, open space, affordable housing, estate management, business and residential relocation provisions, public art, employment and skills provisions, the River Brent diversion, a transport fund (£26,670,000 index linked), bus and train stations, highways and bridges (including the Living Bridge), supplementary transport measures (including a reasonable worst case sum available to mitigate any unforeseen Northern Development impacts occurring South of the A406), construction consolidation centre(s), car parking provision, bus network mitigation, pedestrian and cycle links and the creation or appointment of various groups, plans, strategies and co-ordinators.
- 5.7 The primary purpose of the s.73 Permission was to make changes to the planning conditions imposed on the 2010 Permission to reflect the evolution in the scheme design and the revised strategy for delivery in accordance with the clear policy commitment to seek comprehensive development of the entire regeneration area. The main changes were:
- 5.7.1 Creation of the Living Bridge over the North Circular Road to improve pedestrian and cycling connectivity across the site and provide better integration between the northern and southern components of the development;
 - 5.7.2 Alterations to the layout of development within Brent Cross East Development Zone (i.e. around the remodelled Brent Cross Shopping Centre) including creating the interface with the Living Bridge, as well as consequential amendments to the alignment of the River Brent;
 - 5.7.3 Alterations to the phasing of the development to bring more of the Brent Cross East Development Zone into Phase 1 including the new bus station; and
 - 5.7.4 Alterations and improvements to the open space and public realm provision, including the reconfiguration of Brent Cross Square and Market Square to integrate with the Living Bridge.
- 5.8 As part of the application for the s.73 Permission the CPO1 Development Partners sought amendments to the section 106 agreement associated with the 2010 Permission so as to enable changes to the phased delivery of the BXC development.
- 5.9 The s.73 Permission reflects the fact that Phase 1 of BXC is proposed to be delivered in sub phases which are essentially divided between the north and south of the A406 North Circular. This is consistent with the Council's and CPO1 Development Partners' revised delivery responsibilities, including the Council's role in delivering the regeneration to BXC. These, and other changes to the 2010 Permission, were designed to enable the strategic vision for the comprehensive regeneration of BXC as a whole to be delivered in a timely, effective and beneficial manner.
- 5.10 BXC is supported by the ITS. This makes substantial provision for public transport and other sustainable modes of travel whilst also providing appropriately for car based travel. This recognises that the car will continue as a significant mode of travel in the BXC site, but the proposals also include the provision of a high quality level of service for access by public transport and other sustainable modes. This has required a balanced approach that seeks to allow people the opportunity to have access to a car but, through the delivery of a step change in public transport and other modes, also provides increasingly attractive alternatives to car use, particularly during the peak travel periods.
- 5.11 The ITS is incorporated in the original Transport Assessment that was approved pursuant to the 2010 Permission and the s.73 Permission. The ITS identifies the separate but complementary components that will deliver the transport vision set out in the Cricklewood, Brent Cross and West Hendon Regional Area Development Framework.

- 5.12 The Transport Vision referred to in the ITS includes the following principles:
- 5.12.1 Create a new outer London town centre that will reduce journeys into central London during periods of peak travel demand;
 - 5.12.2 Mixed-use development that creates opportunities for short local trips and linked trips, especially by non-car modes of travel;
 - 5.12.3 New and improved public transport services that provide additional capacity, new links between areas and an overall higher standard of service;
 - 5.12.4 Integration between modes of travel to facilitate access by public transport to the area;
 - 5.12.5 Improved accessibility and convenience to walking and cycling routes to make journeys easier and more attractive; and
 - 5.12.6 Limited new parking associated with development to discourage the use of the car for non-essential journeys.
- 5.13 The ITS also embodies the following underlying principles:
- 5.13.1 Meeting an unrestrained demand for car travel through the provision of new highway network alone would be unacceptable as to do so would fail to encourage use of more sustainable modes, particularly during peak travel times;
 - 5.13.2 Delivery of the strategy over a long development period requires flexibility to respond to changing conditions but always within parameters and controls established by the s.73 Permission;
 - 5.13.3 Development can only proceed if the necessary related infrastructure has been implemented in step with or slightly ahead of need and in line with the promotion of the necessary progression towards the overall mode share targets;
 - 5.13.4 In order to overcome initial transport constraints, significant new infrastructure is being provided; and
 - 5.13.5 As each element of transport infrastructure is brought forward the improvements provided will cater for the full BXC development, making best use of investment and reducing the overall impact of any subsequent construction works.
- 5.14 At the core of the ITS is the provision of a fully integrated and, as far as achievable, sustainable public transport network of appropriate travel modes, to provide a good quality and attractive level of service provision for those visiting the BXC site and the surrounding area whilst at the same time maintaining the level of service on the highway network to avoid any detriment arising through the proposed development.
- 5.15 The provision of sustainable modes of travel will be achieved through a number of measures, including the construction of the new Thameslink Station, that will enable the proposed scheme and existing communities to access the planned uplift in capacity of Thameslink services passing through the area.
- 5.16 Transport policy support for the BXC development has been predicated upon the delivery of sustainable regeneration, which in transportation terms minimises the need for car use and provides a comprehensive range of improvements to public transport and a good level of accessibility by all modes across the area and in particular cycling and walking. The transport infrastructure and highways works that will be facilitated by CPO3 will make a major contribution to improving accessibility to and permeability through the BXC wider area (including the Order Land), and will promote the use of sustainable transport modes in accordance with national, regional and local transport policies. Particular consideration has been given to the sustainability of travel to, from and within the site in relation to public

transport, cycling and walking, and a need to generate a mixed use development which will encourage and promote alternatives to the private car.

6. **PLANNING FRAMEWORK**

6.1 **National Planning Policy**

- 6.1.1 The National Planning Policy Framework ("**NPPF**") published on 27 March 2012 sets out the Government's planning policies for England and how they are to be applied. It confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Therefore, at the heart of the NPPF is 'the presumption in favour of sustainable development' which should be seen as the 'golden thread' running through both plan-making and decision-taking.
- 6.1.2 The NPPF's purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than frustrated by unnecessary barriers.
- 6.1.3 Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:
- 6.1.3.1 proactively drive and support sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs. Every effort should be made to identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
 - 6.1.3.2 encourage the effective use of land by reusing brownfield land;
 - 6.1.3.3 promote mixed use developments;
 - 6.1.3.4 actively manage patterns of growth to make the fullest possible use of public transport; and
 - 6.1.3.5 take account of land and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.1.4 The NPPF also specifically requires planning policies to be positive and plan for the management and growth of centres over the plan period to ensure the needs for retail, leisure and other main town centres are met in full.
- 6.1.5 The NPPF recognises the role that mixed use development can play in promoting healthy lifestyles by encouraging interactions between different sections of the community and highlights that sustainable development can be achieved through three specific roles of the planning system including: economic, social and environmental.
- 6.1.6 The NPPF requires Local Planning Authorities ("**LPAs**") to meet objectively assessed need and deliver housing which provides people with a choice about where they live and the type of accommodation available. Furthermore, the NPPF states that LPAs should ensure that there is sufficient land available to support economic growth, particularly in areas well served by transport infrastructure.
- 6.1.7 The Government issued the National Planning Practice Guidance in 2014 to assist with the implementation of the NPPF.

6.2 Regional Planning Policy

The London Plan

- 6.2.1 The London Plan 2015, like its 2004 predecessor, identifies BXC as an 'Opportunity Area'. Policy 2.13 indicates that the Mayor will provide proactive encouragement, support and leadership for partnerships preparing and implementing opportunity area planning frameworks to realise the growth potential in these areas. Policy 2.13 also states that development proposals within Opportunity Areas should (inter alia):
- 6.2.1.1 Support the strategic policy directions for the Opportunity Areas set out in Annex 1 and adopted opportunity area planning frameworks;
 - 6.2.1.2 Seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses;
 - 6.2.1.3 Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity; and
 - 6.2.1.4 Support wider regeneration (including, in particular, improvements to environmental quality) and integrate development proposals into the surrounding areas especially areas for regeneration.
- 6.2.2 Annex 1 of the London Plan (2015), in Table A1.1 sets the Cricklewood/Brent Cross Opportunity Area (which includes West Hendon) an indicative employment capacity target of 20,000 jobs and a minimum new homes target of 10,000 units. The strategic policy direction for the Opportunity Area states that:
- "Subject to office demand, a potential Strategic Outer London Development Centre (see Policy 2.16). Brent Cross/Cricklewood also has significant potential for wider economic development, new housing and regeneration, capitalising on public transport improvements including Thameslink and the Northern Line upgrade. The area combines former railway lands and the wider hinterland surrounding Brent Cross regional shopping centre across the A406 North Circular Road. Brent Cross is to be redeveloped to become a town centre complementing the roles of other centres nearby and with an extended mix of town centre activities. This should include a significant increase in new housing together with local ancillary services. A rail station on the Cricklewood site is proposed and new development should be phased with improvements to public transport and accessibility. A site for a major waste facility within the area will form a key role in North London Waste Strategy. There is significant potential for improvement to the public realm including restoration of the River Brent."*
- 6.2.3 Annex 1 also defines the Opportunity Area planning framework of BXC as 'adopted', which refers to the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework.
- 6.2.4 Annex 2 identifies Brent Cross as a regional shopping centre but with the potential to change classification over the plan period to a Metropolitan town centre.
- 6.2.5 Policy 2.16 identifies Strategic Outer London Development Centres. Table 2.1 identifies Brent Cross with a 'retail' strategic function and BXC with a strategic office (subject to demand) function of greater than sub-regional importance. Policy 2.16 states that within these centres there will be a focus on: co-ordinating public and private infrastructure investment; bringing forward adequate development capacity; placing a strong emphasis on creating a distinct

and attractive business offer and public realm through design and mixed use development; and improving Londoners' access to new employment opportunities.

6.2.6 The Plan advocates the need to make the most efficient use of brownfield land and recognises that in areas of high public transport accessibility densities should be maximised.

6.2.7 It is noted in Annex 1 that the provision of a major waste facility in the area forms a key role within the North London Waste Strategy.

6.3 Local Planning Policy and Guidance

6.3.1 In 2004 the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework ("**Development Framework**") was adopted by the Council as Supplementary Planning Guidance. It was updated in 2005 to include the Eastern Lands. The Development Framework was produced by the Council in collaboration with the GLA, other stakeholders and development partners. It was intended to guide and inform the design and delivery of the development of BXC with the aim of achieving high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre for Barnet spanning the A406 North Circular Road.

6.3.2 The key features for the regeneration of BXC as identified within the Development Framework's vision for the area (Chapter 2) include:

6.3.2.1 A New Town Centre – A new Town Centre on both sides of the North Circular providing a new mix of uses to the area attracting people throughout the day and into the evening;

6.3.2.2 A New Commercial District – Over 20,000 new jobs in office, media, IT and Construction sectors for local people and the new communities moving into the area;

6.3.2.3 A Sustainable Community – In the region of 10,000 new homes (including residential development at West Hendon) including affordable for local people and key workers;

6.3.2.4 High Quality Usable Green Open Space – A new park alongside Brent Terrace providing play areas and gardens. Clitterhouse Fields and Claremont Park to be improved and Clarefield Park will be re-provided. A new riverside walk along the River Brent;

6.3.2.5 Streets and Routes for Pedestrians and Cyclists – Specific Routes for cyclists and pedestrians will be created throughout the area including a new pedestrian route linking the High Street and Market Square to the Brent Cross Underground Station;

6.3.2.6 Quality of Life – Improvements or additions to existing social and cultural facilities;

6.3.2.7 Freight and Waste – A new freight facility to be established to ensure that there is adequate capacity to move consumer goods by rail. Provision of a new waste transfer facility;

6.3.2.8 Accessibility – Improvements of Public Transport Accessibility of the area through: New Main Line railway station and associated Public Transport Interchange; New Bus station with modern facilities and improved services; high quality transit system from Cricklewood Station to Brent Cross Shopping Centre and Brent Cross Underground via The New Town Centre; and

- 6.3.2.9 Deliverability – A commitment to ensuring that the development presents a deliverable solution with measurable benefits and a comprehensive approach to the area’s regeneration to both the north and south of the North Circular.

6.4 **The Council’s Local Plan – Core Strategy (2012)**

6.4.1 The Council’s Core Strategy is one of a suite of documents forming the Local Plan. The Local Plan sets out the policies for delivering sustainable development in the borough. The Core Strategy details the vision and objectives for the borough over the plan period (to 2025/26), and a series of strategic policies.

6.4.2 The Core Strategy states that the regeneration of BXC represents (p40 para 8):

“...the largest and most important development in Barnet and one of London’s most important strategic proposals. The development includes the creation of a sustainable new mixed use town centre for Barnet and North London including substantial residential, commercial and retail uses.”

6.4.3 The Core Strategy was adopted in September 2012 and identifies BXC as a major Opportunity Area (p40 ‘Brent Cross – Cricklewood Regeneration Area’ para 1) Policy CS1 states that:

“As our focus of housing and employment growth we will promote opportunities on the west side of the borough in the strategically identified North West London – Luton Coordination Corridor.”

6.4.4 A number of Core Strategy policies expressly recognise the role that BXC is expected to play. In addition to Policy CS2, BXC’s contribution to accommodating a substantial amount of the borough’s new development including housing, office and comparison retail development are set out in Policies CS3, CS6, CS7 and CS8. Significant investment in public transport is anticipated in Policy CS9.

6.4.5 Policy CS7 in particular relates to transport improvements and states that the Council will seek to provide a number of specific matters including the following relevant items:

6.4.5.1 Inclusion of a vehicular link across the railway to connect to Edgware Road;

6.4.5.2 A new railway station;

6.4.5.3 Upgraded rail freight facilities; and

6.4.5.4 Enhanced waste transfer station.

6.4.6 The Core Strategy also includes the following outputs for the development of BXC:

“The proposals include approximately 7,550 housing units, of which, subject to a viability assessment, 2,250 are targeted to be affordable. The Brent Cross Shopping Centre will be transformed into an outward-facing town centre with approximately double the current amount of floorspace, which will be focused on a new High Street which traverses the North Circular Road. The application proposals comprise a net addition of 55,000m² gross comparison retail floorspace as part of town centre north. The area south of the North Circular Road will comprise a mix of town centre and residential uses and will include new schools and community uses as well as a new food superstore (to replace

the existing foodstore) and smaller retail units. The 'bridging of the North Circular Road' with a new metropolitan scale sustainable town centre will create the heart and focus of activities at the 'hub' of Brent Cross Cricklewood. In the later phases of the development a new office quarter is proposed to the north west of the area (south east of the existing Staples Corner) which will be served by a new railway station in the later phases of the development. A new 'state of the art' bus station is proposed at the Brent Cross Shopping Centre, linked to the realignment and enhancements of the River Brent corridor."

6.4.7 Amongst the supporting infrastructure noted in the Core Strategy to be delivered as a part of the comprehensive delivery of the Brent Cross Regeneration area are the following which are of particular relevance to the Order:

- 6.4.7.1 a new station;
- 6.4.7.2 the delivery of open spaces and squares;
- 6.4.7.3 extensive improvements to the road network;
- 6.4.7.4 a new Waste Transfer Facility; and
- 6.4.7.5 a new Rail Freight Facility.

6.5 **Saved Policies of Chapter 12 of the Council's UDP (2006)**

6.5.1 The majority of policies within the UDP, including those contained within Chapter 12, were saved in May 2009 by direction from the Secretary of State under Schedule 8 of the Planning and Compulsory Purchase Act 2004. The Local Plan replaced the policies of the UDP with the exception of Chapter 12 relating to BXC and the saved policies contained within it. Development within BXC therefore continues to be subject to the control of the saved UDP Chapter 12 policies. The importance of BXC is reflected in saved UDP Policy G Crick which states:

"The Cricklewood, Brent Cross and West Hendon Regeneration Area, as defined on the proposals map, will be a major focus for the creation of new jobs and homes, building upon the areas strategic location and its key rail facilities. All new development will be built to the highest standards of design as well as to the highest environmental standards. A new town centre developed over the plan period, will be fully integrated into the regeneration scheme."

6.5.2 Policy C1 (Comprehensive Development) states that the Council will seek comprehensive development in accordance with the adopted Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework and delivery strategy. Development proposals will be supported if they are consistent with the policies of the UDP and their more detailed elaboration in the Development Framework.

6.5.3 The 2006 UDP recognised the unique characteristic of the BXC site and the relationship between the railway lands and the strategic links to the rest of London and beyond (paragraph 12.3.21). It therefore identified the need for future development to be linked to an enhanced role for public transport and works towards a modal shift from car use to public transport.

6.5.4 Policy C7 promotes transport improvements in the Regeneration Area, as well as seeking to facilitate strategic transport links to and through the development, including improved vehicular links to the A406, new railway and bus stations, rail freight facilities and a rail link to an improved waste transfer station to service the north London waste transfer station.

6.6 **The Council's Corporate and other policies**

The Council's Corporate Plan 2015-2020

6.6.1 The regeneration of BXC will be a major contributor to achieving the Council's priority objectives in its Corporate Plan 2015-2020 and Corporate Plan Addendum and Targets 2016/17.

6.6.2 BXC is at the heart of the Council's programme of major growth and regeneration which will be delivered over the next decade and beyond to ensure that the borough is able to manage significant population growth in new and improved neighbourhoods, supported by major investment in supporting facilities and infrastructure. This is highlighted in the Corporate Plan Addendum which states:

"The Growth and Regeneration Programme [contributes to the Corporate Plan priorities by] building more than 20,000 new homes by 2025 – the most in outer London – across our seven major growth and regeneration sites, in particular Colindale and Brent Cross Cricklewood, and delivering a pipeline of new homes on council land with current plans for over 700 homes including 320 new council homes."

The Council's Housing Strategy - 2010-2025

6.6.3 The regeneration of BXC is a key component of the Council's Housing Strategy as the scheme will make a significant contribution to meeting the housing needs of the borough by providing thousands of high quality new homes.

6.6.4 The Council's Housing Strategy includes a set of core objectives including Increasing Housing Supply (Page 12). This deals with regeneration and growth and states:

"The majority of growth will be focused in Brent Cross/Cricklewood, Colindale and Mill Hill East. These areas have the capacity to deliver up to 20,000 new homes by 2029/30, of which 6,500 will come forward in the next 5 years, as well as opportunities for improvements to public transport and employment growth."

6.6.5 BXC is specifically highlighted as follows:

"Brent Cross/Cricklewood - A long term scheme which will deliver 7,500 new homes and up to 27,000 jobs over the next 20-30 years. In addition, the scheme will see a doubling in size of Brent Cross Shopping Centre, new community facilities, improved transport infrastructure and new schools. At least 15% of new homes provided will be affordable in addition to 215 homes to replace Whitefield Estate."

Entrepreneurial Barnet 2015-2020

6.6.6 Entrepreneurial Barnet 2015-2020 sets out, through the Council's economic development strategy, that the Council is committed to supporting the economy to grow and to improving living standards by boosting incomes, opportunities and well-being for people in Barnet.

6.6.7 Barnet is the largest borough in London by population, with a strong economy based predominantly on significant numbers of small businesses. The borough has more businesses registered than any other outer-London borough. Many of these businesses are owned by residents (40%). By contrast, Barnet has a much lower than average proportion of large businesses.

6.6.8 High demand for land to build housing, and a relatively short supply of industrial and commercial land mean that Barnet is likely to remain a small business economy over the medium to longer term. The exception is the development of BXC, which offers a significant opportunity to create a new business hub for Barnet, hosting businesses of different sizes, including larger national and international firms, and headquarters operations. The s.73 Permission provides for approximately 395,297 sq.m. of office floorspace. The majority of the office

floorspace will be in the Station District adjacent to the new train station, and 5,396 sq.m. of office floorspace is proposed within the Brent Cross East Zone.

- 6.6.9 Whilst growth will create significant economic opportunities, it must be supported by the requisite infrastructure improvements to ensure that those opportunities are maintained into the longer term. Businesses rely on high quality communications and transport networks. The CPO3 Development will contribute considerably to a significantly enhanced public transport network.

6.7 **Draft Planning Policy**

Draft North London Waste Plan

- 6.7.1 The seven North London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan ("**NLWP**"). Once adopted, the NLWP will form part of the 'Development Plan' for the relevant North London boroughs. The NLWP must be in general conformity with the London Plan and consistent with other documents in borough local plans.

- 6.7.2 The NLWP has two main purposes:

6.7.2.1 to ensure there will be adequate provision of suitable land to accommodate waste management facilities of the right type, in the right place and at the right time up to 2032 to manage waste generated in North London; and

6.7.2.2 to provide policies against which planning applications for waste development will be assessed, alongside other relevant planning policies/guidance.

- 6.7.3 The draft NLWP was published in July 2015. It recognises that the existing rail linked Hendon Waste Transfer Station is due to be redeveloped as part of BXC. The site of the new Waste Transfer Facility at Geron Way/ Edgware Road approved in the s.73 Permission is identified in Figure 13 of the draft NLWP as a proposed new waste site (site reference S01-BA). In addition to the Hendon Waste Transfer Station, three other existing waste management sites within BXC are identified in Table 15, Schedule 1 in Appendix 2 of the draft NLWP as existing safeguarded waste sites in North London. These are:

6.7.3.1 PB Donoghue (site reference BAR 3);

6.7.3.2 McGovern Brothers (site reference BAR 6); and

6.7.3.3 Cripps Skippis (Ground Waste Recycling) (site reference BAR 7).

- 6.7.4 The latter two sites fall within the CPO2 Order Land. The draft NLWP (para 8.10) recognises that the regeneration of BXC will affect existing waste sites. The draft NLWP is required to be updated to take into account changes to the NLWA's strategy.

7. **THE NEED AND JUSTIFICATION FOR THE ORDER**

- 7.1 By virtue of Section 226(1)(a) of the Act the Council has the power to make a compulsory purchase order for any land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council believes that the acquisition of the Order Land will facilitate the carrying out of development both of the CPO3 Development and also the regeneration of the BXC area.

- 7.2 Section 226(1A) of the Act provides that the Council may not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the

promotion or improvement of the economic, social or environmental well-being of its area. For the reasons set out below and elsewhere within this Statement of Reasons, the Council is of the firm view that the CPO3 Development will so contribute.

7.3 Section 226 (4) of the Act provides that it is immaterial that the development, re-development or improvement may be carried out by a third party.

7.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire such new rights over land as are specified in a compulsory purchase order.

7.5 The CPO Guidance provides guidance on the use of these compulsory purchase powers. The Introduction to the CPO Guidance states that:

"Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life."

7.6 The main body of the CPO Guidance provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Tier 2, Section 1 provides specific guidance for local authorities on the use of their powers under Section 226. Paragraph 65 provides that:

"This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate."

7.7 The CPO3 Development accords with the criteria at paragraph 76 of the CPO Guidance. In particular, the purpose for which the Order Land is to be acquired fits in with the adopted planning framework for the area; the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the area; and that purpose could not be achieved by any other means such as alternative proposals put forward by owners of the land or alternative locations.

7.8 Projects of this scale and nature require the co-ordination of substantial amounts of resources across large areas of land, involving many different types of tenure and discussions with a large number of key stakeholders. The lead-in process to develop a major infrastructure project such as the CPO3 Development is very lengthy as it involves site assembly, planning, design, funding, and extensive changes to the existing highways and infrastructure network, including the network change required for the changes to the operational railway land.

7.9 As explained earlier in this Statement of Reasons, the Station Phase works are focused on two areas: (i) the delivery of the new Thameslink Station, Midland Mainline Bridge and Spine Road North (which form an essential part of the ITS); and (ii) the integration of the station and the surrounding lands with the Station District and the BXC development. The earlier than planned delivery of the Thameslink Station will accelerate the delivery programme of both the residential and commercial accommodation within BXS, but for the station to make its maximum contribution to the BXC scheme its integration within the wider development is key. To achieve this, the relocation of the existing Hendon Waste Transfer Facility is required, thereby releasing the eastern landing site of the new station bridge for development as part of the Station Square. The acquisition of 106 Brent Terrace and the Cemex site will allow both the delivery of the Spine Road North and the full integration of the Station District development with the adjoining Brent Terrace and Market Square development areas.

7.10 The certainty of having control of the whole of the Order Land is therefore vital to the delivery of the Thameslink Station and to the regeneration of the Station District. The

Thameslink proposals connect into the Station Quarter (West) at the western part of BXS, and the two developments are closely linked. It is essential that the two facets of the CPO3 Development are progressed in a manner that reflects and respects the connectivity between the two development areas. Furthermore, to ensure that BXS is delivered in a comprehensive manner, there is a need to integrate the Station Quarter (West) with adjoining development, notably that which will be facilitated by CPO2. Therefore, in order to secure the delivery of the wide range of significant public benefits that the CPO3 Development (and the wider BXC proposals) will bring, the proposals need to come forward in a comprehensive and co-ordinated manner.

- 7.11 The complex works and logistical arrangements needed to deliver the Thameslink Station requires the acquisition of the Order Land for the purposes of decommissioning and remediating under-utilised operational rail land. It will be necessary to establish a large, safe construction compound, which is capable of being separated from operational rail land so as to not to interfere with services. The construction period will last at least 4 years. Thereafter, this "brownfield" land will be released for development as part of BXS. It is anticipated that land will be released in phases to ensure that the momentum of delivery is maintained.
- 7.12 The Council is of the view that the redevelopment and improvement of the Order Land through the CPO3 Development will contribute significantly towards the achievement of the economic, social and environmental well-being of its area. Moreover, all the interests and new rights included in the Order need to be acquired at the outset in order to meet the development programme.
- 7.13 The Council does not consider that there are any alternative means which would achieve its purposes in seeking to deliver the Thameslink Station, Station District, and/or the remainder of the comprehensive BXC scheme. No alternative proposals have been put forward by the owners of the land, or any other persons, for its re-use. Nor are there any alternative locations which are suitable for the purpose for which the land is being acquired. The location of the Thameslink Station is within the parameters set by the s.73 Permission and has been subject to a detailed design process involving Network Rail. The Thameslink Station is appropriately located to deliver the wider comprehensive development requirements as defined in Development Plan policies, to best serve the wider BXC development and help to deliver the required modal shift in transport use.
- 7.14 The Council considers that there is a compelling case in the public interest for the Order, so that the substantial public benefits the CPO3 Development (as part of the wider BXC development) will bring can be realised.

8. ECONOMIC SOCIAL AND ENVIRONMENTAL WELL-BEING

- 8.1 The CPO3 Development will contribute very significantly to the economic, social and environmental well-being of the area and will also be a catalyst for the development of the wider BXS area (itself part of the overall BXC regeneration scheme).
- 8.2 The BXC scheme will create a new town centre and residential quarter, uniting the areas north and south of the North Circular, providing an attractive and vibrant place to live and work.
- 8.3 The Thameslink Station will facilitate the delivery of important and wide ranging public benefits including most notably the new station itself which is a key component of the ITS and is expected to cater for 5 million passengers per annum.
- 8.4 Through development of a vehicular bridge over the Midland Mainline, the CPO3 Development will create a new link from the A5 to the new Spine Road North to be delivered as part of BXC. This, together with the new pedestrian and cycle link over the Midland Mainline, will significantly improve the public transport, pedestrian and cycle network,

including improving the flow of traffic on the highway network by relieving pressure on the Staples Corner junction, and will connect the Thameslink Station transport interchange with the wider BXC development. The Midland Mainline Bridge will also connect the CPO3 Development with the existing Edgware Road area, promoting permeability and connectivity between these areas. These improvements will provide enhanced connectivity for the community and will break down the dominance of infrastructure across the BXC area.

- 8.5 The new Rail Freight Facility will provide an improved 'open access' development providing two 450m freight sidings connecting to the existing mainline railway. 'Open access' is where all freight operating companies have equal access rights to any rail freight facility on the network, with the freight facility owner charging the same price to all freight operating companies for use of the facility and where any additional requirements, e.g. storage and handling, are negotiated separately. This new facility will replace the existing Rail Freight Facility and will operate as an aggregate import and storage terminal serving up to four different operators. The existing facility is rarely used for its intended rail-based purpose with only one operator, NLWA, using it at present, principally by road.
- 8.6 The new Waste Transfer Facility to be located on the western side of the development will provide a modern waste facility capable of handling up to 175,000 tonnes of municipal waste per annum. The facility also provides for easier and segregated transport routes to and from the facility. In comparison to the current facility, the new facility will create an improved environment for the local population due to the modern air filtration systems and waste disposal technology that will be utilised at the new site.
- 8.7 The significantly improved public transport accessibility as a result of the development of the Thameslink Station will provide a platform for delivering sustainable, high quality and high density development across the remainder of BXS. The Thameslink Station and the Station District are very closely linked, and the development of the entirety of the Order Land by way of the CPO3 Development will itself facilitate the comprehensive regeneration of the whole of BXS.
- 8.8 By accelerating the delivery of the Thameslink Station, including the provision of the Midland Mainline Bridge (which will connect into the Spine Road North) and the proposed Thameslink Station Bridge (which will connect on the east side into the proposed transport hub at Station Square), the PTAL for the area will increase significantly. Early delivery of the station will therefore significantly promote the use of sustainable transport by the future proposed new residential and commercial uses. Furthermore, land will be released for development at an earlier stage for the regeneration of BXS, thereby acting as a catalyst for further regeneration. The improvements to the accessibility of the area by the delivery of the Thameslink Station will therefore help realise the regeneration of the area to its full potential.
- 8.9 The Thameslink Station will increase the attractiveness of Brent Cross Cricklewood area as a place to live, shop and work and by doing so will help to promote a more rapid pace of development across the remainder of BXS and the delivery of wider economic and social benefits.
- 8.10 The Station District will deliver new residential accommodation (including affordable housing), contributing significantly to the achievement of the Mayor's Housing Strategy for London and that of the Council.
- 8.11 It will deliver much needed commercial and business development, which will provide opportunities for jobs. The range of employment generating floorspace will improve not only the quantum of jobs but also the diversity of employment opportunities available and accessible to local people. The improved accessibility of the site as a result of the transport improvements will also increase employment opportunities in the wider area.
- 8.12 There will be a demonstrable improvement in the visual appearance and environment of the Order Land. Parts of the area are dominated by fragmented and industrial land uses, and have a low visual quality. The delivery of the Station District, and the links over the Midland Mainline, will integrate the area with the remainder of BXS, and will deliver a significantly improved urban environment. The proposed new public realm around the

station and new transport interchange, with surrounding retail and leisure uses, will contribute to a vibrant, bustling environment, where people can work, live and play.

- 8.13 The delivery of the new neighbourhood park NH3 (referred to as Brent Terrace Park within the s73 Permission) will be part of the additional quantum of new open space provided within BXC. Brent Terrace Park is proposed to be a linear park providing an attractive outlook for existing properties on Brent Terrace and high quality green open space for both existing and new residents. The park will also form part of the proposed green corridor (GC8).
- 8.14 The development of the Order Land will also contribute to the remediation of contaminated land. Some of the current and previous uses have resulted in contamination of the land. In order to create a high quality and safe environment, soil remediation to satisfactory levels will be necessary.
- 8.15 The development of the Order Land will also play a vital role in the wider regeneration of the BXC area including the provision of the integrated town centre with its range of services and facilities.
- 8.16 These benefits contribute towards demonstrating that there is a compelling case in the public interest for the confirmation of the Order. Moreover, without the Order it is very unlikely that the land and interests needed for the CPO3 Development could be assembled within a reasonable timeframe.

9. DELIVERY AND RESOURCES

- 9.1 The CPO3 Development comprises a number of elements, the responsibility for the delivery of which is described below.

Delivery of the Thameslink Station

- 9.2 The Council is responsible for delivering the new Thameslink Station. It is therefore working closely with Network Rail, who are the project sponsors for the regulatory process which must be followed when a material change is proposed to the operation of the rail network or of trains operated on the rail network ("**Network Change**"), in order to deliver the alterations to the operational railway lands which will facilitate the new station development and the remediation of brownfield land needed to support the comprehensive regeneration of BXC. Discussions regarding the contractual arrangements between the Council and Network Rail which will enable the transfer of land owned by Network Rail to the Council for the delivery of the CPO3 Development are at an advanced stage. Furthermore, the Council and Network Rail are working together to deliver a scoping document ('Complex Projects Procedure') outlining the approach to be adopted to obtain the necessary approvals for Network Change.
- 9.3 The Council is also responsible for the delivery of the following:
 - 9.3.1 The relocation of the NLWA Waste Transfer facility from the east of the mainline to the west to facilitate the Thameslink Station development;
 - 9.3.2 New Pedestrian link – combined with the new station concourse over the railway and linking the area to the west of the railway to the new BXC town centre;
 - 9.3.3 Spine Road North – which will link the proposed Midland Mainline Bridge with the proposed Transport Hub T1, new Station and Station Square;
 - 9.3.4 Midland Mainline Bridge – creating a new link from the A5 to the new Spine Road North, public transport, pedestrian and cycle network connecting with the Thameslink Station transport interchange and serving the wider BXC development; and

- 9.3.5 New Rail Freight Facility – to release “brownfield” railway land for re-development and provide a modern “Open Access” freight facility better able to meet demand.

Public sector funding commitment for the Thameslink Station

- 9.4 The public sector has committed to fund and build the Thameslink Station. This funding commitment was reaffirmed by the Chancellor of the Exchequer in the Budget Statement on 16 March 2016, which confirmed that *“The government has approved the full business case for a new Thameslink station at Brent Cross Cricklewood, unlocking 7,500 new homes. This follows the Government’s previous commitment to provide £97 million of grant funding and ringfence the local share of business rates”*.
- 9.5 Under the proposals, the Council will receive a grant of £97m from the Treasury, and will borrow the remaining funds required to build the station. This borrowing will be repaid by ring-fencing the local share (i.e. the 30% currently retained by the Council and the 20% currently retained by the Greater London Authority) of business rate growth delivered by the expansion of the shopping centre.
- 9.6 In this regard, the Council’s Policy and Resources Committee on 17th May 2016 authorised an increase in the Council’s capital financing requirement to accommodate the borrowing required for the station and associated infrastructure works.
- 9.7 The Council is confident, given the commitment of the public sector to funding the station and to delivering the comprehensive regeneration of BXC, that the resources are available to deliver the Thameslink Station.

Delivery of the Station District

- 9.8 BXS LP is responsible for the delivery of the following:
- 9.8.1 Station Quarter (West) and Brent Terrace (North) – providing a significant amount of business and employment uses together with a mix of residential, retail and leisure uses and public realm;
- 9.8.2 Station Square – a significant new public square that anchors the western end of the High Street South and connects the heart of Brent Cross South to the new transport interchange and a variety of other transport modes which will cluster around the Station; and
- 9.8.3 Brent Terrace Park – Neighbourhood Park 3 and associated Green Corridor 8 as defined in the s.73 Permission, the provision of which may be delivered in two phases with the northern section delivered in conjunction with Spine Road North.

Contractual and funding arrangements for the delivery of the Station District

- 9.9 In order to secure the comprehensive regeneration of the entire BXS area, including those elements which form part of the CPO3 Development, the Council has procured a partnership with Argent Related to deliver the development to BXS, beginning with the CPO2 Development. The Council commenced the procurement process in July 2014, with the aim of selecting a development partner who would work up detailed proposals for the development of land to the south of the North Circular and prepare a robust business plan for delivering them. It attracted significant market interest, and culminated in the selection of Argent Related as preferred developer for BXS in March 2015.
- 9.10 On 17th March 2016 the Council’s Assets, Regeneration and Growth Committee authorised the Council to enter into a partnership with Argent Related by way of a limited partnership agreement, shareholder agreement and associated project documentation to establish the

Brent Cross South Limited Partnership (BXS LP) to deliver BXS, including the CPO3 Development. This documentation was concluded on 11th July 2016.

- 9.11 Under these arrangements, the Council will invest its land into the BXS LP and Argent Related will act as development manager procuring the delivery of infrastructure to produce serviced development plots. Argent Related will be responsible for bringing funding and investment into the project, both directly and where appropriate from third party sources.
- 9.12 Argent's projects include the regeneration of the King's Cross area and the award-winning Brindley Place mixed use scheme in Birmingham. They have a significant and successful track record in delivering complex multi-phased mixed-use developments.
- 9.13 Related Companies is a privately owned real estate firm based in New York, and in addition to carrying out major development projects it manages approximately \$1.5 billion of equity capital on behalf of sovereign wealth funds, public pension funds and the like. Related Companies also develop, own and manage a large number of privately rented residential units, and their expertise in this area will be beneficial to the scheme.
- 9.14 The Council is therefore satisfied that the funding and resources will be available to deliver the Station District.

Planning

- 9.15 As explained in section 5 above, outline planning permission by way of the s.73 Permission has been granted for the BXC scheme, including the CPO3 Development. The s.73 Permission permits BXC to be brought forward in phases. CPO1 and CPO2 will facilitate the delivery of Phase 1 of BXC.
- 9.16 The s.73 Permission currently envisages that the new railway station will be delivered in Phase 5 of the development. However, as explained above, the public sector is proposing to fund and build the Thameslink Station as an earlier phase in the development to ensure the comprehensive regeneration of BXC. It is proposed to combine the related Thameslink elements into a single phase/sub-phase to enable a more holistic approach to the delivery of the different elements within the Railway Land Zone. As a consequence of this approach, in addition to moving the Thameslink Station and Rail Stabling Facility from Phase 5 into an earlier phase/sub-phase, the proposed Rail Freight Facility and Midland Mainline Bridge are also to be brought forward from Phase 4. The permitted Waste Transfer Facility is currently anticipated as Phase 1 development (sub phase 1B). A smaller facility reflecting up to date waste requirements will be delivered on Plot 62 (as referred to in the s73. Permission) pursuant to a new full 'drop-in' planning application within the original phasing programme to precede and facilitate the Thameslink Station development. A revised rail freight facility reflecting up to date rail freight requirements may also be delivered pursuant to a 'drop-in' application.
- 9.17 These proposed changes to the phasing of the approved development will need to be addressed through applications made pursuant to the conditions attached to the s.73 Permission and amendments to the related Section 106 obligations. Other modifications may be pursued by way of applications under Section 96A of the Act or by way of drop-in applications.
- 9.18 The Council does not consider that the nature of the changes proposed in relation to the early delivery of the Thameslink Station and associated infrastructure would give rise to any planning impediments to the delivery of the scheme as the principle of the uses has been established by the s73 Permission.
- 9.19 A pre-application consultation opinion request for the re-phasing of the Thameslink Station, including the new stabling sidings and Rail Freight Facility, relocation of the Waste Facility and Midland Mainline Bridge, was submitted to the Local Planning Authority in March 2016. Condition 4.2 of the s.73 Permission provides a mechanism within the permission to change the delivery phasing of different elements. It is anticipated that an application under Condition 4.2 will be made in January 2017 and that the necessary reserved matters applications, drop-in applications, and non-material amendment applications relating to specific elements will be submitted at the same time or shortly thereafter.

- 9.20 Insofar as the Station District is concerned, BXS LP have undertaken a detailed interrogation of the s.73 Permission masterplan and have proposed the introduction of certain changes to the illustrative masterplan, in order to improve the BXC scheme.
- 9.21 Initial discussions between Argent Related and the Council in relation to these proposed changes have taken place. Whilst the exact detail of the proposed changes is not yet known, the principles of the scheme will remain the same. The Council does not consider that changes proposed would be likely to give rise to any planning impediment to the delivery of the CPO3 Development.
- 9.22 It is evident from the above that the Council has a clear idea how it intends to use the Order Land. Furthermore, the Council considers that all the necessary resources are likely to be available to achieve that end within a reasonable timescale, and there are no planning, financial or other impediments to the delivery of the CPO3 Development.

10. **LAND NEGOTIATIONS**

- 10.1 In addition to Network Rail, the Council is consulting and negotiating with all of the relevant stakeholders in the area in order to bring forward the CPO3 Development.
- 10.2 An 'open access' freight facility is proposed. The Council has been actively pursuing negotiations with the current leaseholder of the existing facility, DB Cargo (UK) Limited, since 2014. Negotiations with DB Cargo (UK) Limited are continuing, with DB Cargo (UK) Limited expressing that they wish to deliver the facility themselves, taking the lead on the design, delivery and management of the new open access facility. However, to date the Council has not been presented sufficient detail on any aspect of DB Cargo (UK) Limited's proposals. In the absence of this detail, and given the need to guarantee the delivery of the new freight facility, and for it to be brought forward in a co-ordinated manner alongside the remainder of the CPO3 Development, it is necessary for the Council to include the existing freight facility in the Order. Whilst discussions will continue with DB Cargo (UK) Limited in parallel with the CPO process, the Council is developing its own detailed proposals for the new freight facility to ensure that its delivery is not frustrated or delayed.
- 10.3 The NLWA currently lease the Hendon Waste Transfer Station from Network Rail for the purposes of a waste transfer facility. The Council has been in extensive discussions with NLWA regarding their proposed relocation and has sought to identify an alternative site. The Council is currently in discussions with NLWA regarding the proposed terms of relocating to the new waste facility to the west of the railway (CPO Plot 23), and is also in discussion with the owners to agree terms to acquire the site.
- 10.4 2 Geron Way is currently owned by Hammerson (the Council's joint venture partner on BXN) and occupied by Selco on a lease that expires in December 2016. The Council have agreed terms with Hammerson for the purchase of the property which is to be transferred with vacant possession.
- 10.5 GL Hearn are undertaking negotiations on behalf of the Council in relation to 106 Brent Terrace and Cemex, Brent Terrace and the land adjacent to Unit 7 Staples Corner Industrial Estate.
- 10.6 Terms have been agreed with the freeholder of 106 Brent Terrace for the purchase of their interest and exchange of contracts is expected to occur in December 2016.
- 10.7 106 Brent Terrace is occupied by Clockwork Removals and the Council, through GL Hearn, is seeking to agree terms to acquire their interest.
- 10.8 Correspondence has been sent to Cemex in respect of the acquisition of their interest and discussions are being progressed through their appointed representatives. The Council are continuing to try and engage with Cemex to purchase their interest by agreement and identify their relocation requirements.

- 10.9 Discussions have been held with the freeholder of Unit 7 Staples Corner Retail Park as to the acquisition of his interest and will continue to be progressed in an effort to acquire the land by agreement. Cineworld, who have a right to use the car park, has been contacted but there has been no response to date.
- 10.10 The Council will continue to seek to acquire all of the remaining third party interests in land by agreement but considers that the use of its compulsory purchase powers is necessary to ensure that the Order land can be acquired within a reasonable timescale allowing the scheme to proceed.

11. RELATED ORDERS AND SPECIAL KINDS OF LAND

- 11.1 The Order Land does not contain any of the special kinds of land such as listed buildings, ancient monuments, conservation areas or open space.
- 11.2 The apparatus of statutory undertakers or utilities will be protected, diverted or replaced as necessary.
- 11.3 There are no requirements for additional information as referred to in paragraphs 154(vii) and (xi) of the CPO Guidance or in the light of Government policy statements.
- 11.4 As explained above, the Council is promoting two separate compulsory purchase orders (CPO1 and CPO2) to deliver regeneration to the north (CPO1) and south (CPO2) of the North Circular, with its development partners Hammerson and Standard Life Investments (CPO1), and Argent Related (CPO2), as part of the comprehensive BXC development. The inquiry into CPO1 and CPO2 was heard jointly, and the inquiry closed on 27th July 2016.
- 11.5 Each of the three CPOs is justified on its own merits as each will deliver significant public benefits and will make a vital contribution to the social, economic and environmental well-being of the BXC area. Taken together, the development that will be facilitated by the three CPOs will constitute a major component of BXC, which (as previously explained) is a priority objective for the Mayor of London and the Council.

12. HUMAN RIGHTS ACT

- 12.1 In determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights ("**the Convention**"). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is all the land necessary in order to secure the delivery of the CPO3 Development and does not include land which is not required for that purpose.
- 12.2 Article 1 of the First Protocol to the Convention states that "...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...". Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be done in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the CPO3 Development are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 12.3 Article 6 of the Convention provides that: "In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will have the right to make

representations and/or objections to the Secretary of State for Communities and Local Government, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.

- 12.4 Article 8 of the Convention states that: "Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others." The Council considers that the interference with this right that will result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing the much-needed regeneration of the area), and will be proportionate having regard to the public benefits that the regeneration will bring.
- 12.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 12.6 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society" i.e. proportionate.
- 12.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land and the BXC area. Interference with Convention rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.
- 12.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 12.9 There has been extensive public consultation on the proposals to regenerate the BXC area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. If objections are received, a public inquiry will be held into the Order, and those whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided under national law.

13. **CONCLUSION: COMPELLING CASE IN THE PUBLIC INTEREST**

- 13.1 The CPO Guidance sets out guidance for acquiring authorities regarding the making and confirmation of CPOs. This includes key policy tests which the Secretary of State will expect to be satisfied before a CPO is confirmed.
- 13.2 Paragraph 76 of the CPO Guidance advises that, in deciding whether or not to confirm a CPO, the Secretary of State can be expected to consider factors including the following:
- 13.2.1 whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up-to-date framework exists, with the draft Local Plan and the NPPF;

- 13.2.2 the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area; and
- 13.2.3 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.
- 13.3 As to the first factor (the planning framework for the area), the s.73 Permission for the regeneration of BXC gives effect to the policy requirement found in the Core Strategy and saved policies of the UDP, which reflect the London Plan, for a comprehensive approach across the whole area so that its potential can be fully realised. The area is identified as an Opportunity Area in the London Plan, and as such is one of the Mayor's key regeneration areas. The CPO3 Development will contribute towards the achievement of the Council's strategic objectives. It is vital that the area's regeneration benefits are maximised, and the use of the Council's CPO powers is key to ensuring that happens.
- 13.4 As to the second factor (contribution to well-being), as explained above, the use of CPO powers to facilitate the redevelopment and regeneration of the Order Land will contribute very significantly towards the economic, social and environmental well-being of the area, and to the achievement of the Council's regeneration and planning objectives and will also result in substantial public benefits being realised, both within the Order Land and in the wider BXC area. The CPO3 Development will deliver significant public benefits, including the delivery of the Thameslink Station which is integral to the delivery of the BXC ITS. The CPO3 Development will also facilitate the wider BXC regeneration project by providing part of the BXS core development, which is essential to place-making and will help to increase the pace of delivery of new homes.
- 13.5 As to the third factor (other means of achieving the Council's purpose in acquiring the land), the purposes for which the land is to be acquired could not be achieved by any alternative means including through development in other locations. All of the Order Land is required for the CPO3 Development. The regeneration of the Order Land will not be achieved without the use of compulsory purchase powers, but the powers will only be used where the required land and interests cannot be acquired by negotiation. As such, the use of compulsory purchase powers is proportionate.
- 13.6 Paragraph 13 of the CPO Guidance advises that it will be difficult to show conclusively that the compulsory acquisition of land is justified in the public interest if the acquiring authority cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale.
- 13.7 As explained above, there is a clear strategy for the development of the Order Land, based on the s.73 Permission. It is likely that, if CPO3 is confirmed, the development, redevelopment and improvement for the purposes of which the Order has been made will be delivered.
- 13.8 The Council has secured funding for the delivery of the Thameslink Station. For the Station District, a development partner, BXS LP, has been appointed with access to the necessary resources, and a project agreement to deliver the proposals has been entered into. Funding is available to deliver the CPO3 Development timeously (paragraph 14 of the CPO Guidance) and there are no likely impediments to the scheme (paragraph 15 of the CPO Guidance).
- 13.9 Paragraph 2 of the CPO Guidance refers to the taking of steps by an acquiring authority to acquire land by agreement where possible.
- 13.10 Whilst landowners have been contacted, and negotiations have taken place and are ongoing, it is clear that, unless the Order is confirmed, the Council and BXS LP would be unlikely to be able to assemble the land and interests needed for the key first phase of the regeneration of the area within a reasonable timescale. Therefore, unless CPO3 is confirmed, the disparate land ownership and the process of land assembly will inevitably delay the delivery and progression of the CPO3 Development, which is an essential stage of the wider BXC regeneration through a comprehensive scheme that includes CPO1 and CPO2 (Paragraphs 74 and 75 of the CPO Guidance).

- 13.11 Accordingly, the Council considers that the tests in section 226(1)(a) and section 226(1)(A) of the Act are met, the criteria in the CPO Guidance is satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

14. **CONTACT DETAILS OF CONTACTS**

- 14.1 All those owners and occupiers affected by the Order, whether relating to homes or businesses premises, who wish to speak to the Council's agents regarding the purchase of their interests are requested to contact:

David Conboy, CPO and Regeneration Director, GL Hearn Limited of 280 High Holborn, London, WC1V 7EE. Tel: 020 7851 4811. Email: David.conboy@glhearn.com.

- 14.2 If any person affected by the Order wishes to discuss it with an officer of the Council, he/she is requested to contact:

Karen Mercer MRICS, Programme Director, London Borough of Barnet, 2nd Floor, Building 4, North London Business Park, Oakleigh Road South, London, N11 1NP. Tel: 0208 359 7563. Email: Karen.mercer@barnet.gov.uk.

15. **INQUIRIES PROCEDURE RULES**

- 15.1 This is a non-statutory statement which is not intended to constitute the Council's Statement of Case under the 2007 Rules.

16. **LIST OF DOCUMENTS**

- 16.1 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed below. The list is not exhaustive and the Council may also refer to additional documents in order to address any objections made to the Order:

- 16.1.1 the Order, Order Schedule and Order Map;
- 16.1.2 report to the committee and decision notice and section 106 agreement relating to the s.73 Permission ref: F/04687/13 dated 23 July 2014;
- 16.1.3 ARG report and minutes of [] September 2016 authorising the making of the Order;
- 16.1.4 National Planning Policy Framework 2012;
- 16.1.5 London Plan 2015;
- 16.1.6 London Borough of Barnet Core Strategy 2012;
- 16.1.7 London Borough of Barnet UDP 2006 – Saved Policies; and
- 16.1.8 Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework.

- 16.2 Copies of the Order, Order Schedule, Order Map and this Statement of Reasons can be inspected at the following locations:

Barnet House, Planning Reception, 1255 High Road, Whetstone, N20 0EJ, Tel: 0208 359 2000 during the following hours: 9am-1pm and 2pm until 5pm Monday to Friday; and

Hendon Library, The Burroughs, London, NW4 4AX, Tel: 0208 359 2628 during the following hours: 9.30am-8pm Mondays, 9.30am-5pm Tuesdays; 9.30am-8pm Wednesdays; 10am-8pm Thursdays and 9.30am-5pm Fridays, Saturday 9:30am to 5pm and Sunday 2pm to 5pm.

APPENDIX 1

Plan showing the extent of Order Land